

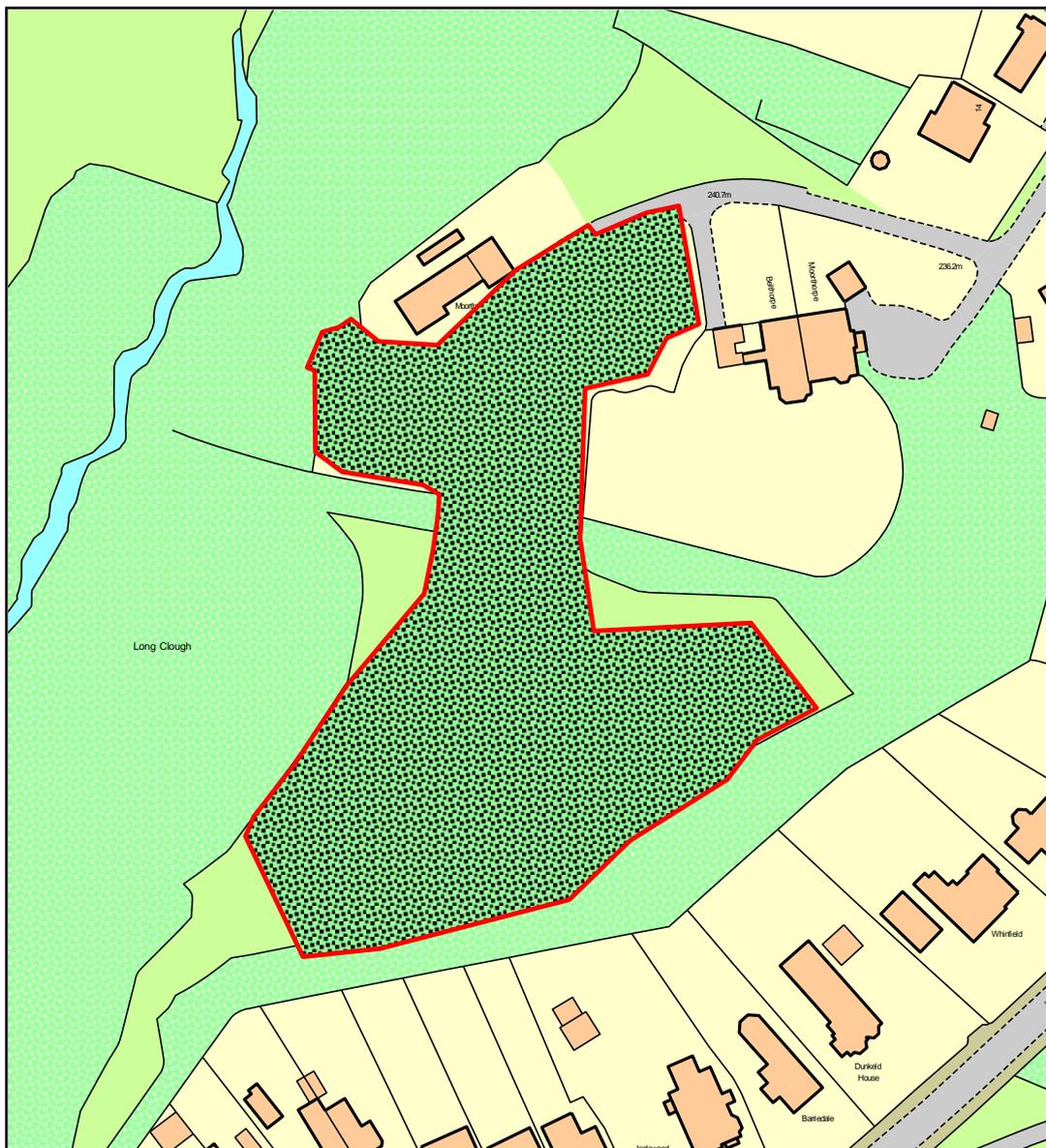
Proposed development: Outline planning application with all matters reserved except for access and layout; for erection of 9 dwellings with detached garages.

**Site address:
Land adjoining Moorthorpe Cottage
Park Road
Darwen
BB3 2LQ**

Applicant: Ms G Lomax

Ward: West Pennine

**Councillor Colin Rigby
Councillor Jean Rigby
Councillor Julie Slater**



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The application is reported to Committee following deferral at the May Committee meeting. The stated reasons for deferral relate to Member's requests for the width of the private access road to be corroborated and for the update report presented to May's meeting to be amalgamated with the main report. These issues are set out in the assessment at paragraph 3.5 onwards.
- 2.2 The proposal is in outline form. It seeks to establish the principle of the residential development of the site for 9 units (some with detached garages), access from the public highway and the layout. All other detail is to be addressed under a subsequent application for *Reserved Matters*.
- 2.3 Notwithstanding May's deferral, the proposal is considered demonstrably acceptable. It corresponds with the Council's overarching housing growth strategy through delivery of high quality family housing consistent with the surrounding area; in accordance with the strategic aims and objectives set out in the Core Strategy and Local Plan Part 2. 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 application site is primarily allocated as a 'Development Opportunity'; identified as 'Long Clough, Darwen'; in accordance with the Adopted Policies Map of the Local Plan Part 2 for Darwen. The private drive that serves to access the site is not included in the allocation and is instead unallocated. The entirety of the site lies within the outer confines of Darwen's Urban Boundary, adjacent to open countryside
- 3.1.2 The application site is privately owned; comprising 0.99 hectares in area and is located within the Whitehall district of Darwen, to the north of Whitehall Road. Access is taken off Printshop Lane / Park Road to the north east, along a private drive that currently serves 5 dwellings. The drive runs adjacent to the length of Chestnut Grove to the west. Moorthorpe Cottage and its associated curtilage lies to the north of the proposed dwellings and is the property closest associated with the development. The site area to be developed is grass and shrub land, bordered by mature trees and woodland

groups protected by Preservation Order. The private access drive is hard surfaced. Land levels rise gently from east to west.

3.1.3 The immediate locality features large family dwellings set in spacious grounds within a wider area characterised by woodland and adjacent countryside. A woodland belt separates the application site from dwellings located along Whitehall Road to the south east, beyond which lies the Grade II listed Whitehall Park. The Grade II listed property 'Woodlands' is located to the north of the site.

3.1.4 Darwen town centre is approximately 1.3 miles to the north, accessible by public transport along the A666. It offers a typical range of amenities and includes public rail and bus transport hubs which provide convenient connections to locations such as Blackburn, Bolton, Preston and Manchester. The M65 motorway lies approximately 3.2 to the north.

3.2 Proposed Development

3.2.1 Outline planning permission is sought for a residential development of 9 detached houses. The application considers the principle of residential development, the layout of the proposed dwellings and access from the public highway into the site. The remaining details relative to appearance, design, landscaping and scale (including bedroom numbers / internal layout) will be considered under a subsequent application for *Reserved Matters*.

3.2.2 The proposal seeks to deliver a high quality development of family sized detached dwellings set within proportionate sized plots; each including either detached or integral garages. Highway infrastructure is laid out in cul-de-sac form with appropriately incorporated turning facilities. Retained woodland will define the landscape characteristics of the outer perimeter of the development. Detailed additional hard and soft landscaping will be addressed at reserved matters stage.

