

Proposed development: Outline Planning Application (Regulation 4) for Outline planning application with all matters reserved for residential development (up to 35 dwellings).

**Site address:
Land at Lomond Gardens
Blackburn**

Applicant: Capita

Ward: Livesey With Pleasington

**Councillor: Derek Hardman
Councillor: John Pearson
Councillor: Paul Marrow**



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The application site is owned by Blackburn With Darwen Borough Council. The intention is for the Council to dispose of the land to a developer under an informal tender process, which ensures the Council's key objectives and planning and design requirements are achieved.
- 2.2 Members are advised that the proposal is in Outline form. For that reason it is only the principle of the residential development of the site, for up to 35 dwellings, that is under consideration. All other detail, relating to access, layout, scale, appearance and landscaping will be assessed under a subsequent application for 'Reserved Matters'. It is envisaged that the development would consist of up to 30no. dwellings.
- 2.3 The proposal corresponds with the Council's overarching housing growth strategy, as set out in the Core Strategy and Local Plan Part 2. It suitably demonstrates the ability to deliver a high quality development, consistent with the surrounding area. It would also make an important contribution towards the Council's housing delivery targets and it will add to the vitality of the local housing market. Moreover, development of the site would alleviate instances of anti-social behaviour experienced by the local community, in the form scrambling bikes. The application is also acceptable 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 located to the south west of Blackburn. It measures approximately 1.15 hectares and generally comprises of semi-improved open grassland with a mixture of dense and scattered vegetation around the edges, marshy grassland and a swamp which, at the time of the assessment, was not holding any water. Land levels across the majority site are generally consistent. The sites perimeter, however, features variations along its length, with the western boundary gently falling circa 1.2m lower than the central part of the site; the southern boundary rising circa 1.6m higher than the centre and the eastern boundary ramping up steeply from the centre to circa 2.6 – 3m. The site was formerly in use as a cinder all weather pitch, used by St Bede's RC High School. It has not, however, been used for this purpose since 1997, as evidenced by the assimilation of the all-weather surface into the general landscape.

3.1.2 There are informal pathways located around the perimeter of the site which connect into Nook Terrace to the north east and Solway Avenue to the west. A Public Right of Way (PROW) runs along the western and southern perimeter of the site. The PROW continues in a southerly direction along the edge of the St Bede's RC High School playing fields, from where it can be accessed from the west via Solway Avenue. Any potential diversions of this PROW would be informed at the reserved matters application stage, when detailed site layout plans have been developed and all the site constraints considered in detail. At this stage of the planning process, indicative options for the PROW are for it to remain in situ or the re-align through the site, where this might provide a more attractive and safer right of passage.

3.1.3 The site is bounded by residential properties to the north, south and west which are positioned with their side and rear elevations facing into to the site. To the east is the Green Lane Community Centre and grassed recreation grounds. Green Lane and residential properties are located beyond. St Bede's RC High School and associated playing fields are located to the south east, beyond which is Livesey Branch Road and more residential properties.

3.2 Proposed Development

3.1.2 Outline planning permission is sought for a residential development of up to 35 dwellings. The application is limited to consideration of the principle of residential development, with all matters reserved; as set out in the submitted drawings and supporting Planning Statement.

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

3.3.4 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 38 – Green Infrastructure on the Adopted Policies Map
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape

3.3.5 Green Infrastructure (GI) SPD

3.4 **Other Material Planning Considerations**

3.4.1 National Planning Policy Framework (The Framework)

3.4.2 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;
- Ecology;
- Trees;
- Amenity impact;
- Affordable Housing
- Green Infrastructure

3.5.2 Principle

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

Policies; particularly Policy 9 – Development and the Environment and Core Strategy Policies CS1, CS5, CS6, CS8 and CS19.

3.5.3 The site lies within the defined urban boundary, which is the preferred location for new development; in accordance with Core Strategy Policy CS1, and Local Plan Part 2 Policy 1.

