

**Proposed development:** Full Planning Application for residential development of 30no. dwellings, including provision of drainage infrastructure, public open space and associated works together with public car parking area, together with demolition of existing buildings and associated works including bat mitigation measures.

**Site address:**

**Land South of Tower Road and West of Hillcrest Road  
Feniscliffe  
Blackburn  
BB2 5LF**

**Applicant:** Applethwaite Ltd

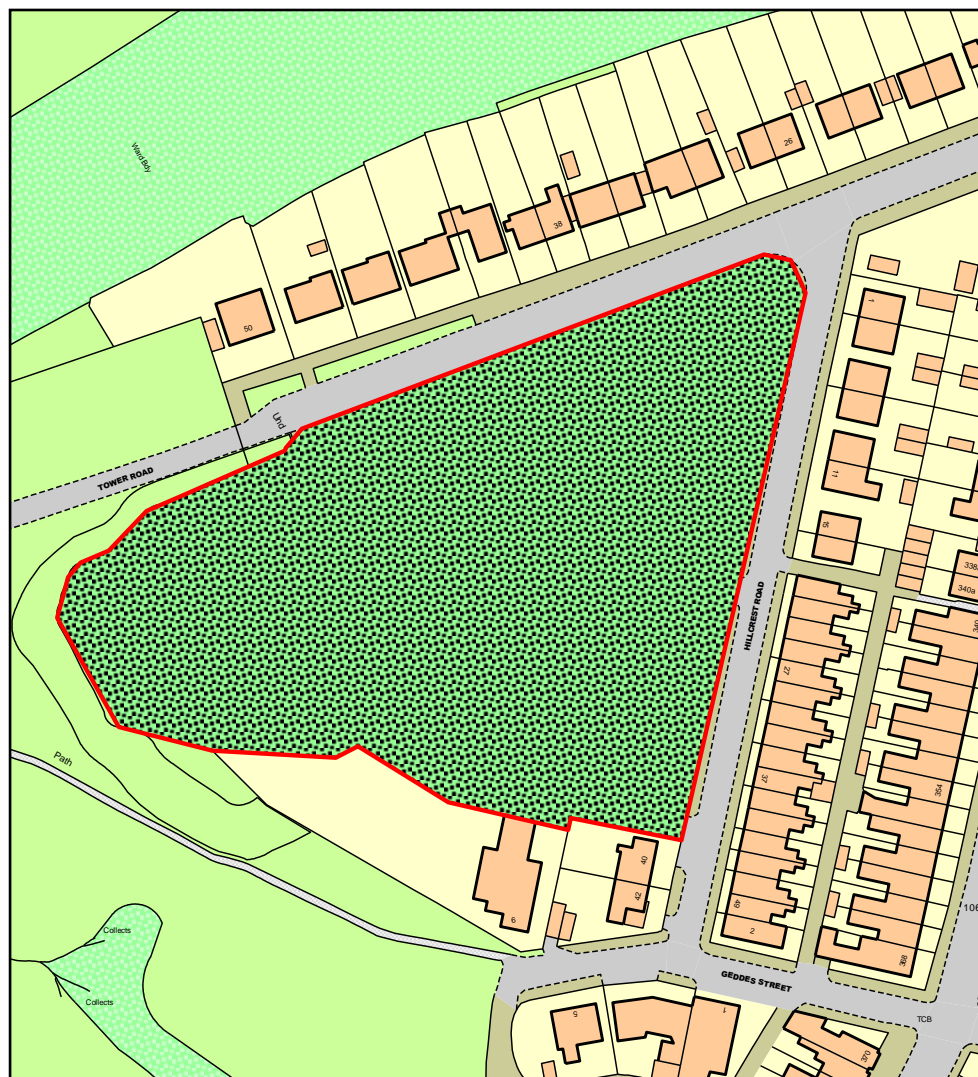
**Ward:** Livesey With Pleasington

**Councillor:** Derek Hardman

**Councillor:** John Pearson

**Councillor:** Paul Marrow

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## **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 proposal is in the form of a full planning application. Members are advised that outline planning permission was granted under a previous application in 2017. Although an application for Reserved Matters could be submitted subsequent to the granting of outline permission, the applicant pursued the alternative option of a full planning application, to enable a single process full assessment. Notwithstanding this, members are further advised that, as the outline permission is currently extant, a Reserved Matters application could also be advanced.
- 2.2 The assessment establishes that 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 delivery of a high quality development, consistent with the surrounding area, including a solution to the section of the site blighted by the redundant Home for Older Persons. It would also make an important contribution towards the Council's housing delivery target and it will add to the vitality of the local housing market. Moreover, from a technical point of view, all issues have been addressed through the application or are capable of being controlled or mitigated through planning conditions.
- 2.3 Approval of the application will allow positive progress to be made towards demolition of the redundant building. Development on the footprint of this building alone would not provide a viable scheme, prohibiting re-development and allowing the negative impact on the area to grow over time, as the building continues to deteriorate. It is, therefore, necessary to advance a high quality development on the whole of the proposed application site. Whilst an area of open space will be lost, this concern is robustly mitigated by two actions; the retention of a significant and enhanced area of open space and the provision of a commuted sum of £1000 per dwelling which will contribute towards enhanced open space and pathway improvements in the area of Pleasington Playing Fields / Witton Park, immediately adjacent to the site.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

- 3.1.1 The site is currently owned by Blackburn With Darwen Borough Council. It is one of the Council's surplus strategic land assets detailed for housing; in accordance with the strategic aims and objectives of the Council's Growth and Development Business Plan 2019 – 2023. Following a robust tender process,

the applicants, Applethwaite Ltd, were chosen the developer. Disposal of the land thereto, is agreed, should planning permission be granted