3.3 Development Plan

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

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

3.3.3 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS5 - Locations for New Housing
- CS6 – Housing Targets
- CS7 – Types of Housing
- CS8 – Affordable Housing Requirement

- CS15 – Ecological Assets
- CS16 – Form and Design of New Development
- CS18 – The Borough’s Landscapes
- CS19 – Green Infrastructure

3.3.1 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 28 – Development Opportunities
- Policy 39 – Heritage
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape

3.4 **Other Material Planning Considerations**

3.4.1 Green Infrastructure (GI) SPD

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’. In particular paragraph 59 which advocates the Government’s objective of significantly boosting the supply homes through delivery of a sufficient amount and variety of land where it is needed; that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 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;

- Ecology;
- Trees;
- Amenity impact;
- Affordable Housing
- Green Infrastructure

Principle

- 3.5.2 Members are advised that the principle of residential development is guided by the sites allocation as a *Development Opportunity*, as set out in Policy 28/10 of the Local Plan Part 2. The policy supports development of *very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland*. Very small scale is not defined by the Policy, though it is considered that the layout of the 9 dwellings and associated infrastructure as proposed is consistent with the principles of *very small scale*. In this context, a previous permission for a single dwelling within the allocation is included in the assessment (ref. 10/16/1349). It should also be recognised that the site allocation is significantly larger than the application site and that the principle of residential development within the entirety of the allocation is accepted; notwithstanding a wider assessment.
- 3.5.3 It is recognised that the proposal involves loss of some trees and woodland. This is subsequently addressed within the 'Development and the Environment' body of the Report.
- 3.5.4 Although only a proposed layout is considered under this application, rather than a detailed assessment of scale and design of house types, it is sufficiently evident that the house typology presented is consistent with the aims and objectives of providing family sized homes to help widen the choice of house types in the Borough; as advocated by Policies CS7 and 18.
- 3.5.5 Policy CS8 and the GI SPD require new housing development to contribute toward affordable and public open space within the Borough, including new provision or enhancement of existing public open space. The locational nature of the site, as a transition between urban and rural, directs that affordable housing is not expected to be provided on site. Instead, an off-site contribution is considered appropriate. A GI contribution will be appropriately spent on enhancements in the locality. Members are advised that the applicant has committed to a Section 106 Legal Agreement for contributions equivalent to 20% affordable housing and £1406 per unit for GI; subject to planning permission.
- 3.5.6 A representation was received 5th June on behalf of the applicant, highlighting Outline permission granted in 2015 for 22 dwellings at a similar nearby residential development opportunity site at Ellerslie, off Bury Fold Lane, with a site area of 2.3ha; comparable to the 2.27ha site area of the Long Clough allocation subject of this assessment. The site allocation policy (for Ellerslie) (Policy 28/12) sets the accepted principle of 'small scale residential'. It is suggested that this permission (for 22 dwellings) is a precedent setting for 'small scale' and that the 9 dwellings proposed are, therefore, justified as 'very small scale'. Moreover, standard rural density for

housing is cited at circa 12/13 houses / acre, in contrast with the site allocation density of 1.8 houses per acre. It should, however, be recognised that the site lies within the urban boundary; albeit adjacent to countryside; in accordance with the Local Plan Part 2.

3.5.7 Local residents have expressed concern as to the principle of a residential development in this locality. Members are advised that the sites Local Plan Part 2 allocation as a *Development Opportunity* ensures that a residential development is acceptable in principle; as justified by the aforementioned approach. The following matters are also required to be assessed as part of this outline application:

3.5.8 Amenity

Policy 8, supported by the SPD, requires a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking, and the relationship between buildings.

3.5.9 As an outline application, amenity assessment is limited to the proposed layout which seeks to set the position of the dwellings, the extent of their curtilage and highway infrastructure. The layout demonstrates appropriate separation standards will be achieved between each proposed dwelling and existing dwellings adjacent to the site, notwithstanding any modest land level differential throughout the site; in accordance with separation standards set out in the SPD. Mutual levels of residential amenity will, therefore, be achieved to safeguard from overlooking and dominance. Moreover, retention of the woodland group identified as W3, will form an appropriate physical separation between the development and properties to the south along Whitehall Road.

3.5.10 Although the proposal will intensify vehicular use of the private drive, the level of activity is not considered to result in significant noise impact on existing adjacent residents.

3.5.11 Application of planning conditions are recommended by the Council's Public Protection consultee to require assessment of underground conditions to guard against ground contamination and provision of electric vehicle charging points to mitigate air quality impact (in accordance with the Council's adopted *Air Quality Planning Advice Note*). A degree of disturbance during construction phase of the development is acknowledged as inevitable. This disruption is, however, temporary and considered acceptable, subject to application of a condition limiting hours of construction, in order to secure appropriate noise and vibration protection during construction works.

3.5.12 Environment

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

3.5.13 Trees

The proposal involves removal of individual trees and woodland within the site, subject to Tree Preservation Order *Moorthorpe Whitehall TPO 2003*. Notwithstanding the limitations set out in policy 28 in relation to trees on the site, their amenity value is appropriately assessed against the primacy of Policy 9, which sets out that; *development will be expected to incorporate existing trees into the design and layout of the scheme. Where it appears likely a proposed development will result in the loss of or harm to **trees of significant amenity value, nature conservation or intrinsic value**, the Council will consider making a Tree Preservation Order to ensure that due consideration is given to the importance of the trees in the planning process.* Accordingly, a Tree Survey and proposed Tree Removal Plan have been submitted in support of the application. The submission identifies proposed removal of 4no. individual trees within the site, identified as T31, T32, T33 and T34 on the Tree Removal Plan, a woodland group identified as G5 and partial removal of woodland group identified as G6. The submission has been peer reviewed by Urban Green, in the context that the principle of residential development is accepted, on account of the sites allocation. The review is summarised as follows:

3.5.14 It is considered that T31 (Grey Willow), detailed as a category C tree, is of low amenity value that should not constrain the development.

3.5.15 T32 (Sycamore) is detailed as a category A tree. This categorisation is, however, considered very generous and should be considered a category B, due to its impaired condition. Consequently, its retention beyond 40 years is unlikely. Moreover, it is accepted that the proposed highway infrastructure work would encroach within the Root Protection Area (RPA) of this tree to such an extent that retention would not be advisable.

3.5.16 T33 (Grey Willow), detailed as a category U tree displays significant decay. Its condition is such that it cannot realistically be retained in the context of the development.

3.5.17 T34 (Sycamore) is detailed as category B tree with potential to develop into a category A worthy of retention. It is recommended that, during construction work, the ground within the RPA should be excavated using hand tools under supervision of an Arboricultural Consultant to assess the extent of the root proliferation, in order to inform a decision on retention or removal of the tree.

3.5.18 G5 is a mixed group of Lime, Oak, Beach, Horse Chestnut and Sycamore trees. The Lime trees are considered inconsistent with the nature and form of the rest of the woodland on the site. Moreover, removal of G5 would visually expose the Northern aspect of W3, which is a high quality natural and well-developed group. In this context, G5 should not constrain development.

3.5.19 The 'overstorey' trees within group G6 should be retained. The 'understorey' rhododendron and standing deadwood should not constrain development.

3.5.20 Any other suppressed, dying, diseased or dangerous trees should be removed.

3.5.21 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.

3.5.22 Members are advised of an appeal decision in 2016, allowing the erection of a single dwelling, within the site allocation (adjacent to Moorthorpe Cottage; ref. 10/16/1349 – as aforementioned), despite the loss of a number of trees within a protected woodland. In determining the appeal, the Inspector applied very significant weight to the absence of a robust assessment of the trees amenity value, and to the merits of a Woodland Management Plan to promote future sustainability of the remaining woodland. The above arboricultural assessment is considered to appropriately establish the amenity value of the trees to be removed as a result of the proposal; citing their limited value as justification for removal; in the context of the sites allocation.

3.5.23 Consequently, in accordance with this independent review, no objection is offered against the proposed development; subject to a review of T34, retention of 'overstorey' trees within G6 and tree / woodland protection measures; to be secured through application of appropriately worded conditions.

3.5.24 Ecology

Policy 9 set out that; *development likely to damage or destroy habitats or harm species of international or national importance will not be permitted. Development likely to damage or destroy habitats or species of principal and local importance will not be permitted unless the harm caused is significantly and demonstrably outweighed by other planning considerations and an appropriate mitigation strategy can be secured.* Accordingly, an Ecological Impact Assessment has been submitted in support of the application. The submission has been peer reviewed by the Greater Manchester Ecology Unit (GMEU), in the context that the principle of residential development is accepted, on account of the sites allocation. The review is summarised as follows:

3.5.25 Improved or semi-improved grassland on site are considered *species-poor* habitat types. Their loss is not, therefore, considered to be of ecological significance.