3.5.4 The entirety of the application site (1.15 hectares) forms part of a wider Green Infrastructure (GI) allocation; in accordance with the Local Plan Part 2 Adopted Policies Map. The Council's GI SPD quotes Natural England's definition of GI as *"a strategically planned and delivered network of high quality green spaces and other environmental features. It should be designed and managed as a multifunctional resource capable of delivering a wide range of environmental and quality of life benefits for local communities. GI includes parks, open spaces, playing fields, woodlands, allotments and private gardens"*. The SPD sets out the acknowledged multiple functions of GI as:

- Setting the scene for growth, creating a good quality of place and quality of life and supporting sustainable economic growth;
- Supporting physical and mental health and well-being;
- Providing for recreation, leisure and tourism;
- Supporting the rural economy;
- Helping to manage flood risk;
- Supporting mitigation and adaptation to climate change;
- Positively benefitting the historic environment; and
- Enhancing the ecological network and promoting biodiversity

3.5.5 Consideration of the loss of GI is appropriately assessed against paragraph 5 (Green Infrastructure) of Policy 9 of the Local Plan Part 2, which sets out that.

Development involving the partial or complete loss of land identified as GI on the Adopted Policies Map or any unidentified areas of open space including playing fields; and any development which otherwise has the potential to result in the severance of GI connections, will not be permitted unless:

- i) The development can be accommodated without the loss of the function of open space;
- ii) The impact can be mitigated or compensated for through the direct provision of new or improved GI elsewhere or through the provision of a financial contribution to enable this to occur; or
- iii) The need or benefits arising from the development demonstrably outweigh the harm caused and the harm can be mitigated or compensated for so far as is reasonable.

3.5.6 It is accepted that the proposal will result in the partial loss of the GI allocation. Such circumstances do not, however, prohibit development, provided at least one the above criteria (i –iii) is achieved. As the proposal seeks to mitigate loss of the GI through a financial contribution (captured through a Section 106 Agreement) of £1000 per dwelling, it is considered

compliant with criterion ii. This contribution will provide significant investment in the local green network. Moreover, the overwhelming majority of the GI allocation will be retained as such, ensuring its function will not be fundamentally compromised,

3.5.7 The urban boundary location adds further weight in support of the principle of the proposal. This is reinforced by the sites position being immediately adjacent to existing residential land uses, ensuring a development that would be wholly consistent with the surrounding area and one that provide a logical redevelopment solution for the unused site.

3.5.8 Accordingly, the principle of the proposal is accepted, as in accordance with the Development Plan and the aims and objective of the Framework, which advocates making effective use of land and boosting the supply of homes.

3.5.9 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.

Policy 40 requires the integration of GI and ecological networks with new development, so as to make a positive contribution to Blackburn With Darwen's GI through:

- i.) Inclusion of multi-functional landscaped public open space in the development;
- ii.) Retention and enhancement of existing ecological and landscape features on the site
- iii.) Incorporation of features in the built fabric that support and enhance key local species;
- iv.) Provision for active travel on foot or bicycle;
- v.) Physical and functional connections with neighbouring sites; and
- vi.) The creation of new areas of trees and woodland.

3.5.10 A Preliminary Ecological Appraisal is submitted in support of the application and has been reviewed by the Council's specialist ecology consultee. The site is not identified as having significant ecological value, with no significant ecological constraints identified. Retention of a single Willow tree, identified as having low bat roosting potential, should, however, be secured by condition. Protection for nesting birds during the nesting season (March – August) and removal of identified invasive species should also be secured by appropriately worded conditions.

3.5.11 A Tree inspection document also supports the application which considers tree constraints in the context of proposed design, demolition and construction. In the absence of a detailed layout, tree retention and removal is not identified within the document. It is, however, intended to retain existing landscape features and trees where practicable, without undue impact on the sites viability as a residential development. Although full details will be informed through the subsequent reserved matters application, an indicative site layout provided demonstrates broad acceptance that landscape features can be effectively incorporated into the overall design principles.

3.5.12 In accordance with Policies 9 and 40 and The Framework's requirement (Paragraph 170) for development to contribute to and enhance the natural and local environment, a comprehensive ecological enhancement and management scheme should be secured by condition, to achieve a net gain in biodiversity.

3.5.13 Drainage

A Flood Risk Assessment and Drainage Design Statement support the application. They identify the site as within Flood Risk Zone 1, on the Environment Agency's Flood Zone Map. United Utilities and the Council's Drainage team has been consulted on the proposal and recommend application of a condition to require a foul and surface drainage scheme; in accordance with the hierarchy of drainage options in the National Planning Practice Guidance and in compliance with the requirements of Policy 9 of the Local Plan Part 2.