- 3.1.2 The application site is an irregular shape, with an area of circa 1.25 hectares; comprising c.0.35 hectares of brownfield land and c.0.90 hectares of open green space. It accommodates a redundant Home for Older Persons in the southerly corner. Land levels are relatively consistent throughout. The building and its associated parking and servicing area account for the aforementioned brownfield portion which is included on the Council's Brownfield Register. The remainder of the site is open space, of which approximately half is allocated as Green Infrastructure (GI) in the Local Plan Part 2 Site Allocations and Development Management Policies. This is primarily identified as the green space to the north of the redundant building, extending west to the access gates into Pleasington Playing Fields and returning in a south easterly direction back to towards the building. The open space to the west of the building extending up to the urban boundary is unallocated. The site features a number of trees, both within the confines of the redundant building and along the length of Tower Road. Access to into the development is proposed via Tower Road, at the northern boundary.
- 3.1.3 Spatially, the site lies within the outer extremities of Blackburn's urban boundary, circa 100m west of Preston Old Road, occupying a corner position at the junction of Tower Road (to the north) and Hillcrest Road (to the east). To the immediate south is housing and beyond is Geddes Street which adjoins Hillcrest Road. To the west is Witton Country Park which accommodates Pleasington Playing fields; an area which forms part of a Biological Heritage Site, within a much wider Green Belt allocation. No part of the application site lies within the Green Belt.
- 3.1.4 The surrounding area to the north, east and south is characterised as residential. Tower Road, along its length opposite the application site, hosts a range of detached a semi-detached family house types. Hillcrest Road opposite the application site hosts a mix of semi-detached and terraced house types.
- 3.1.5 The suburban location is generally regarded as very desirable, benefitting from its edge of Green Belt setting. It is a sustainable location for housing, with convenient access to a bus service along Preston Old Road, Cherry Tree Train Station and local convenience shops and is served by primary and secondary schools.

## **3.2 Proposed Development**

- 3.2.1 Full planning permission is sought for a residential development of 30no. dwellings (14no. 3 bed & 16no. 4 bed), including provision of drainage infrastructure, public open space and associated works together with public car parking area, together with demolition of existing buildings and associated works including ecological mitigation measures; as set out in the submitted drawings and supporting Planning Statement.

- 3.2.2 Submission of the application follows detailed pre-application advice offered to the applicants and their consultant, setting out relevant issues to be addressed. In the context of the aforementioned outline permission and having regard to the Development Plan, including the Council's strategic growth objectives and national planning policy, the proposal received a positive appraisal; notwithstanding the Council's current demonstrable five year housing supply figure of 9.9 years.
- 3.2.3 A community consultation exercise was also undertaken, under the applicant's initiative; details of which are set out in the submitted Statement of Community Consultation.