- 3.5.26 Notwithstanding the aforementioned loss of trees / woodland, the development will not affect any specially designated nature conservation sites. The ecological value of the retained surrounding woodland is, however, recognised for its high quality, providing habitats with high value for conservation. Accordingly, minimum buffer protection zones will be required between retained trees and the built development. Robust tree / woodland protection measures during construction phase of the development will be required, to be delivered through a Woodland Management Plan; secured by condition
- 3.5.27 Public open space within the development confines will be limited. Public access into the adjacent woodland should be appropriately managed as part of a holistic Woodland Management Plan.
- 3.5.28 A replacement tree and shrub planting scheme across the site will be required to help mitigate against the loss of trees / woodland.
- 3.5.29 It is accepted that the development is unlikely to affect the conservation status of Otters, Great Crested Newts, Bats or Reptiles. No further survey work is, therefore, required in this regard. However, on account of the highly protected status of Reptiles and Great Crested Newts, further precautionary methodology during construction phase of the development and beyond is considered justified, in the form of adoption of Reasonable Avoidance Measures (RAM's).
- 3.5.30 Badgers are known to be present in the area. On account of their mobile habitat and protected status, including their setts, (under the terms of the Protection of Badgers Act 1992), a pre-construction Badger Activity Survey is required, to inform the need or otherwise of a Method Statement, detailing measures to be taken to avoid harm to Badgers and their setts. It should be acknowledged that a License may be required from Natural England to implement an approved Method Statement; independent from the planning process.
- 3.5.31 In view of the recognised presence of invasive plant species on site, a Method Statement is required to ensure appropriate control / eradication of species during the course of development.
- 3.5.32 All additional surveys and Method Statement's shall be undertaken by a suitably qualified ecologist.
- 3.5.33 All birds and their eggs are protected under the terms of the Wildlife and Countryside Act 1981 (as amended). Accordingly, no tree felling or vegetation clearance required to facilitate the development, should be permitted during the optimum bird nesting season of between March and August, unless the absence of nesting birds is established beforehand.
- 3.5.34 Additional comment was received from GMEU, on 25th May 2019. This followed receipt of verbal communication to GMEU from a local resident,

expressing concern at the ecological impact of the development and a subsequent site visit (undertaken by GMEU).

3.5.35 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.

3.5.36 These comments are not considered to fundamentally alter the initial 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.

3.5.37 Consequently, in accordance with this independent review, no ecological objection is offered against the proposed development; subject to all surveys and protection / mitigation methodology to be secured through application of appropriately worded conditions.

3.5.38 Drainage

Appropriate drainage methodology is required to be implemented, with foul and surface water to be drained on separate systems. Surface water drainage shall be achieved in accordance with the non-statutory Technical Standards for Sustainable Drainage Systems (March 2015); to be secured by condition.

3.5.39 Highways

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

3.5.40 A Highways and Transport Technical Note (TTN) has been submitted in support of the application. The proposal is accepted as sufficiently modest so as not to warrant a more detailed formal assessment of associated transport impacts on the wider highway network.

3.5.41 Access to the site is by means of a private access road that currently serves Moorthorpe Cottage and 4 other dwellings. The Council's highway's consultant expressed initial concern at the restricted width of the access road. Whilst a single passing point is proposed adjacent to plot no. 1, no other passing points are achievable, on account of the limited width of the access road and third party ownership of land either side.

3.5.42 A 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. Members reiterated this concern at the May meeting. Consequently, the width of the road was re-assessed by Officers at a site visit undertaken on 4th June 2019. Measurements across the width of the road were taken at 5m intervals, from the gate posts at the entrance up to Moorthorpe Cottage. Measurements taken represent the approximate width of the metalled surface, which is somewhat difficult to establish due to vegetation growth on either side. The exercise was witnessed by local resident Mrs Ahmed and the measurements mutually agreed. The principle width between the gate posts is recorded at 3.7m; in accordance with the measurement represented in May's report. The narrowest point between the overhang at the top of the gate posts is circa 3.5m. The width of the road thereafter varies between a minimum of 3.9m and a maximum of 4.7m, up to the c.90 degree turn that leads into the confines of Moorthorpe Cottage. The 'sweep' at the turn is measured at a maximum of 6.9m, narrowing to 5.9m between the gate post at Moorthorpe and the kerb edge. Measurements thereafter, taken across the width at 10m intervals, establish a minimum of 3.7m and a maximum of 4.6m.

3.5.43 The Manual for Streets publication advocates a minimum width of 4.1m for 2 cars to pass side by side on a straight road. It is accepted that the majority of vehicles using the access road will be private cars. A maximum increase of 3 vehicles per hour at peak times is anticipated by the TTN, amounting to average peak hour flows of 1 vehicle every 8.6 minutes along the access road. The volume of additional traffic is considered to be manageable, regardless, of the narrowest 3.9m width of the access road up to the 90 degree turn, given that this measurement is present at only a single 5m interval in a total of 32 intervals measured. Every other measurement is equal to or in excess of the minimum 4.1m passing width. Beyond the c.90 degree turn, width is accepted as consistently narrower than 4.1m, at generally 3.7 / 3.8m. A passing point is, however, proposed in relatively close proximity to this length of the access, just beyond the entrance into Belthorpe which is considered to alleviate the threat of excessive vehicular passing conflict within this stretch of the access; particularly in the context of the site allocation and acceptable principle of residential development. Whilst the position is accepted by the Highways consultee, additional concern has been expressed as to the potential for larger vehicle conflict. Such conflict is, however, likely to be sufficiently infrequent to avoid excessive conflict.

3.5.44 In order to support pedestrian safety, a delineated footway is recommended along the length of the access road. The footway will form a shared surface with motor vehicles.

3.5.45 Submitted tracking details demonstrate appropriate 3 axle refuse manoeuvrability within the site.

3.5.46 A service verge should be included within the new internal road, in the form of a 2m strip to accommodate all services, to facilitate eventual adoption. An

800mm service strip would be deemed acceptable in the event of it hosting only street lighting columns.

3.5.47 Although off-street parking will be fully assessed a *Reserved Matters* stage, the proposed layout offers appropriate provision in the form of driveways and internal or detached garages.

3.5.48 A Construction Management Statement will be required to safeguard highway users and residential amenity alike, during construction phase of the development.

3.5.49 Notwithstanding Highway consultee's concern at the access arrangements, no fundamental objection is offered. Accordingly, refusal of the application on highways efficiency / safety impact is not considered to be justified; on account of the site allocation as a residential development opportunity, and subject to the aforementioned outstanding matters being secured through application of appropriately worded conditions.

3.5.50 Design / Heritage

Policy 11 requires a good standard of design and will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area.

3.5.51 Policy 39 requires development with the potential to affect designated or non-designated heritage assets to sustain or enhance the significance of the asset.

3.5.52 A full design assessment will be undertaken at *Reserved Matters* stage, relative to the built form of the dwellings, landscaping and impact on character and appearance. The Grade II listed property 'Woodlands' and Grade II listed Whitehall Park are located in proximity to the application site, to the north and south respectively. Impact on the designated heritage assets, therefore, needs to be considered. Woodlands lies physically separate to the application site, visually separated by mature trees. The proposal, notwithstanding the absence of scale and design details, is accepted as not unduly impacting on any vista into or out of the property. These same principles apply to the setting of Whitehall Park which is physically and visually separated by mature trees to the south of the application site. Accordingly, the development would not have any adverse impact on the designated heritage assets. Moreover, the assessment is relative to the accepted principle of residential development by virtue of the site allocation. A more detailed heritage appraisal will, however, be undertaken at *Reserved Matters* stage; supplemented by submission of a Heritage Impact Assessment to be secured by condition.

3.5.53 Other Matters

During assessment of the application, representation was received confirming third party ownership of the private access road ie. land outside of the applicant's ownership. Consequently, a Certificate B declaration has been

served on each alternative owner; ensuring the correct procedural planning process has been followed. Members are advised in this regard that ownership of the access track is not fundamental to the determination of the application. Any right of access to be considered in conjunction with this proposed residential development is, therefore, a private legal matter independent from the planning process.