3.5.14 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.

3.5.15 As an Outline application seeking only the principle of residential development, full highways consideration will be applied to a subsequent reserved matters application, with regard to layout, vehicular / pedestrian access / movement, parking and impact on the wider highway network. A Transport Statement and a Travel Plan will inform a full assessment. It should, however, be acknowledged that indicative access options into the site are currently suggested, from the end of Lomond Gardens and off Old Gates Drive. Both options are deemed viable and will be further explored at reserved matters stage, together with internal highway layout and provision for off street parking, when a detailed design shall be submitted for assessment.

3.5.16 A PROW runs around the southern and western edge of the site. Consideration as to the merits of diverting it or retaining its current position will be further explored at reserved matters stage. It is, however, initially suggested by the Council's highway consultee that incorporating the PROW within the development on its existing line would be the most suitable option. Should the developer decide on a diversion, an application should be made to the Highway Authority.

3.5.17 In respect of the construction of the development; a Construction Management Statement will be required, through application of a condition, setting out how the construction process will be managed to ensure that consideration is given to highway safety and residential amenity.

3.5.18 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.

3.5.19 As an outline application a full amenity assessment in respect of relationships between buildings is not possible. This will, instead, be subject to assessment at reserved matters stage. Any proposed layout will need to demonstrate compliance with the Council's adopted space standards, as set out in the Residential Design Guide SPD, ensuring adequate separation is achieved between each new unit and existing dwellings which adjoin the application site.

3.5.20 The Council's Public Protection team has been consulted on the proposal and have reviewed a preliminary Phase 1 Desk Study. Application of the standard contaminated land conditions is recommended, as is a restriction in the hours of demolition / construction; to safeguard residential amenity and provision of electric charging points for each dwelling; to help reduce the impact on air quality of the development.

3.5.21 A condition is also recommended to require submission of a Noise Assessment, in order to safeguard future residents from excessive noise disturbance, on account of the sites proximity to school playing fields.

3.5.22 Summary

This report assesses the outline planning application for the residential development of land at Lomond Gardens, Blackburn. In considering the proposal, a wide range of material considerations have been taken into account.

4 RECOMMENDATION

4.1 Approve subject to:

Conditions which relate to the following matters:

- Application for all reserved matters must be made not later than the expiration of 3 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:-

- i) Appearance
- ii) Access
- iii) Landscaping
- iv) Layout
- v) Scale
- Requirement for the developer to enter into a Section 106 agreement relating to the payment of a commuted sum towards off-site affordable housing and improved Green Infrastructure improvements in the locality; set out as follows:

The development permitted by this planning permission shall not be started by the undertaking of a material operation as defined in Section 56(4)(a-d) of the Town and Country Planning Act 1990 until a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 has been made and lodged with the Local Planning Authority, and the Local Planning Authority has given its approval in writing. The planning obligation will provide that a commuted sum, as required by Policy CS8 of the Core Strategy and Policy 9 of the Local Plan Part 2, is made to the local planning authority for the provision of off-site affordable housing and improved Green Infrastructure.
- Submission of landscaping scheme to include enhanced biodiversity / ecological enhancement measures
- Retention of Willow tree (identified as Target No. 9), to safeguard bat habit, unless otherwise agreed in writing following submission of further information justifying its removal.
- Submission of an invasive species eradication scheme
- If construction of the development has not commenced within two years of the date of submitted Ecological Appraisal (February 2019), an updated Appraisal 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
- Submission Construction Management Statement
- Submission of a foul and surface water drainage scheme
- Submission of a sustainable drainage management and maintenance plan
- Submission of Arboricultural Method Statement
- No works to trees or shrubs during bird nesting season
- Tree Protection during construction
- Submission of a contaminated land report
- Submission of validation of gas protection measures
- Unexpected contamination
- Submission of intrusive coal mining investigation scheme and remedial measures
- Provision of motor vehicle charging points for each dwelling
- Limitation of construction site works to:
08:00 to 18:00 Mondays to Fridays

08:00 to 13:00 Saturdays
Not at all on Sundays and Bank Holidays.