### **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

#### **3.3.4 Local Plan Part 2**

- Policy 1 – The Urban Boundary
- Policy 3 – The Green Belt
- 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

### **3.4 Other Material Planning Considerations**

3.4.1 Green Infrastructure Supplementary Planning Document.

3.4.2 Residential Design Guide Supplementary Planning Document.

3.4.3 Blackburn With Darwen Brownfield Land Register.

3.4.4 National Planning Policy Framework (The Framework)

Overall, The Framework aims to raise economic performance by ensuring the quantity, quality and mix of housing reflect that required, with an expectation to maintain a 5-year housing land supply. Quality design should be secured and environmental impacts minimised. Effective use of under-used or vacant land is also emphasised. Areas of The Framework especially relevant to the proposal are as follows:

- Delivering a sufficient supply of homes
- Building a strong, competitive economy
- Making effective use of land
- Achieving well-designed places
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment.

### **3.5 Assessment**

3.5.1 In assessing this full application there are a number of important material considerations that need to be taken into account, as follows:

- Principle of residential development and demolition;
- Amenity;
- Environment;
- Highways;
- Design;
- Green Infrastructure;
- Affordable housing.

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, Core Strategy Policies CS1, CS5, CS6, CS8 and CS19 and the Council's Brownfield Register.

3.5.3 The site lies within the defined Urban Boundary; in accordance with Core Strategy Policy CS1, and Local Plan Part 2 Policy 1, which set out the principle that the preferred location for new development will be within the

urban area. Proposed house types consist of an appropriate mix, in response to the defining character of the area, and in accordance with Core Strategy aims and objectives of delivering a wider choice of quality family homes.

3.5.4 The application site includes 0.90 hectares of GI and unallocated open space. 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 the GI and unallocated open space is appropriately assessed against paragraph 5, entitled "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 GI. Policy 9 does not, however, prohibit development in such circumstances, provided at least one the above criteria (i –iii) is achieved. As the proposal seeks to mitigate the partial loss of the GI / open space 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 wider green network, including enhancements to Witton Park.

- 3.5.7 The proposal is also recognised as retaining a significant proportion of open space at the corner of Tower Road and Hillcrest Road and along the length of Tower Road up to Pleasington Playing Fields gated entrance, including retention of the avenue of trees. The area will be subject to environmental improvements to enhance and sustain its community value as a quality open space, through provision of a comprehensive landscaping scheme, in the interests of visual amenity, public functionality and biodiversity. It should be acknowledged that approximately 35% (4440sqm) of the application site will remain open and accessible to the public, taking into account a combination of footways, roads, public parking areas and open land.
- 3.5.8 The benefits of Witton Park should also be recognised as mitigating against the partial loss of the GI / open space and, accordingly, is afforded weight in this assessment. The park is a vast expanse of public open space and woodland, access to which is immediately adjacent to the application site, offering a range of recreational opportunity to the local community and beyond.
- 3.5.9 The principle of redeveloping the redundant building and its associated curtilage as a brownfield site is accepted, in accordance with its inclusion on the Council's Brownfield Register; subject to appropriate consideration of ecological issues associated with the established presence of bat roosts within the building and impact on wider ecological habitat within the application site. It is accepted by the Council's ecologist that appropriate mitigation and enhancement is offered to ensure that demolition of the building is acceptable. A detailed assessment with regard to ecological impact and biodiversity measures is presented at paragraph 3.5.25 of this report.
- 3.5.10 The submitted Ecological, Bat and Tree Reports have been reviewed by the Council's ecology consultee. They acknowledge that the removal of the building and trees adjacent to it will result in some loss of bat habitat and that a net loss of biodiversity may well occur. It is, however, considered that the loss can be sufficiently mitigated through introduction of alternative bat roosts incorporated into the design of proposed new dwellings, installation of bat boxes on trees prior to demolition of the building, through the minimised loss of existing trees / vegetation and a robust landscaping strategy. Incorporation of proposed protection measures for trees to be retained should also be adhered to throughout on site operations. In this context, permission previously granted for the demolition of the Home for Older People and erection of a bat house to mitigate the loss of bat habitat (ref. 10/14/1329), should be acknowledged. The bat house is, however, no longer required due to the design features to be incorporated within the new residential scheme, to provide an alternative habitat.
- 3.5.11 A developer affordable housing financial contribution will apply to the development. Payment will be secured through a Section 106 Agreement; details of which are set out at paragraph 4.1.
- 3.5.12 Recognition of the Council's current five year housing supply position should be included in the assessment. When the aforementioned (extant) outline