3.5.54 Summary

This report assesses the full range of issues pertaining to the Outline planning application for the residential development of land at Moorthorpe Cottage, Darwen. In considering the proposal, a wide range of material considerations have been taken into account to inform a balanced recommendation.

4.0 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 £35,154; broken down as follows:

- **£1406 per unit towards Green Infrastructure in the area (details of where to be spent to be confirmed) and**
- **£2500 per unit towards provision of affordable housing in the borough.**

(ii) Conditions which relate to the following matters:

- Application for approval of all reserved matters must be made not later than the expiration of three years beginning with the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the date of the approval of the last of the reserved matters to be approved. Details of the following matters (subsequently referred to as the reserved matters) shall be submitted to and be approved in writing by the Local Planning Authority before the commencement of any works:-
 - a) Appearance
 - b) Landscaping
 - c) Scale
- Submission of external walling and roofing materials
- Submission of boundary treatments
- Submission of Arboricultural Method Statement and of tree protection measures
- Submission of Woodland Management Plan
- Retention of G6 'overstory' trees
- Hand tool excavation of tree T34, supervised by an Arboricultural Consultant to assess extent of root proliferation to inform decision to retain or remove
- Submission of a landscaping scheme to include compensatory tree planting

- Submission of a Reasonable Avoidance Measures scheme relative to preservation of reptiles and Great Crested Newts
- Submission of a Badger activity survey
- Submission of a Control / Eradication Method Statement for management of invasive species
- No tree felling or vegetation clearance between March and August, unless the absence of nesting birds has been established
- If construction of the development has not commenced within two years of the date of submitted Extended Phase 1 Habitat Survey (Pennine Ecological – December 2014), an updated Ecology Report shall be submitted to and approved in writing by the Local Planning Authority. Any required mitigation shall inform the Biodiversity Enhancement Strategy and landscaping strategy for the development
- Foul and surface water to be drained on separate systems
- Submission of a sustainable urban drainage system (SUDS) and management plan to cater for surface water
- Submission of Heritage Impact Assessment
- Submission of a delineated footway scheme along the access road
- Submission of management and maintenance details for new highway infrastructure within the development
- Submission of highway infrastructure engineering details including drainage, street lighting and street construction
- Submission of a scheme delineating a service verge
- Submission of a Construction Management Statement
- Visibility splays not to be obstructed by any building, wall, fence, tree, shrub or other device exceeding 1m above crown level of the adjacent highway
- Contaminated land - submission of detailed proposals for site investigation
- Contaminated land – submission of validation report demonstration effective remediation
- Unexpected contamination
- Provision of dedicated motor vehicle charging points
- Submission of dust suppression scheme
- 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
- Permitted Development Rights to be removed
- Development in accordance with submitted details / drawing nos.

5.0 PLANNING HISTORY

5.1 The following historic planning application is of relevance to the proposal:

10/16/1349 – Approval of a single dwelling – refer to paragraph 3.5.22.

6.0 CONSULTATIONS

6.1 Arboricultural consultee: Urban Green

No objection subject to tree protection measures; retention of 'overstorey' woodland group G6; hand tool excavation of root protection area to tree T3 and no tree felling during bird nesting season

6.2 Ecology consultee: GMEU

No objection subject to reasonable avoidance measures for reptiles; Badger activity survey; invasive species management methodology.

6.3 Drainage

No objection subject to foul and surface water drainage schemes.

6.4 United Utilities

No objection subject to foul and surface water drainage schemes.

6.5 Public Protection

No objection subject to:

6.5.1 *Amenity*

Recommended conditions:

- Site working hours to be limited to between 8am-6pm (Monday-Friday) and 9am-1pm on Saturdays. No works on Sundays or Bank Holidays.
- Contaminated land

6.5.2 *Air Quality*

- Provision of a dedicated electric vehicle charging point at all dwellings.
- Limitation of gas powered boiler types to control emissions.

6.6 Highways Authority

No objection subject to;

- Submission of Construction Method Statement.
- Delineation of footway and provision of service maintenance strip

6.7 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 and GI.

6.8 Environmental Services

No objection

6.9 Public consultation has taken place, with 42 letters posted to neighbouring addresses and display of three site notices on 17th November 2018 and again on 16th January 2019; as a result of amended detail being submitted. In response, 45 representations were received and 3 general comments which are shown within the summary below.

6 CONTACT OFFICER: Nick Blackledge, Planning Officer – Development Management.

7 DATE PREPARED: 7th June 2019.

8 SUMMARY OF REPRESENTATIONS

Objection Mrs Lynda Ahmed, 14 Chestnut Grove, Darwen Rec – 18/01/2019

- > Following your letter sent on the 10/12/2018 I write to register my
- > objections to this planning application for the following reasons and in order of concern and is therefore addressed in the main on planning grounds/ and highways.
- >
- > 1) Access to the proposed application is totally unsuitable due to safety reasons...the road at the side of my house measures only 13ft 2 inches is single width with no ability for passing cars.
- > There is a 90degree bend, a blind bend which is totally unacceptable on safety grounds...inability to see oncoming vehicles, inability to see children playing/people walking up the rd, inability to see any small service vehicles coming up the said drive.
- > The entrance to the drive is is both narrower than stated and is unsafe due to the posts on either side.
- > The road is in an unfit state of repair and safety... Surely of an unacceptable standard for the highways authority.
- > Stuart Hammond from the cleansing depart should refuse this planning application due to the size and safety of these refuse wagons not being able to serve this development....as incorrectly stated ..point 9... The refuse wagons are not allowed up the said rd due to safety and accessibility ... Without implicit consent they use Chestnut Grove...a private road to ...to serve these customers who bring their bins down to the top of park rd and refuse men move them through a hedge onto our drive to their wagons until two weeks ago I used to take all these bins back!
- > Service vehicles, delivery vans, utilities etc would find it difficult and unsafe to serve this proposed site ...lane only wide enough for one vehicle at a time .
- > Emergency vehicles especially a fire engine would be unable to serve this development due to inability to turn the acute bend...it would have to be shunted up.
- > The services in place at present are ancient and at times ineffective ...drains for sewerage are absolutely not suitable being built over 100 yrs ago to serve only 5 properties. Surface water regularly comes off the proposed land through my garden and down chestnut grove due to ineffective drains and drainage of applicants lawn.
- > Other services eg gas electricity and water would need major development if it was to serve 9houses.

- > Up the proposed drive and of course my drive chestnut grove there is no street lighting and no mention of any street lighting in the plan...surely safety must be an issue.
 - > The access to this drive is via a small rd with poor visibility and rd surface...bearing in mind there are two schools yards away from this entrance ...one school is served by taxis which use this unadopted highway...a safety issue for the children and care givers.
 - > There is of course a tree preservation order on most of these trees to safeguard the value that trees play in ecology.
 - > As you can see there are many reasons why this planning application should be refused...access and safety being the main issues.
 - > NB. Within this planning statement...there is reference to the use of Chestnut Grove/ my garden being used for access... May I suggest to you that this is a private road, moreover it is a private garden which you will find is not for anyone to use as access .
 - > I trust that you will read and digest my objections and comments and realise these are strong reasons to reject planning application in its entirety .
-

Objection Jonathan Ashton, 12 Chestnut Grove, Darwen, BB3 2NQ

Good Evening,

I have received notification of amendments made to planning application 10/18/1153.

Despite the amendments I still wish to object with the reasons outlined in my original objection that can be found below.

Kind Regards

Jonathan Ashton

12 Chestnut Grove

BB3 2NQ

Sent from my iPhone

Good Evening,

I would like to place on record my objections to the planning application ref - 10/18/1153 on the following grounds:

In the documentation it states that the access road is wide enough for a car to pass a large vehicle such as a bin wagon. This is wholly inaccurate, two cars cannot pass safely without encroaching onto private land on either side of the road. In fact the bin wagon does not use the access road due to this and the bins from the nearby properties to Moorthorpe Cottage are brought down the road and left on the roadway causing an obstruction. The bins are emptied outside my house on Chestnut Grove, and a further 9 bins, the obstruction caused to the roadway and the additional noise and disturbance would be unacceptable. I'm sure the council can verify that this road is not used or on a bin wagon route.

