

PLANNING & HIGHWAYS COMMITTEE
WEDNESDAY, 29TH May 2019.
UPDATE REPORT.

The following update content should be read in conjunction with the published Committee Reports.

1. 10/18/1094: Proposed Lidl Store – land at Furthergate Works, Blackburn.

An additional representation was received from agent's acting on behalf of Asda Stores Ltd, on 24th May 2019, further to their objection submitted in January 2019. The following issues are summarised as follows:

- *As the applicants offer of 2 hours free parking for school traffic during drop off and pick up times is not to be secured by condition, it should be afforded very little weight and could lead to congestion on St. Clements Street during the stated times.*
- *The ability of HGV's to safely exit onto St. Clements Street and the potential impact of parked cars, particularly given that they are not shown on the submitted swept path analysis and the Highway Authority's stated concern at the St. Clements Street / Furthergate junction situation.*

Taking each point in turn:

The published Committee Report at paragraph 3.4.38 clearly summarily states that; whilst the applicants offer of parking for school traffic is welcomed, Lidl are not obliged to offer availability and that the Council cannot arbitrarily impose responsibility on them to do so. Accordingly, very little weight is afforded to the offer.

The impact of HGV movement at the St. Clements Street / Furthergate junction is addressed in the published report at paragraph's 3.4.28 – 3.4.31. The Council's Highway's consultee's 'significant concern' at the situation is also expressed (paragraph 3.4.30). Notwithstanding this concern, refusal of the proposal is not considered to be justified.

The aforementioned Asda representation is set out below:

Dear Nick,

Re: Application 10/18/1094 | Demolition of existing building and the erection of a Lidl store (Use Class A1) with associated works including improved access, parking area and landscaping | Furthergate Works, St Clements Street, Blackburn, BB1 1AB

On behalf of Asda Stores Limited ("Asda"), and further to the objection we submitted in January 2019, we would like to make the following points ahead of the application being considered at planning committee. We note that the application has been recommended for approval subject to conditions.

In summary these comments relate to:

- The applicants offer of 2 hours free parking for school traffic during drop off and pick up times; and,
- The ability of HGVs to safely exit onto St. Clements Street.

2 Hours Free Parking

St. Clements Street currently suffers from congestion especially during school drop off and pick up times. To alleviate this issue reference is made in the committee report (para 3.4.6 and 3.4.38) to the offer made by the applicant of 2 hours free parking for school traffic during drop off and pick up times. However, this offer is not secured by way of condition so there is nothing to stop the applicant withdrawing it at any point in the future. Indeed, the applicants have suggested that they will rescind the offer if it has a negative effect on customer parking which itself casts doubt on the ability of the car park to cater for customers as well as school traffic. Nor is there a proposed traffic regulation order to restrict parking on the currently unrestricted part of St. Clements Street.

This raising two notable issues. Firstly, the offer of the 2 hours free parking is a material consideration that should be given very little weight because it in no way has it been secured in this application. Secondly, there is a very real possibility of congestion on St. Clements Street especially during school pick off and drop off times.

HGVs

Given the possibility of ongoing congestion on St. Clements Street, and the fact that parked cars are not shown on the swept path analysis, it has not been demonstrated that HGVs can safely access and leave the site on St. Clements Street when there are parked cars.

It is also unknown what impact the parked cars would have on the car traffic going to and from the store and the effect this may have on highways safety.

We trust these matters will be raised, considered and addressed at planning committee on 29th May and we look forward to hearing from you in this regard.

Furthergate

As a final point we note that the Highways Authority have significant concerns particularly about right turn manoeuvres onto Furthergate and that there is a "degree of right turn risk". We also note that the proposal is, on balance, considered acceptable on the basis that the lawful, unrestricted B2 use "may" result in increased vehicle movement than what is being proposed. Whilst it is true that the B2 use is unrestricted this does not negate the fact that there are significant concerns regarding the right turn onto Furthergate Street.