permission was granted, the Council was unable to demonstrate a five year supply. At the time the figure stood at 3.6 years. The current five year housing supply figure stands at 9.9 years; as published June 2019 in the Council's Five year housing supply statement. Notwithstanding this current position, the principle of the proposal is considered compliant with the Development Plan and The Framework. Moreover, very significant weight is attached to the extant outline permission, which may be advanced regardless of this current assessment.

3.5.13 In the absence of any significant and demonstrable adverse impacts of the development, in the context of demolition of the building on protected species, the financial contribution towards affordable housing and GI, the sustainable location of the site, and fall-back position of the outline permission, the principle of the proposal is accepted as compliant with the Development Plan and The Framework.

#### 3.5.14 Amenity

Policy 8 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.

3.5.15 The submitted site layout includes 30no. dwellings with associated curtilage, internal highway infrastructure, a communal car parking area and public open space. No discernible increase in existing land levels is proposed. The layout demonstrates compliance with the Council's adopted separation standards, as set out in the Residential Design Guide SPD, with regard to interface between proposed habitable rooms within the application site and between those outside of the application site, along Tower Road and Hillcrest Road. Appropriate separation is also achieved between habitable rooms and blank elevations.

3.5.16 Of the existing dwellings adjacent to the application site, the relationship between 6 Geddes Street and plot no. 14 requires specific attention. The dwelling proposed at plot 14 will project forward of the rear elevation of no. 6 by circa 6m. Application of the 45 degree criterion, as set out in the Council's Residential Design Guide SPD, indicates a mutually acceptable relationship, with regard to safeguarding light levels into the adjacent rear room of the single storey element at no. 6, which the householder has confirmed is in use as a domestic gym. Appropriate separation from the common boundary guards against any sense of dominance towards the extensive rear garden space of no. 6, and the absence of primary windows in the side elevation of either property ensures no loss of privacy to internal living space.

3.5.17 Mutual privacy levels are also achieved to outdoor garden space, notwithstanding the modest elevated level of plot no.14. The rear garden space of plot no.14 will be positioned adjacent to the less sensitive front garden of no. 6, which is currently used for the purpose of off street parking, including siting of a caravan. The less sensitive front garden to plot no. 14 will be positioned circa 1.5m from the common boundary adjacent to a small section of no. 6's rear garden. This converse garden relationship between the



two properties is not considered to result in excessive loss of privacy. A proposed 1.8m high fence along the common boundary will further safeguard privacy levels for occupants of no. 6.

3.5.18 Each of the proposed dwellings will be served by good sized plots, with appropriately orientated rear gardens; ensuring ample private space to service the needs of householders.

3.5.19 A Phase 1 and 2 Contaminated Land Report has been submitted and reviewed by the Council's Public protection consultee. The undeveloped part of the site is accepted as free from any form of contamination and need not be subject to further investigation. It is mutually agreed that the area occupied by the Home for Older persons, subject demolition works, requires further intrusive investigation to inform the need or otherwise for remediation. These works will be secured by condition.

3.5.20 A Coal Mining Activity Report and subsequent intrusive ground investigation has been reviewed by the Coal Authority, in view of historic coal mining activity within the site. As the investigations do not identify any threat to the development from coal mining activity, no objection is offered.

3.5.21 Electric vehicle charging points are to be provided for each property, in accordance with a submitted scheme. Control of boiler emissions will be secured by condition. These measures will contribute towards mitigation of air quality impact; in accordance with the Council's adopted *Air Quality Planning Advice Note*.

3.5.22 A degree of disturbance during construction phase of the development is recognised as inevitable. Such disturbance is, however, temporary and considered acceptable, subject to application of a condition limiting hours of construction, and for works to be undertaken in accordance with a submitted Demolition / Construction Method Statement, in order to secure appropriate noise and vibration protection during construction works.