5 PLANNING HISTORY

- 5.1 No planning history exists for the site.

6 CONSULTATIONS

6.1 Drainage Section

No objection subject to the following condition:

- Submission of full details of the foul and surface water drainage system and construction phasing.

6.2 United Utilities

No objection but concern expressed as to the need for further exploration of the drainage hierarchy. The following conditions are recommended:

- Submission of a surface water drainage scheme, in accordance with an investigation of the drainage hierarchy etc and a timetable for implementation.
- Foul and surface water to be drained on separate systems.

6.3 Public Protection

No objection subject to the following conditions:

Noise

- Site working hours to be limited to between 8am-6pm (Monday-Friday) and 8am-1pm on Saturdays. No works on Sundays or Bank Holidays.
- Submission of Noise Assessment

Air Quality

- Provision of a dedicated electric vehicle charging point at each dwelling.

Contaminated Land

- Submission of a Desk Study and approved site investigation work (where necessary).
- Submission of validation to demonstrate effective remediation (where necessary).
- Unexpected contamination.

6.4 Highways Authority

No objection subject to the following condition:

- Submission of Construction Traffic Management Statement

6.5 Ecology

No objection subject to the following conditions:

- Retention of Willow tree (identified as Target No. 9), to safeguard bat habit, unless otherwise agreed in writing following submission of further information justifying its removal.

- No works to trees or shrubs during bird nesting season
- Submission of landscaping scheme to include enhanced biodiversity / ecological enhancement measures
- Submission of an invasive species eradication scheme

6.6 Strategic Housing

Support offered, subject to the development meeting the Council's planning policies; including Affordable Homes provision either on site or off site through a Section 106 commuted sum payment.

6.7 Coal Authority

No objection, subject to the following condition:

- The submission of a scheme of intrusive site investigations for approval;
- The undertaking of that scheme of intrusive site investigations;
- The submission of a report of findings arising from the intrusive site investigations;
- The submission of a scheme of remedial works for approval; and
- Implementation of those remedial works.

6.8 Livesey Parish Council

Objection for the following reasons:

- That the (indicative) access will run through the existing estate. Request that alternative access arrangements are explored.

6.9 Public consultation has taken place, with 98 letters posted to neighbouring addresses; display of three site notices and publication of a press notice was published on 22nd June 2019. In response, 5 letters of objection have been received (including one from Livesey Parish Council) which are shown within the summary of representations below.

7 CONTACT OFFICER: Nick Blackledge, Planner – Development Management

8 DATE PREPARED: 1st August 2019.

9 SUMMARY OF REPRESENTATIONS

Obj – Livesey Parish Council – Rec 14.7.19

FOA Nick Blackledge

At the last Livesey Parish Council Meeting Councillors expressed concerns regarding the above scheme. The Parish Council was not happy with the access to be used which would go through the existing estate. Councillors asked if alternative access routes could be explored especially in the building phase, as large loaded vehicles will destroy the current road infrastructure. I believe there are alternative routes that could be used.

Can you please bring this concern to the attention of the planning committee.

Kind regards

Rory Needham

Clerk to Livesey Parish Council

Obj -Michael and Jackie Hunt – 11 Lomand Gardens Rec 8.7.19

For the attention of Mr Martin Kelly, Director of Growth and Development

Dear Sir

PLANNING APPLICATION NO 10/19/0542

Outline Planning application (Regulation 4)-Outline planning application with all matters reserved for residential development (up to 35 dwellings) At Land at Lomond Gardens, Blackburn.

I write in connection with the above planning application. I have examined the plans and I know the site well. I wish to object strongly to the development of these houses in this location.

Lomond Gardens is a well-established residential settlement, where development proposals should be considered very carefully: further estate development would overwhelm it, ruining the quiet ascetic of the estate, neither improving the character and quality of the area and the way it functions presently.

Pressure for residential development in the Livesey/ Pleasington area of Blackburn is considerable, with a large development of houses being built off Gib Lane and Livesey Branch Road presently, contributing to the over burdening of local schools and doctors surgeries, already running full to capacity in the area.