There are also no feasible passing points on the access road that are not private driveways and this is unacceptable for a road of that length.

The lack of lighting on the road and it's narrow nature would also present a significant hazard to any pedestrians on the road during hours of darkness.

If cars attempted to pass they would pull off the designated roadway onto private land that the mains sewer runs down, over the years there have been numerous occasions where this sewer has overflowed or been blocked by damage / tree roots. The repair works have been funded by local residents, and I believe a further 9 properties would create significant additional use and issues which in turn could create significant environmental health issues.

The new property that has been built has also had to utilise a tractor and trailer to get materials to site due to large vehicles being unable to make the tight right hand turn that borders 14 Chestnut Grove. During the construction phase the additional traffic, noise and general nuisance would create significant disturbance to all residents and would also badly damage the road surface especially on this corner and with the additional traffic generated following the build would create disturbance to

a very quiet area. The road is a private road and all repairs funded by residents the additional use would have unacceptable financial implications on the residents.

The area is also surrounded by trees, many of which have TPOs, and I would be unhappy for any to be affected or damaged during the build.

To summarize, I object on the grounds of;
Severely inadequate access / passing points / turning points
Noise and disturbance to existing residents
Potential loss / damage of trees
Environmental / sewerage concerns.

Kind Regards
Jonathan Ashton

Objection Mrs J.M Johnston Rec – 21/01/2019

Dear Mr Blackledge

With reference to the amended version of this application (ref your letter dated 16 January 2019) I wish to make the following comments.

The site is an area of grazing land and woodland which adjoins Darwen Moor, and as such provides a valuable habitat for many species of native flora and fauna including foxes, deer, bats and hedgehogs, all of which I frequently see in my garden. It is also a nesting site for birds. It is an area of unique beauty, and should not be spoiled. Local people have worked as a group for many years to keep this part of Darwen as lovely as possible. All generations - elderly people, parents and children - have been involved, and it would be a shame to lose this. Why should we as a community allow one person to desecrate this beautiful area of Darwen after years and years of hard work to maintain its natural beauty?

Objection Mr C Royle, 10 Chestnut Grove, Darwen Rec – 28/05/2019

Dear Planning,

Regarding the Details of Planning Application (Amendment) I would like to confirm after eventually finding the amendments on your web site that I continue to object to this application in its entirety. Also after having more time to consider this application as we had limited time over the Christmas Holiday I believe that Blackburn's own ecology policy is CS15 and point 3 states that general habitats which may support species of principal importance either for shelter, breeding or feeding purposes (both natural and built features), will be protected from development, in accordance with the Environmental Strategy set out in Policy CS13. This is woodland with deer, rabbits, badgers and other animals and this policy should be considered carefully with regards to this application. Also has the applicant completed the correct ownership certificate of the road or is this the amendment as it is somewhat confusing to those of us not up on Planning. Finally I would consider that although the applicant does have access on the Private Road the proposed properties will not and this would be a civil matter not planning.

Objection Mr & Mrs Glynn, Montrose, Whitehall Road, Darwen Rec – 28/01/2019

Additionally this track is narrow, unsuitable for two vehicles passing, with 3 blind spots. Also the nature of the tight turn, especially where the drive meets Moorthorpe House, access by longer vehicles is impossible. This track is bordered by private land with large TPO trees either side and is totally unsuitable for further vehicles.

3. 3.5/3.6 of the planning statement mentions:

There are no public rights of way on the site although a public footpath is located to the south of the woodland strip to the south. SSSI known as the West Pennine Moors is located to the west of the site. **It is possible for the proposed development to connect to the moors via a dedicated footpath.**

The red edge of the plan does not encompass a “dedicated footpath” cutting through the ancient woodland to the south of the proposed development. The planning statement advocates taking care of the ancient woodland and its diversity, cutting a footpath through it is a contradiction and would be a travesty. The red edge of the plan stops before any “possible footpath” and no footpath is shown on any of the plans. I hope the council show real commitment to protecting the woodland and request the removal of the suggestion of any footpath linking to the moors from any development. The ecology of the area is diverse with many TPOs and designated originally as an area of “special landscape” and needs protecting.

4. Additionally, Japanese Knotweed is present, very, very close to the applicant’s land, close to the start of the public footpath to the moors, at the South of the plan. Any footpath would risk spreading this invasive species into the woodland if it hasn’t spread already onto the applicant’s land.
5. I also question the electricity supply which runs through the woodlands, via pylons overground, down to properties on/near the applicant’s land. If these powerlines are to be used to support any development I suspect they will have to be increased and buried, again disrupting the natural habitat.

6. The ecological report only covers the time the site was visited, the area is regularly used by Roe Deer, bats are plentiful and quite possibly roosting on site (a full bat survey should be completed, before any further consideration. Bat activity is curtailed in the winter months and would need to be surveyed when active again in late spring/early summer). Also the woodland has a large display of native bluebells in the spring.

Conclusion

- No public highway to the proposed development, majority of track not owned solely by applicant.
- Access to site is not of an adoptable standard and unsuitable for further vehicles. The Highway Survey is inaccurate in parts, with the access lane narrow with 3 blind spots and dangerous and unsuitable for larger service vehicles.
- Planning statement suggests a possible footpath joining development to public footpath at the south. This isn't incorporated into any of the red edged boundary and completely at odds with the applicant's wish to preserve the integrity of the remaining ancient woodland.
- Presence of Japanese Knotweed nearby a risk of contamination onto site, if not already on the land edged in blue on plan (even more so if a footpath is built).
- Presence of bat species and the need to establish whether bats are roosting on site. Protection of a unique area designated originally as a "special landscape" with many TPOs.

We request that consideration is given to all the points above and the planning application is refused on the above grounds.

Objection Mark & Charlotte Taylor, Dunkeld House, Whitehall Road, Darwen Rec – 30/01/2019

Dear Sir, This letter is to further object to the amendment to the proposed "development" of Moorthorpe land. Nine houses? where is the space? There is barely space for one. Access is none existent and Moorthorpe Drive is totally impractical. If there are nine ,four bedroom houses, how many cars will that generate? I would estimate around three per house, and that is before visitors ect. Light pollution and noise. When you look at the the slickly produced planning application you would think they were doing us a favour . The land also has a very steep incline which is not apparent when viewing on the page. All the people from planning need to physically view this land to realise its folly.

Thank you

Objection Joanne Mackey, Lynfield, Park Road, Darwen Rec – 30/01/2019

Re: amended plans

Thank you for your correspondence regarding the amended plans.

My position has not changed as the only amendment is that you have now included the road which does not belong to the applicant.

As co owner of this road I am legally responsible for its maintenance and therefore have the right to refuse access to the heavy plant and machinery that a build of this size will require, I do not give my consent either to this road being excavated to install the services these properties will require.

All my previous objections still stand and I object to this proposal in its entirety .

Objection Judith Wright, The Greg, Whitehall Road, Darwen Rec – 30/01/2019

27-1-19
Ref 16/18/1153 and amended planning
application re. land adjoining Moorhosp
Cottage.

Mr. W. Blackledge,
Growth and Development Dept.
Blackburn w. Darwen Town Hall
Blackburn
BB1 7DY

Dear Mr. Blackledge, I submit my objections to the

above planning application. The private road now designated for access is quite unsuitable for heavy traffic. It is a single track lane too narrow for two vehicles to pass, there are no passing places and has a sharp, blind corner; refuse trucks must reverse up part of the drive and get no further; emergency vehicles answering a call from the proposed development could not reach their destination.

Furthermore, we must protect our shrinking green areas and biodiversity. The land under consideration has fine mature trees; is the area not covered by a T.P.O? The whole area is a haven for wildlife - deer, badgers and bats would not survive major disturbance, noise and human activity. The same goes for a wealth of

bird life = jays, a resident pair of crows, redpolls, nuthatches, goldfinches, wrens, siskins, greenfinches, woodpecker, tawny owls, long-tailed tits, coal tits, blue tits, great tits to name but a few.

Lastly, part of the proposed site would mean the disturbance to, if not the loss of, extensive carpets of native bluebells. Are they not protected by the Wildlife and Countryside Act (1981)?