3.5.23 Accordingly, the development is considered compliant with safeguarding amenity objectives of the Development Plan and The Framework.

#### 3.5.24 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.

#### 3.5.25 Drainage

A drainage strategy has been submitted and reviewed by United Utilities and the Council's Drainage consultee. Percolation tests within the site have established that on-site surface water soakaway would not be feasible. A proposal to install a cellular storage system and a hydrobrake which limits surface water run off to acceptable discharge rates into a culverted water course, within Council owned land off Tower Road, is considered by the

consultees to be an acceptable alternative. Implementation of the approved strategy will be secured by condition. A future maintenance and management scheme for the implemented drainage measures will be secured by condition.

#### 3.5.26 Ecology

An Ecological Report and a Bat Survey, including a series of Emergence Survey's, the latest series of which were undertaken in July and August 2018. Information has been reviewed by the Council's Ecology consultee (GMEU). The bat surveys confirm that the redundant building is used by a small number of roosting bats; a maximum of two common Pipistrelles and one Brown Long-Eared. It is recommended that mitigation and compensation measures, as identified in the Ecology Survey Report (2017), be adopted and implemented; ensuring harm to bats will be avoided and their conservation status unaffected. Such measures will be secured by condition.

3.5.27 In terms of general habitat, the site is considered relatively species-poor grassland of limited conservation value. Introduction of a submitted and comprehensive landscape strategy is considered to ensure sufficient compensation for loss of open green space and to achieve acceptable biodiversity gain. Adjacency to Pleasington Playing Fields / Witton Country Park and its associated ecological and biodiversity benefits should also be recognised. Implementation of the landscaping scheme will be secured by condition.

3.5.28 Protection of nesting birds will also be secured by condition, by means of restricting works to trees and vegetation to outside the optimum period for bird nesting; between March and August.

3.5.29 An invasive plant species remediation method statement should also be secured by condition.

#### 3.5.30 Trees

No protected trees are present either within the site or immediately adjacent thereto. A number of trees are, however, proposed to be removed; as identified in the submitted Arboricultural Impact Assessment. The majority are within or adjacent to the area of demolition. No objection is offered as to the removal of these trees, on account of the aforementioned landscape strategy which includes compensatory replanting through the site. Existing trees along Tower Road and the southern and western boundary of the site are to be retained.

3.5.31 In the context of an ecological assessment of the site and in accordance with the EU Habitats Directive, an *Appropriate Assessment*, as set out in National Planning Policy Guidance (updated 22<sup>nd</sup> July 2019), as to the impact of the development on habitat and species, is not considered necessary, on account of such assessment relating only to impacts on *Special Areas of Conservation, Sites of Community Importance, Special Protection Areas and any relevant Marine Sites and the impact of relevant species or habitats which form their component part for which designation is made*. The application site is not within any of the impact zones for these protected sites, as identified by

Natural England. This position is confirmed by the Council's ecology consultee.

3.5.32 Accordingly, the development is considered compliant with the environmental objectives of the Development Plan and The Framework.

3.5.33 Highways / Accessibility / Transport

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.

3.5.34 No objection to the proposal is offered from a highway safety and efficiency perspective, following review of the submitted layout, house types and a Transport Statement by the Council's highways consultee. The layout demonstrates appropriate off-street parking for each of the properties, through provision of a mix of garage and driveways; broadly in accordance with the Council's adopted standards.

3.5.35 The Transport Statement does not highlight any significant impact on the existing highway network. Works to existing infrastructure is accepted as unnecessary to support the development. Access into the site will be taken from Tower Road, to the north. Private drives will be accessed from the new internal road for 24no. of the dwellings. Hillcrest Road will serve as access for 6no. of the dwellings. Access / egress arrangements throughout the site are acceptable; subject to achieving continued visibility splays and sight lines.