2. 10/18/1153: Outline application for proposed 9no. dwellings - Land at Moorthorpe Cottage, Park Road, Darwen.

Ecology

Additional comment was received from the Council's ecology consultee (GMEU), on 25th May 2019. This followed receipt of verbal communication by GMEU from a local resident, expressing concern at the ecological impact of the development and a subsequent site visit (undertaken by GMEU).

The following summary recommendations were put to the LPA by GMEU following their site visit:

- Safeguarding areas of more interesting flora, particularly those closer to the woodland edges, through making use of the proposed 'buffer zone' between the built development and the surrounding woodland and through appropriate reduction in rear private garden space.
- Introduction of additional native species planting reflecting the plant species present in the southern field, to be delivered through the required landscaping scheme; secured by condition.
- Off-site Green Infrastructure, as provided through Section 106 contribution, to include new native species planting.

These comments are not considered to fundamentally alter the assessment from an ecological perspective. The stated recommendations can be secured through the Woodland Management Plan and Landscaping conditions as set out in paragraph 4.1 of the main report.

Trees

Comment was received from the Woodland Trust on 28th May 2019, recommending the introduction of a 15m 'buffer zone' between the woodland and the built environment; notwithstanding that the Trust accepts that the area of woodland within the site (Long Clough) is not designated as ancient on Natural England's Ancient Woodland Inventory. During a subsequent discussion with the Trust, it was accepted that the representation was made very late in the planning process and that implementation of the recommended 15m buffer would likely be unreasonable, on account of the extent to which the proposed layout would be compromised and the sites allocated status as a *Development Opportunity*; in accordance with the Local Plan Part 2. Moreover, the absence of such a recommendation from the Council's Arboricultural and Ecology consultees is also recognised.

In regards to the arboricultural assessment, the following amendment to the published main report is made:

- Paragraph 3.5.24; the words 'to be delivered through a Woodland Management Plan; secured by condition' are inserted after the words 'built development'.

Highways

Public representation was received on the 28th May 2019, in respect of refuse access, noting that refuse collection for the existing dwellings served by the private access track is undertaken from Chestnut Grove. This was recognised at the time of the assessment. Comment from the Council's Environmental Services consultee was based on the acceptability of the proposed internal road layout, which features appropriate turning circles

for refuse vehicles to enable them to leave in forward gear; as demonstrated by the submitted 3 axle vehicle tracking submission.

Whilst the Committee Report acknowledges the limited width of the private access, setting out interval widths, the minimum width towards the top of the gate posts of circa 3.5m is now acknowledged. Notwithstanding this measurement, the proposal in this regard is considered acceptable, on account that a standard refuse vehicle has a maximum width of 2.6m. The Council's Environmental Services consultee has re-iterated no objection to the proposal.

In regard to the highways assessment, the following amendment to the published main report is made:

- Paragraph 3.5.36; the words '(a minimum of circa 3.5m at the narrowest point towards the top of the columns, above the height of a standard vehicle)' are inserted after 'Printshop Lane'.

A further representation received on the 28th May 2019 queries the width of the private access road along its length; in particular the measurement around the 90 degree turn. The width at this point, in the professional judgement of the Council's Highways consultee, is considered to be adequate to cater for large vehicles.

An alleged discrepancy in the highway consultee comments is also highlighted, referencing 4.8m and 4.5m road widths. Members are advised that the 4.8m width refers to the private access track and the 4.5m width to the new internal road. The 4.2m width also referenced is an accepted *minimum* width of the private access road, having regard to the varying width along its entire length. The width of both the private access and new internal road is considered adequate to cater for the traffic generated by the development.

Members are advised that precise measurement of the private road was difficult to established, due to the presence of vegetation along the edge of the carriageway. The stated measurements are, however, considered an appropriately accurate representation of the metalled surface.