I hope the application will be denied

Objection Victoria & Robert Eyre, Parkland, Whitehall Road, Darwen Rec – 30/01/2019

Regarding Blackburn with Darwen outline Planning Application 10/18/1153 amendment dated 15th January 2019

To whom it may concern,

This is a letter of objection to the outline Planning Application 10/18/1153 land adjoining Moorthorpe Cottage BB3 2LQ amendment dated 15th January 2019.

The amendment has not made any changes which change our objections listed below so we still object to the outlined plan amendment.

We purchased the property Parkland on Whitehall road in October 2016, this purchase was based on the comfort that we would never be overlooked due to Whitehall park being in front of us to the south and the woodland at the back of us to the north. There was no information on the return of searches from our solicitors which suggested this land to the rear of us could be built on. The development provisional plan completely breaks up what is a natural habitat for all kinds of wildlife species.

This proposed development will clearly cause loss of privacy as the proposed houses will be in line with the end of our back garden and in the winter months when the leaves are shed visibility to our back garden and vice versa will be present.

Light pollution to the rear of our property may also be an issue throughout the winter months

It appears for the character of the area at present that the developer is trying to maximise the number of houses on the land without any thought for appearance, disturbance and the wildlife which lives there.

The development looks completely out of keeping when compared to the existing houses on Whitehall road and Chesnut Grove.

The woodland is awash with bats, owls and deer to name but a few, to put a housing development in the middle of this will only have a negative effect on this wildlife, it will take the shelter away from the deer in Winter, it will create more artificial light at night which will have a negative effect on owls and bats and it will no doubt take the roosting areas away from bats which are ever present in woods.

Reading through the, 'Moorthorpe Cottage Tree Survey and Constraints report' it clearly states in section 3.8 that all trees are subject to a Tree Preservation order within the proposed development, yet further down in the document in section 5.17 it states the area of trees Group G5 could be a candidate for removal, how is this when these trees are clearly covered by a TPO?

There is a fear that the narrow woodland (W3 and G5 Drawing 1 Tree Constraints plan) between the rear of our property and the open grass land in the proposed development will be compromised and possible trees felled which shouldn't be as they are covered by a TPO. This will have a negative effect on the general surroundings of Whitehall road and the surrounding existing properties as it is the trees and park which make the area so beautiful.

In summary the objection to the proposed development is;

- Out of keeping with surrounding land, buildings and properties
- It will have an adverse effect on all sorts of wildlife and plant life
- It will affect the privacy and will overlook residents on Whitehall road
- The developer will inevitably remove trees which are protected under the TPO in areas around the perimeter of the proposed development
- It will cause light and noise pollution to the area

We believe a housing development in the middle of a wood on the edge of Darwen Moors is not something which should be approved and would be irresponsible to do so, due to the points made above,

Objection Mrs B A Starbuck, Belthorpe, Park Road, Whitehall, Darwen, BB3 2LQ

Objection to Planning Application Adjoining My Property
Ref 10/18/1153

Re Amendment 16th January 2019

Dear Sir,

I find the fact that the initial outline plan did not include the correct detail on the proposed access to the development shows a level of incompetence on behalf of P Wilson & Company. In addition on the Planning portal they state that Woodlands is a Residential Home. It has not been a residential home for over 12 years. It is now a school. The company show a lack of attention to detail in these matters and my my points raised below reiterate that.

My objection to the proposed development remains the same as stated in my previous letter. **'The access to the proposed development is totally unsuitable. The drive is a single track Private Road with no street lighting, pavement or passing place. The road is Privately owned & maintained by the residents that share the drive. At the entrance to Moorthorpe Drive there are 2 stone gate posts that are less than 3.5m apart.'**

There is no reference on the amendment on the suitability of the access and indeed how large vehicles will be able to manoeuvre safely, pass other vehicles and not damage shrubs and trees to each side of the drive. They would also be driving over century old drains that are fragile in their current state.

I would like to see a diagram of how a 12m Rigid delivery vehicle can negotiate the Private Road through the gate posts and round the 90deg bend at the top.

There is a 'blind corner' towards the top of the drive just before the gate posts to Moorthorpe. Here the drive becomes even narrower with my driveway and the entrance to Moorthorpe Grange coming straight off it. Another blind spot for traffic passing. There is still no street lighting or pavement.

The drains from Moorthorpe, Belthorpe & Moorthorpe Cottage barely cope with the quantity of waste & rainwater now – indeed when there is a downpour the drains overflow onto and down Moorthorpe Drive.

The development would bring an increase in traffic & pedestrians that would far exceed a 'safe' environment & access and would potentially put myself & my family at risk. The increase in pollution & noise from the cars and service vehicles to & from the proposed development will have a major detrimental impact on the existing residents & wildlife in the immediate Whitehall area.

I whole heartedly am against the outline plan of the proposed development and the amendment and as co owner of Moorthorpe Drive – a Private Road am seeking legal advice.

Objection The Greg, Whitehall Road, Darwen Rec – 30/01/2019

^{BB1 7DT}
Dear Mr. Blackledge, I submit my objections to the above planning application. The private road now designate for access is quite unsuitable for heavy traffic. It is a single track lane too narrow for two vehicles to pass, there are no passing places and has a sharp, blind corner; refuse trucks must reverse up part of the drive and get no further; emergency vehicles answering a call from the proposed development

could not^u reach their destination.

Furthermore, we must protect our shrinking green areas and biodiversity. The land under consideration has fine mature trees; is the area not covered by a T.P.O? The whole area is a haven for wildlife - deer, badgers and bats would not survive major disturbance, noise and human activity. The same goes for a wealth of

bird life = jays, a resident pair of crows, rook, nuthatches, goldfinches, wrens, siskins, greenfinches, woodpeckers, tawny owls, long-tailed tits, coal tits, blue tits, great tits to name but a few.

Lastly, part of the proposed site would mean the disturbance to, if not the loss of, extensive carpets of native bluebells. Are they not protected by the Wildlife and Countryside Act (1981)?

I hope the application will be denied

I hope the application will be denied

Objection Mr & Mrs Perricone, Werneth Brae, Whitehall Road, Darwen Rec - 30/01/2019

Dear Mr Blackledge

Below are my objections and concerns regarding this building application. We want to object to all five of the amendments, taking into consideration comments below.

Access

Access on to and off the main straight drive way leading to Moorthorpe Cottage comes off a sharp corner onto Ross Street , this being a congested road serving Ashleigh School. Traffic surveys supporting this application do not reflect this. To access the main driveway to Moorthorpe Cottage off Ross Street there are three small tracks which converge at the two stone gate posts at the bottom of the drive enclosing a small grass triangle of TPO protected trees? The track for Print Shop then to the gate posts is only 3.3 meters wide and unsuitable for motor vehicles. The exit/entrance between the two stone posts and adjoining walls form a blind junction with the Print Shop track running across it.

The main drive way already services six large houses all with the capacity to park or garage four cars, the drive being a single track with no passing areas and the land either side being privately owned and bordered by large TPO trees. The narrowest point is 3.20 meters wide with the widest being 4.20 wide. Where the drive meets Moorthorpe House it turns sharp right at 90 degrees, thus any vehicle larger than six meters cannot access this, which is also a blind corner.

Servicing Vehicles and Emergency Services.

The refuse wagon contrary to what is stated in the application cannot access the drive way in its full length in a forward direction as it cannot turn round, it has to reverse up the drive, it frequently unseats the header stones on the stone pillars at the drives entrance. When the wagon reaches the right hand 90 degree turn at the top of the drive, it cannot access any further up. The Fire Brigade and Ambulance services can access the drive but can go no further than Moorthorpe House, they cannot turn at the top of the drive as there is no space.

Environment and Ecology.

The area of land proposed for building is an area of natural beauty and supports a diverse ecology. This includes, Deer, Bats , Owls, Badgers, Woodpeckers and a wide range of flora and fauna. It has as recently as 2012 had an extensive ecological and environmental improvement. There are many TPO trees. Losing this to housing would be a massive blow to the local environment and devastating to wildlife. There are not many stunning natural habitats in the Borough, it seems criminal to destroy this.