3.5.36 Pre-application community consultation highlighted pre-existing parking issues, particularly along Hillcrest Road, as a consequence of displaced parking following introduction of a Traffic Regulation Order (TRO) limiting on street parking along Preston Old Road, to the east of the application site, and commercial uses in the vicinity. In support of resident's concerns and to help alleviate on street parking demand, a 15 space car park is offered, within the south east corner of the site. The car park will be fully marked out and surfaced, in accordance with submitted detail, and will be available for use by the community. No limitations to its use will be applied, though provision of signage advertising its availability will be considered; independent from the planning process. The car park will be gifted to the Council by the developer upon completion of the development and is a welcomed inclusion, as a concession to local residents concerns. Members are, however, advised that the car park is not a policy requirement to make the development acceptable in planning terms, nor is it incumbent upon the developer to address pre-existing parking issues in the area, including those that may arise during occasional large scale events hosted in Witton Park which are licensed up to a maximum of six per year. Planning policy, in the context of off street parking, is limited to provision for each of the proposed dwellings; in accordance with adopted standards. Consideration beyond this principle is not justified in the assessment of this application. Regardless, the proposal clearly demonstrates an overall net gain in parking provision for the existing community.

- 3.5.37 The Transport Statement sets out a proposed TRO for double yellow lines along Hillcrest Road. The proposal is not, however, supported as this will result in the loss of the existing on-street provision, having regard to the accepted parking issues in the area and the risk of negating the purpose of the proposed off street car park. On street parking availability along Hillcrest Road will, therefore, be retained, with the exception of the points of access into private driveways.
- 3.5.38 In response to community concerns, the existing footpath incorporated along the public open space adjacent to Tower Road, will be extended up to the entrance to Pleasington Playing Fields. Funding for additional footpath provision could potentially be explored, to extend the path to facilitate safe entry around the gated entrance.
- 3.5.39 Implementation of a submitted Demolition / Construction Method Statement will be secured by condition, in order to safeguard highway safety and efficiency, and to protect existing residential amenity.
- 3.5.40 Conditions to require full specification of the proposed highway infrastructure will be also be secured by condition.
- 3.5.41 Accordingly, the development is considered compliant with the highway objectives of the Development Plan and The Framework.
- 3.5.42 Design / Character and Appearance  
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.
- 3.5.43 Layout of the development responds appropriately to the shape of the site and surrounding constraints. A number of dwellings will be outward facing along parts of Tower Road and Hillcrest Road, orientated in such a way as to retain the existing boundary of the site and continue the areas urban grain. This ensures that views into the site are maximised by maintaining a suitable highway frontage. Orientation also maximises sunlight into rear gardens for the benefit of future householders. Overall, the dwellings present an appropriate mix of detached and semi-detached types, at a scale proportionate to individual plot sizes and in response to properties in the immediate vicinity, which include detached, semi-detached and terraced.
- 3.5.44 In response to community concerns around the loss of publicly accessible open space, the layout incorporates a significant amount of compensatory open space, primarily positioned at the corner of Tower Road and Hillcrest Road but also running much of the length of the Tower Road frontage, up to the gated entrance into Pleasington Playing Fields. As well as providing a functional public area, it also serves to soften the appearance of the development on approach along Tower Road from the west, particularly in response to the sites position as an urban to rural transition. A robust planting scheme is proposed for this open space and throughout the site, including private gardens which, together with retention of many existing trees along the

perimeter of the site, will ensure a visually sensitive development and one that will offer adequate levels of ecological and biodiversity mitigation. Appropriate hard landscaping will be provided throughout.

3.5.45 Proposed house types are commensurate in scale with the surrounding typology. 6no. types are proposed, comprising 14no. 3 bed and 16no. 4 bed. 24no. will be detached and 6no. will be semi-detached. The houses are considered to constitute good design, through use of appropriate roof form, elevational detail, proportionate fenestration and walling / roofing materials that respond well to the immediate surroundings. Materials will be secured by condition, in accordance with details already submitted.

3.5.46 Robust boundary treatments will feature across the site, including 1.8m high brick walls fronting public areas and 1.8m high timber panelled fencing between plots. The communal car park will be enclosed by means of a 2.1m high timber panelled fence.

3.5.47 Accordingly the development is considered compliant with the design objectives of the Development Plan and The Framework.

#### 3.5.48 Financial Contributions

An off-site affordable housing contribution of £255,000 (£12,500 per dwelling) is agreed with the developer. The payment includes a discount under the Vacant Building Credit allowance; as set out in The Framework. Discount is applied on account of the area occupied by the building to be demolished, which is the equivalent of approximately 10 dwellings.