A representation from the applicant's agent, received on the 28th May 2019, provides historic plans extracted from the 1st Edition OS Map 1891-1892, which shows the private access road in situ, with a width consistent with some of the major roads in the area. It is claimed that, over time, the width has been allowed to narrow as a consequence of vegetation growth, thereby concealing its true extent.

Highway's concern at the access arrangements along the private road is re-iterated. Concern is not, however, considered to be sufficient to justify refusal of the application on highway efficiency / safety impact; particularly in view of the sites allocation as a *Development Opportunity*; in accordance with the Local Plan Part 2.

For clarity, the following amendments to the main report are also made:

- Paragraph 3.2.1; the word 'design' is inserted after the word 'appearance'.
- Paragraph 3.5.47; the word 'full' is replaced by 'outline'.

A robust Construction Management Plan is required to be secured by condition which should appropriately address highway concern at construction phase of the development.

Other Matters

In response to third party representations in respect of rights of access along the private access track, Members are advised that correspondence was received from the legal representatives acting on behalf of the applicant (Naphens Solicitors, dated 30th January 2019), stating that the private access has the necessary rights of access required for the proposed development. It should, however, again be emphasised that the issue is a private legal matter, non-material to the determination of the application.

The aforementioned public representations are set out below:

From: [Chris Royle](#)

Sent: Tuesday, May 28, 2019 3:42 PM

To: [Clare Starbuck](#)

Subject: Highways Planning 10/18/1153

Dear

I am writing on behalf of local residents in regard to your Comments for Planning Application 10/18/1153. We have only just received the various reports referring to this application and after appraisal I would like clarification on certain points in your report which as the planning meeting is tomorrow evening are needed quite urgently.

1) Access and layout-You have failed to mention in your report the measurement from the top of the gate post (see enclosed) which is only 3.5 mtrs wide. Indeed the right hand ornate top has been knocked off twice in the last 12 months by relatively small vans coming into the access road from the left.

2) Access and layout-You have failed to mention in your report the measurement of the road round the 90 degree turn which is 3.8 mtrs wide (see enclosed) and it looks as though you have only taken measurements on the straight part of the road up to the corner which does

not allow larger vehicles to negotiate and is a blind spot to any vehicles coming up or down the access road at this point.

3) Can you please clarify why you have mentioned in one paragraph the Plans show the Road is 4.8 mtrs wide but the verges and planting would need to be cleaned back and in the second paragraph that the road would need to be 4.5 mtrs wide to allow two car passage. Is it not a general rule of thumb that the general dimensions of a Residential-Single carriageway serving more than 5 units shall be 5.5 mtrs wide (2 x 2.75 mtr wide lanes) with an optional 2 mtr wide verge and 2 mm wide footway on either side. As this is a Private Road and owned by 3 residents and the applicant only is allowed access for her property this can never be achieved and in question with the tree stumps, undergrowth and branches that it is very difficult for two cars to pass without damaging your car and certainly if two cars meet at the gate posts one would have to reverse back and give way. These points are in quite a few of the objection letters which I am not sure if you have been privy to but I am certain would help you further understand the complexities of the access road. We have video evidence to support this.

Additional Details received 8th March.

Access-You now state that the road is 4.2 which you now concur is sufficient for two cars

From: Chris Royle [<mailto:tc.components@btconnect.com>]

Sent: 28 May 2019 14:06

To: Hammond Stuart

Cc: Lynda Ahmed; Clare Starbuck

Subject: Ref 10/18/1153

Dear Mr Hammond,

I am writing on behalf of the local residents with reference to the Environmental Services 1 we have belatedly just received bearing in mind the planning meeting is tomorrow evening. Sorry but the information you have given to Mr Blackledge is wrong and had you or Mr Blackledge taken the time to look at letters of objections notably from No 14, 12, 10 and 8 Chestnut Grove you would know that the Refuse Vehicle comes up Chestnut Grove and the bins for the houses accessed through the gate posts onto the Private Road running parallel with Chestnut Grove are left across from No 14 and the bins are brought through a gap in the central reservation and emptied.