Incorrect Application Statements

Point 4.8 of the planning statement is incorrect; all access will be via the main drive from the Print Shop track. Point 9 and point 18 of the Highways and Technical Notes 1. are incorrect. A waste disposal wagon cannot be passed by a vehicle whilst on the drive, it cannot access Moorthorpe Cottage, it is not safe for pedestrians and cars to be on the driveway together.

Objection Mr D Duxbury, Inglewood, Whitehall Road, Darwen Rec – 30/01/2019

I am writing with regard to the above application with my objections and concerns.

Environment and Ecology

The area proposed is an area of natural beauty and supports a diverse natural habitat. There are many TPO trees which provide a habitat for Deer, badgers, Bats, Owls and many birds. The ecology system would be compromised and the impact to the environment devastating.

Access

There are many access issues on and off the main driveway which would impact on service vehicles and emergency services as well as the community and safety.

Conclusion

Access, drainage and environmental concerns highlight the inadequate nature of this application.

Objection Mr Bentley, Windy Knowe, Whitehall Road, Darwen Rec – 30/01/2019

Dear Sirs

I am writing to object to the amended plan to the original planning application for 9 dwellings at land adjoining Moorthrop Cottage you ref 10/18/1153

The amended plan now shows access from the bottom of Moorthrop Drive, but this is a private road owned by three residents on the drive.

Also the road is a single track with no lighting or pavements which would not satisfy

adoptable standards.

Has pointed out in my original objection this area to be developed is an area of special landscape with a large number of mature trees, and should not be intruded into.

Objection Richard Cross, Lynross, Ross Street, Darwen Rec – 31/01/2019

Dear Sir,

Re; Planning application 10/18/1153 Land adjacent to Moorethorpe Cottage

Below are my concerns and objections to the above application

1. Access from the main driveway onto Ross street is via a complex junction of narrow tracks including print shop track. It makes a blind junction with the print shop track.
2. Access at the bottom of the main drive gate posts is only 3 meters wide.
3. The main drive is only 4.0 meters wide.
4. Two cars cannot pass side by side on any part of the drive way.
5. There are no pavements, street lighting, gullies or gutters on any part of the drive.

6. Refuse trucks cannot turn off the main drive way at Moorethorpe House as the side drive to Moorethorpe Cottage and Belthorpe turns at virtual right angle to the main drive. Refuse trucks cannot be passed by any other person/vehicle whilst on the main drive way.

8. Emergency vehicles cannot turn off the main drive way onto the drive leading to Moorethorpe Cottage.

9. The side drive off the main drive to Moorethorpe Cottage is a blind corner/junction.

10. Moorethorpe Cottage does not own the whole drive between Moorethorpe House and Moorethorpe Cottage, Belthorpe owns half of it. see enclosed map.

11. Numerous blind driveways enter onto the main drive way.

12. More appropriate entrance to this development is at the top of Whitehall Rd.

Objection Lynda Ahmed Rec – 04/02/2019

Once again I write responding to various communication you have had with me and also the residents association.

Just to confirm I wholly object to this outline planning application /and amendments on the grounds of access, in the main ...safety...in your planning portal it gives woodlands as a home for the elderly..may I correct you in that it is a school for children who have been excluded from mainstream school. 32 children and their teachers and their taxis...use this junction road 5 days per week..

I hope you will take our objections seriously Regards Mrs Lynda Ahmed

Objection Janet Aspden, 1 Crescent Road, Surrey Rec – 05/02/2019

re: **Amended Application 10/18/1153**

Applicant Ms G Lomax

The Erection of 9 Dwellings with Detached Garages on land Adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

I am the owner of the lower part of the drive at Moorthorpe, Whitehall, Darwen and the land either side of the lower part of the drive. (H M Land Registry title no. LAN 123805.)

I note that the amendment to this application shifts access to the land the subject of the application from Chestnut Grove to the drive at Moorthorpe.

The application states "The site is located off Park Road, down a private access road, the road is owned by the Applicant and 3 other owners. I am informed that the Applicant has rights of way over those parts of the access road that are not owned by the Applicant."

The above statement is incorrect, in so far as it relates to the land which is the subject of this application. There are no access rights along Moorthorpe Drive, referred to as the access road, to the parcel of land for which planning permission is sought. This can clearly be seen from the title to the Applicant's property (LAN29609).

Accordingly, it appears that this application is fundamentally flawed.

Access matters apart, my concerns in respect of this application are as follows:-

1. At present, access along the drive is to five properties. Even the level of traffic which these properties engender gives rise to problems:-

- a. Vehicles speed down the drive and straight through the gateposts. Vehicles passing at ninety degrees at the foot of the drive to and from Print Shop travel at a similar speed. There is the danger of collisions between vehicles and also a danger to pedestrians because the track to and from Print Shop is a popular footpath leading to the Moors and is also used by horse riders and bicyclists.
- b. Council vehicles, dustbin lorries and some delivery vehicles have difficulty gaining access along the drive due to its narrow width and the need to drive around narrow sharp corners; they use Chestnut Grove instead.
- c. There are no passing place on the drive and with a substantially greater number of vehicles travelling to and fro, it can reasonably be expected that vehicles will drive onto the verges to allow mutual passage, thereby trespassing on the land either side of the drive. This can also be expected to impact on tree roots - see below.

If permission were to be granted, it would seem that Chestnut Grove would still be used for access, and thus this application should take in the interests of the owners of Chestnut Grove.

2. In building any properties, heavy vehicles carrying materials can be expected to cause damage to the fabric of the drive which was constructed for horses and carriages, always assuming that they are able to squeeze through the gate posts in any event. Similarly, regular use by significantly more vehicles can be expected to cause damage and give rise to the need for regular maintenance in respect of the drive for which those having access have a shared responsibility.

It would be unreasonable to add almost double the existing number of properties, and add probably at least three times the existing number of private motor vehicles without there being a detailed maintenance agreement in force. Alternatively, if the drive is to be adopted, then it would have to meet adoption requirements. This would seem to be unlikely for the reason below.

3. There are protected trees running along either side of the drive and their canopy covers the width of the drive. Construction of a pavement for pedestrians, widening the drive and the installation of passing places appear to be ruled out due to damage which can be caused to the tree roots whether by actual damage or by squashing the soil thereby depriving the roots of water and oxygen. As mentioned above, the verges are not in the ownership of the Applicant.
4. In addition to maintenance of the drive, the adequacy of sewers and any other water drainage must be considered with specific maintenance agreements in force.

For the avoidance of doubt, I have received no Notification from the Local Planning Authority detailing this application. Nor have I received the same from P Wilson & Company even though I have requested it by email.

Objection Mr C Royle, 10 Chestnut Grove, Darwen Rec – 14/02/2019

Dear Mr Kelly,

Please find listed below comments with regards to planning application of the erection of 9 dwellings at land adjoining Moorthorpe Cottage, Off Park Road Darwen, BB3 2LQ. I am not sure why after sending back the original objection in early January why you now need a new objection but here you are.

Firstly the Private Road which is proposed as access to the 9 dwellings is only narrow and it is not possible for cars to pass safely as there is privately owned dense woodland and kerbed edge bordering the road. Large Vehicles especially the Council Refuse Vehicle do not use this road as stated as they cannot safely get through the gate posts at the bottom which are only 3.5 Mtrs wide not 4.8 Mtrs wide as stated and indeed the road only widens to 3.65 Mtrs. Instead they come up Chestnut Grove and the bins are brought across through a gap in a bush onto Chestnut Grove. On reading Chapter 2 core policies page 13 Policy 10 i believe you state that Development will be permitted provided it has been demonstrated that road safety and the safe, efficient and convenient movement of all highway users (including refuse collection vehicles, the emergency services, cyclists and pedestrians) is not prejudiced.