3.5.49 A Green Infrastructure contribution of £30,000 is also agreed with the developer. This will provide enhanced GI within Witton Park / Pleasington Playing Fields.

3.5.50 Contributions will be secured by means of a Section 106 Agreement.

#### 3.5.51 Summary

This report assesses the full planning application for the residential development of land at Tower Road, Blackburn. In considering the proposal, a wide range of material considerations have been taken into account to inform a balanced recommendation that is considered to demonstrate compliance with the aims and objectives of the Local Development Plan and The Framework.

3.5.52 The following non-material issues have been raised in public representations received during the course of the application. As non-material issues, they are not afforded weight in the assessment of the application:

- Imposition of a timescale upon the developer for completion, with applicable penalties for non-compliance.
- Imposition of a condition to control future use of the open space within the development, to ensure it remains as such. This is not considered reasonable or necessary to the acceptability of the development. If plans are approved, any future unauthorised development (including use) of the

open space can be controlled under enforcement provisions of the Town and Country Planning Act 1990.

## **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 £285,000; broken down as follows:

- £1000 per unit towards Green Infrastructure in the area (details of where to be spent to be confirmed) and
- £12,500 per unit, inclusive of Vacant Building Credit, equivalent to approximately 10 units, towards provision of affordable housing in the borough.

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

(ii) Delegated authority is given to the Director for Growth and Development to approve planning permission, subject to conditions which relate to the following matters:

- Commence within 3 years
- Implementation of approved external walling and roofing materials
- Implementation of approved boundary treatments
- Implementation of Arboricultural Method Statement, including tree protection measures
- Implementation of approved (hard and soft) landscaping and biodiversity strategy
- Implementation of approved mitigation and compensation measures; as set out in the submitted Ecology Survey Report (Oct 2017)
- Submission of a Control / Eradication Method Statement for management of invasive, non-native species
- No tree felling or vegetation clearance between March and August, unless the absence of nesting birds has been established
- Foul and surface water to be drained on separate systems
- Implementation of the approved drainage strategy
- Submission of a drainage maintenance and management strategy
- 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
- Implementation of approved Demolition / 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 intrusive site investigations for area subject to demolition works
- Contaminated land – submission of validation report demonstrating effective remediation to affected areas
- Unexpected contamination
- Implementation of approved dedicated electric motor vehicle charging points
- Control of boiler emissions
- 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
- Development in accordance with submitted details / drawing nos.

## **5.0 PLANNING HISTORY**

### **5.1** The following planning applications relate to the application site:

10/01/0741 - Feniscliffe Bank Home for Older Persons: Planning permission for new car park (430 sqm), conservatory (75 sqm) and renewal of existing steel fire escape. Approved by Planning & Highways Committee.

10/14/1329 - Feniscliffe Bank Home for Older Persons: Planning permission for demolition of building and construction of masonry bat house to mitigate for loss of habitat for roosting bats. Approved by Planning & Highways Committee.

Note: Could not be implemented, as a licence from Natural England could not be granted without approval of a detailed application to redevelop the area.

10/17/1378 - Land at Tower Road: Outline planning permission for up to 30no. dwellings and demolition of redundant building. Approved by Planning & Highways Committee.

## **6.0 CONSULTATIONS**

### **6.1** Drainage Section

No objection subject to the following condition:

- Submission of maintenance and management strategy
- Submission of a surface water construction phase management plan

### **6.2** United Utilities

No objection subject to the following condition:

- Implementation of approved drainage strategy

### **6.4** Education Section

No response offered.

### **6.5** Environmental Services

No objection.

6.6 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.

*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.

6.7 Highways Authority

No objection subject to the following conditions:

- Implementation of Demolition / Construction Traffic Management Statement
- Submission of proposed highway infrastructure technical details
- Submission of management and maintenance details for proposed highway infrastructure
- No obstruction to visibility splays

6.8 Ecology

No objection subject to the following conditions:

- Implementation of the recommendations of the Ecology and Bat Survey's, to secure mitigation / compensation for habitat
- Implementation of approved landscape strategy
- No works to trees / vegetation during bird nesting season
- Submission of invasive species treatment strategy

6.9 Strategic Housing

No objection – support offered for good quality homes with an appropriate mix of house types etc, subject to affordable housing contribution.