Definite consideration must be made also to the local road infrastructure, and local road highway safety, with special consideration as St Bedes RC High school adjoins the proposed site. With the above aforementioned, Gib Lane and Livesey Branch Road developments, already significantly increasing traffic generation in the local area, it would be of total detriment to consider further development in this location.

The proposed siting of the development is particularly ill-considered: it would mean a massive increase of through traffic, via Lomond Gardens, which presently is a quiet, residential cul-de-sac to fourteen detached properties. To build a potential further thirty-five more properties would introduce massive noise, disturbance and light pollution to, what is a quiet residential cul-de-sac with no through traffic at all, except for residents. Adequacy of parking and turning also being a major concern, on an otherwise extremely quiet road.

Further to this, any proposed dwellings may not fit the aesthetic of the current dwellings, which are all detached and well maintained. The visual impact of this proposed residential development may be considerable to the current residents, and must be taken into consideration.

The proposed site has also considerable long established trees on it, and the resulting wildlife habitat that relies on those trees, this land also used by many local dog walkers.

I understand that many local residents also share my concerns.

If this application is to be decided by councillors, please take this as notice of my absolute objection and my desire to be informed of any meeting of the committee at which this application is expected to be decided. Please let me know as soon as possible the date of the meeting.

I request that the application be refused permission because of its adverse effects, which I believe cannot be dealt with satisfactorily by using conditions or obligations.

Finally, please note that my submission is in respect of the proposed development. While I have taken every effort to present accurate information for your consideration, as I am not a decision maker or statutory consultant, I cannot accept any responsibility for unintentional errors or omissions and you should satisfy yourselves on any facts before reaching your decision.

Yours faithfully

Michael & Jackie Hunt

Obj – Dean and Karen Hodgeson – 32 Rannoch Drive, Blackburn Rec 2.7.19

For the attention of Nick Blackledge.

With regards to the above application, I would like to express my objections to it as listed below.

1. Access to the site. I assume that the current route to the proposed site would be along Rannoch Drive and onto Lomond Gardens. This road is in no way suitable for the large construction traffic required for such a site. The only other possible access that I can see would involve damage to the local playing field.
2. The impact such a development would have on drainage and natural underground water courses, leading to problems on the existing estate.

3. The impact another development would have on already stretched amenities i.e. Schools, doctors, etc following the developments underway in Livesey Branch Rd and Gib Lane, together with the agreed, as yet uncommenced, developments in that area.

4. The increased volume of traffic from residents of the new development should it go ahead.

5. The impact on local wildlife. The area in question is the only piece of natural land in the area for wildlife.

Obj – Laura and Dominic Hopwood – 2 Lomand Garden, Blackburn – Rec 1.7.19

Good Afternoon

With regard to the above planning application we would like to raise the following concerns:

The area in question has been used for recreational purposes by many people, namely responsible dog walkers for over 20 years (albeit there have been issues with nuisance motor cross bikes on several occasions which nothing has been done about) there is also significant flora and fauna based on the site including many established trees, this habitat would be lost forever.

- The land is frequently waterlogged, building work will make this situation worse.
- Loss of privacy to adjoining properties.
- Wildlife, such as birds, hedgehogs and bats will have their natural environment destroyed.
- Increased traffic during construction and when the development is complete is a health & safety hazard, the small cul-de-sac already gets congested, making it difficult for bin lorries, fire engines and the like to pass through.
- There are already 4 other large housing developments within a 1 mile radius under construction yet there are no plans to build infrastructure to support these developments i.e. schools, doctors surgeries etc.

We would be grateful if these concerns would be taken into consideration when making the decision.

Obj – V Hope – 5 Lomand Gardens, Blackburn – rec 17.6.19

17th June 2019

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Further to this, any proposed dwellings may not fit the ascetic of the current dwellings, which are all detached and well maintained. The visual impact of this proposed residential development may be considerable to the current residents, and must be taken into consideration.

The proposed site has also a number of long established trees on it, and the resulting wildlife habitat that relies on those trees, this land also used by many local dog walkers.

I understand that many local residents also share my concerns. My local councillors have also been contacted.

If this application is to be decided by councillors, please take this as notice of my absolute objection and my desire to be informed of any meeting of the committee at which this application is expected to be decided. Please let me know as soon as possible the date of the meeting.

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