I would also like to advise that recently on two occasions the top of one of the gate posts have been knocked off by only a relatively small commercial vehicle which again confirms access is difficult and unsafe. Had any pedestrian been close by they would have been killed. As far as i am aware in accordance with the relevant guidelines. The general rule of thumb is that development of more than 5 units should be served by a road that satisfies adoptable standard. General dimensions are Residential Street-Single carriageways shall be 5.5 m wide (2 x 2.75 m wide lanes) with an optional 2mtr wide verge and a 2mtr wide footway on each side. The applicant should be able to demonstrate this can be achievable but as the Road is Privately owned by 3 residents and the applicant only as access whilst a civil matter not planning the applicant does not have a right to access the proposed properties.

The private road at the top then turns at 90 degrees and at this point cars coming down from Moorthorpe Cottages have a blind spot which is unsafe for both drivers and pedestrians and the lack of any lighting makes it unsafe and dangerous. The house currently being built with the agreement of Lynfield the bungalow on the left at the top of the road let building supplies be dropped onto his garden and taken round to the house by smaller vehicles as it was impossible for these vehicles to make the 90 degree turn so how can access be made to develop 9 dwellings. A Fire engine would struggle to get around this corner which must be considered from a safety point of view.

The junction at the bottom of the Private Road is not safe especially when school children are being dropped off at Ashleigh School and cars are left un attended on the bend and side road close to the entrance. There is also a lot of traffic going through the entrance to the right of the Private Road which go up to the Special Needs School and access is often in front of the Private Road then a left turn made up Holly Tree Close. There will be a large impact on traffic in the Queens Road /Whitehall/Park Road area with traffic exiting and joining the A666 effecting especially during school times. Highway safety would be compromised greatly .I should mention at this stage that on maps issued by Blackburn with Darwen Council the property which is now a school behind Chestnut Grove which uses the access down Holly Tree Close is down as a nursing Home. This School currently has

over 30 pupils who are dropped off Monday to Friday along with over a dozen members of staff.

Noise and pollution of large vehicles must be taken into consideration if building was to go ahead and also the continuous traffic caused by what could be more than 50 cars per day not including delivery/service vehicles.(if they can get up)

Surface water is already a problem from Moorthorpe Cottages as it comes directly into the garden at No 14 Chestnut Grove and finds its way coming down Chestnut Grove. We also currently have problems with sewage as the sewage overflows from the man hole cover on the land just in front of No 14s garden wall and makes its way down Chestnut Grove. This constantly needs rodding and has tree roots pushing up the cover. The drains in this area are over 100 years old and are not adequate now for the four properties.

Environmentally there are many trees in the meadow which are subject to TPOs and this area was originally designated as an area of special landscape and as such the proposal could be contrary to your Policy New Residential Development of the Local Plan in that the proposal will detrimentally affect the character of the area. Impact on trees must be dealt with now and not left to condition. Arboriculture Officers should have the information needed to carefully consider the impacts. There is a need for a detailed landscaping scheme now and not as Reserved Matters due to the character of the site and this cannot and should not be deferred.

The land has a lot of wildlife including deer ,badger sets and is full of bluebells. The woodlands are governed by regulations in relation to destruction or re-shaping of trees that have been providing wood, shelter, shade, oxygen and a habitat for wildlife for hundreds of years. It will not be possible for these trees to regenerate themselves as they have done over many decades if this planning is approved denying our future generations the beauty of this Woodland area. Indeed Blackburn's own ecology policy is CS15 and point 3 states "General habitats which may support species of principal importance either for shelter, breeding or feeding purposes(both natural and built features) ,will be protected from development ,in accordance with the Environmental Strategy set out in policy CS13. I would expect the Council to take care when considering this policy in respect of the application.

The Governments latest consultation (ended January 2019) guidelines not just loss of ecologic value but rather developments to deliver a "biodiversity net gain necessary for developments when granting planning permission. Biodiversity net gain is an approach which aims to leave the natural environment in a measurably better state than before hand. Therefore this must be considered strongly at the outline planning stage.

Can you please consider all my points some which may not be applicable as I know there are only certain issues you take into account and refuse this application on the above grounds where necessary.

Objection Lynda Ahmed Rec – 15/02/2019

Dear Mr Blackledge I write to you again after looking at the local plan for Blackburn and Darwen, within the Accessibility and Transport policy "that development will only be permitted provided it has been demonstrated that road safety and the safe efficient movement of all highway users including refuse collections, pedestrians, cyclists and emergency vehicles are not prejudiced"well quite clearly this planning application bears no resemblance in terms of access/safety to your local plan policy.

I must state that this whole planning application is certainly objected to on the grounds of access and safety.

Objection Diane Hartley, 8 Chestnut Grove, Darwen Rec – 18/02/2019

RE: PLANNING APPLICATION 10/18/1153

Dear Mr Prescott,

I am writing to state my objections to the above planning application for 9 dwellings with detached garages on land adjoining Moorthorpe Cottage, Park Road, Darwen.

I object on the following grounds:-

- Access to the site is from a private road which runs parallel to Chestnut Grove. This road has two stone pillars at the entrance to it. The tops of the pillars overhang and restrict the width of the access. This is measured at 3.5m and is not sufficient for heavy goods vehicles or large construction vehicles. The road itself widens to approximately 3.7m, not the 4.8m as stated. Both sides of the road are lined with woodland, shrubs and decaying leaves, which due to the nature of the tree canopy, are never completely cleared no matter what the time of year. This leaves the road slippery and muddy at the edges. The road is already in a very poor state with potholes and large areas of tarmac worn away. I would also like to point out that as the road is narrow, there is insufficient room for a large vehicle or lorry and a car to pass side by side at any point on this road, as is stated in point 9 of the Highways and Technical Note Part 1. Neither are there any passing points on the road. Indeed, the weekly council refuse vehicle does not use this road to empty the bins of residents who already live there. Instead the residents leave their bins outside number 14 Chestnut Grove and they are pulled across the grass verge and emptied by the refuse collectors and left. If this road was easily accessible, why is Chestnut Grove being used? At the top of the road there is a 90° turn to the right which makes it very difficult, if not impossible, for large or long commercial vehicles to make this bend. This would also be the case for emergency vehicles such as fire appliances. The development would create a significant increase in traffic, and whilst the majority of the road is straight, there are no pavements or street lighting. This would increase the danger for

pedestrians which include children who walk along it to get to school.

- Ashleigh Primary School is very close to the entrance of the road. Traffic increases at the beginning of the school day and particularly at the end when most parents are waiting to collect children at the same time. I notice from the traffic survey carried out on 21/09/18 that 3.30pm, the end of the school day, was not included and would have indicated a more substantial increase in traffic and a significant amount of parked cars along Ross Street, Park Road and the surrounding streets. Also, because of the geography of the area, heavy goods vehicles would only be able to access the road from Park Road (which joins the A666, marked D), rather than travelling along Queens Road, right onto Park Road (marked A) and turning left through the stone pillars (this would not be possible due to the sharp and narrow turn).
 - In the Planning Statement, it states "All access will be via the existing drive off Chestnut Grove" (4.8) and "This will provide adequate visibility at the site entrance and the existing access road on Chestnut Grove is adequate to service 9 residential units" (6.1.3.3). This is not the case. There is no access to the site from Chestnut Grove. Chestnut Grove and Holly Tree Close are private roads which were recently resurfaced by the residents at their own cost.
 - The whole area marked for development as well as the area including Chestnut Grove and Holly Tree Close has a blanket TPO on them. As residents we were informed a number of years ago by the council about this, and reminded that we were not allowed to fell or cut back any of the trees. We have adhered to this, in fact this is one of the reasons we chose to live in this woodland area. Therefore I strongly object to the impact this development would have on the environment and on the number of trees that would have to be felled to accommodate it. This would affect local wildlife and I am sure would impact on the deer that we see in the woodland opposite Chestnut Grove, which clearly come down from the site area.
 - We are aware of more than one instance of the drains being blocked on the road and raw sewage running down the surface. A further housing development would increase the environmental health hazard and I would also question the viability of services to this site.
 - As referred to in the Lancashire Evening Telegraph, Blackburn with Darwen has already exceeded government and local targets on the number of houses needed to be built in the borough <https://www.lancashiretelegraph.co.uk/news/17326913.blackburn-with-darwen-borough-housing-starts-and-sales-on-the-rise/>. Therefore there is no need for further developments in this area.
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