The bins are then left either on Chestnut Grove or taken back through the gap and left out till collected by the four houses which on some occasions can be several days. We have video evidence to back this up and your refuse wagon has not gone up the Private Road for several years. We are therefore confused with where you got this information and how you are not aware what is going on within your own department. I would suggest that the Private Road is the problem as the gate posts at the bottom are only 3.5 mtrs wide and the overall width of the road is not wide enough for a car to pass did you decide to try and collect. I have enclosed my letter for you to read and also two photographs which I hope will help you advise Mr Blackledge correctly. As we cannot forward the video we are quite happy to share this if you can give us an alternative means to send it.

Kind Regards,
Chris Royle

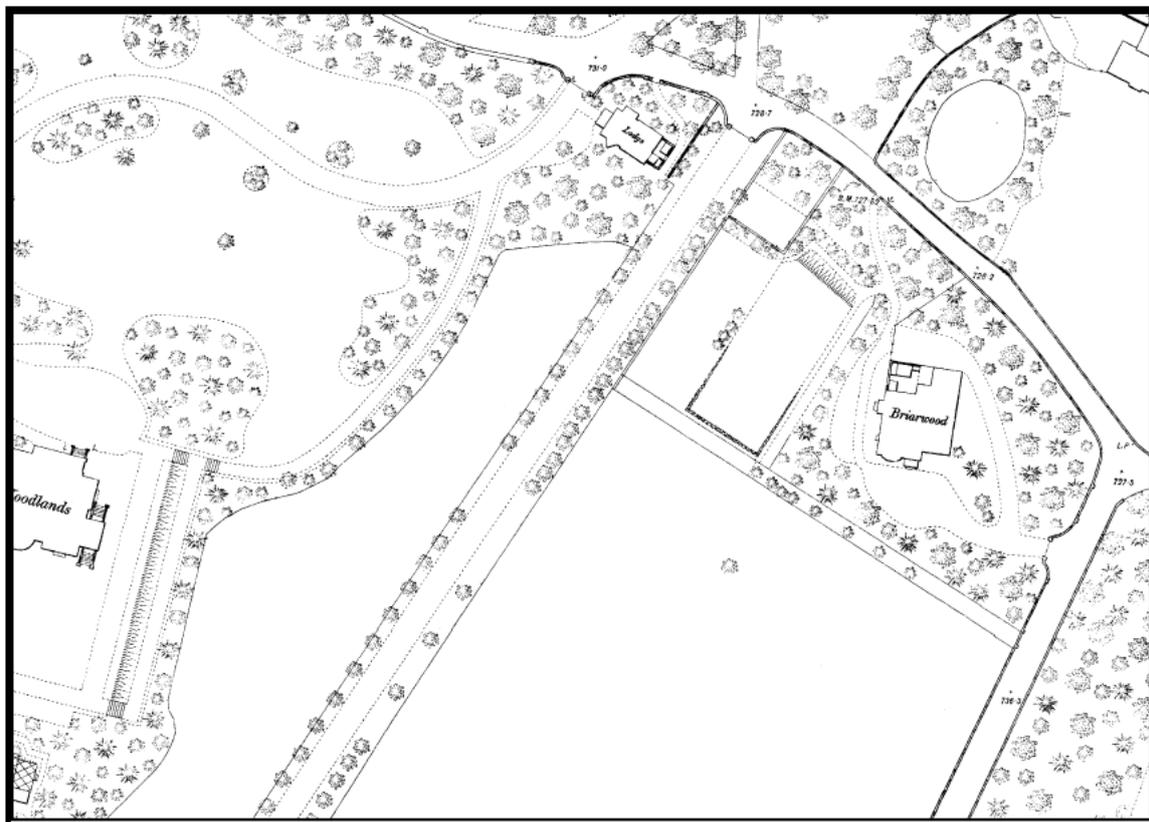
The aforementioned applicant representation is set out below:

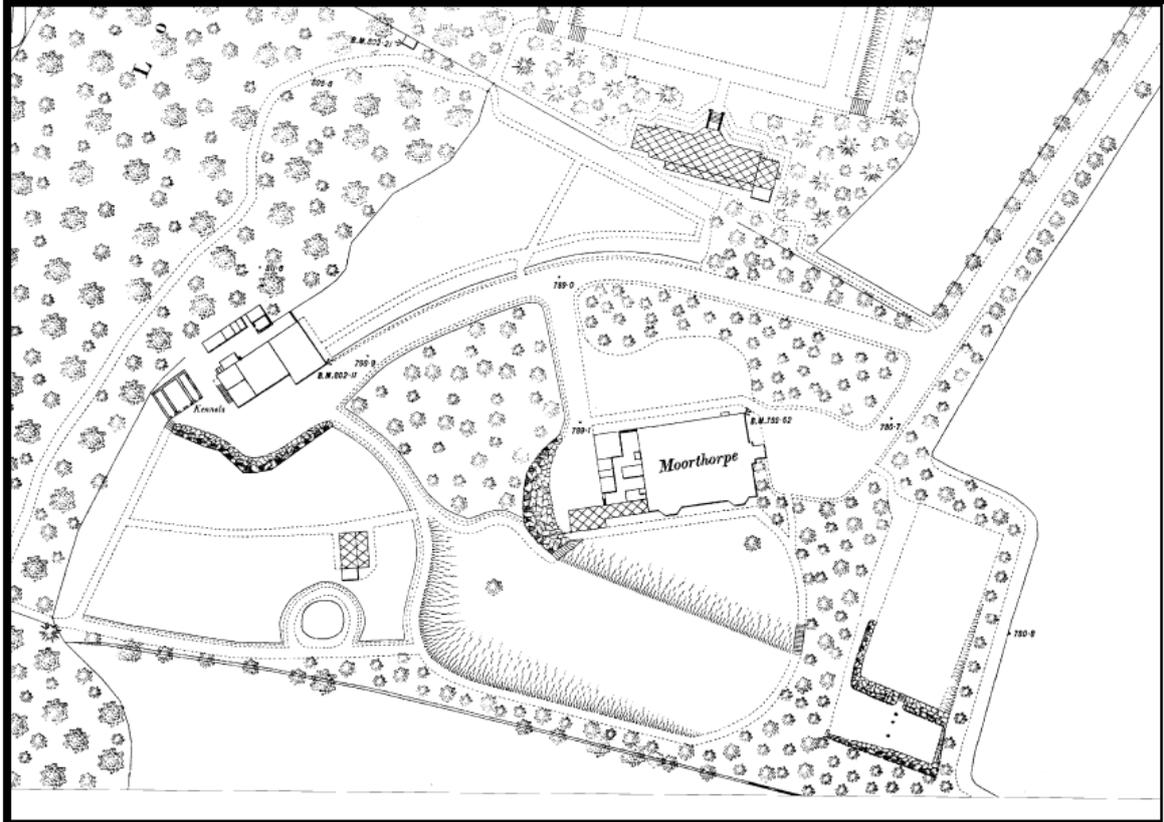
Hi Nick

I am probably too late for tomorrow's meeting, however I thought it would be worth sending this. Attached are two plans from the 1st Edition OS Map 1891-1892. As you can see, the access road was in place at that time, and the width is shown as wide as some of the more major roads in the area. Over time further houses off the access drive were developed and the access has coped with the accumulation of development. I am sending this as a couple of the Committee members visited site today and commented on the road. It seems like the neighbours have done their best to cover up the true extent of the width of the access track on the ground, whereas it should be as shown on the attached plan.

Regards,

Sophie Marshall BSc (Hons) PGDipSurv MRICS FAAV





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02 TownPlan, Durwin, L101200000 and P1000000 / 1:500 2019

Gavin Prescott
Planning Manager (Development Management)
29th May 2019