6.10 Coal Authority

No objection following review of detailed intrusive site investigation report.

6.11 Lancashire Police

No objection whilst referencing Secured By Design Homes 2019 document.

6.12 Lancashire Fire Service

No objection whilst referencing access for fire appliances and water supplies for fire fighting purposes and Building Regulations requirements.

- 6.13 Public consultation has taken place, with 208 letters posted to neighbouring addresses; a press notice published 26<sup>th</sup> July 2019; and display of three site notices on 18<sup>th</sup> July 2019. In response, 15 objections and 2 general comments were received which are shown within the summary below.



**7.0 CONTACT OFFICER: Nick Blackledge, Planner - Development Management.**

**8.0 DATE PREPARED: 4<sup>th</sup> September 2019.**

**9.0 SUMMARY OF REPRESENTATIONS**

**Comment - Loran Moriarty, 27 Hillcrest Rd - Rec 02.09.19**

I was away at the time of writing and sending this email (below, dated 14.8.19), so didn't have access to the posters on Tower Road and Hillcrest Road (which have your name on). The Planning Application page on the council's website also didn't list any details for you for submitting responses (I checked every document) and the only council name was Nick Blackledge.

Anyway, I'd hoped that it would get passed on to the relevant person (in this case you) as it was sent within the time frame for responses, and referenced the planning application reference in the email title.

Please could you confirm that someone did forward it to you, and if they didn't, please can you accept this email as my official submission (which was submitted to the planning department in time, just not sent directly to you).

It's not a major objection anyway as you can see from the text below, and all things that the developers can hopefully take on board to make the development as environmentally and ecologically sound and thoughtful as it can and should be in this day and age.

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**Comment - Loran Moriarty, 27 Hillcrest Rd - Rec 02.09.19**

Just a quick follow up:

Here is some information regarding ensuring the protection of Hedgehogs during construction. As you can imagine, being right next to the park, the site is currently used very frequently by hedgehogs (there might even be some hedgehog holes alongside the steel post and rail fence that runs the length of the retirement home boundary), and PTES have produced the attached document to ensure developers are aware of their duties and allow for proper mitigation to ensure best practise. I would forward it to the developer, but I don't think they'd reply.

Kind regards,

## **Development threats to hedgehogs**

If you are concerned about a proposed development which will have an impact on your local hedgehog population, this page provides some guidance on how to influence developers and the planning authority to achieve a good outcome.

Hedgehogs themselves are partially protected from being taken or killed under Schedule 6 of the Wildlife and Countryside Act 1981, but there is no particular legal protection for their habitat. Consequently, arguments have to be presented to encourage sensitive development if there is a good population of hedgehogs on a proposed development site rather than opposing the development entirely.

### **Pre-application: Engaging with developer**

If you are aware that a site has been earmarked for development but has not yet been formally submitted through the planning process, it is possible to contact the developer and make suggestions as to how the plans could be inclusive of the hedgehogs on site. Under the Localism Act 2011 there is a requirement for developers to carry out a pre-application consultation with local residents, so this could be an appropriate channel. Otherwise, the developer is likely to have contact details available on their website.

As the presence of hedgehogs alone will not be sufficient to prevent a successful planning application, it is better to convince the developer to make hedgehog-friendly modifications to their plans than to fight a losing battle against the development as a whole. These could include:

- Putting holes at suitable points in all new fences and walls to provide access for hedgehogs to all areas of the site
- Planting of native hedgerows across the development
- Providing log piles to increase nesting options for the hedgehogs
- Building a pond (with shallow sides for access) to provide water supply and insect food sources
- If the development includes communal areas, implementing a sensitive post-development management plan, such as carefully monitoring the use of garden machinery (such as strimmers) which can be lethal to hedgehogs and reducing chemical inputs

Some of the above will be of great amenity value to new residents or office workers, as will the continued presence of hedgehogs on the site. It is important to stress this point, as many developers will understandably be more interested in the benefits to the overall value of their development than implementing any strategies purely for hedgehog conservation. Many developers will also be keen to foster good relations with the existing local community, and so helping a treasured resident population of hedgehogs is a relatively easy way for them to achieve this.

### **Post-application: Engaging with local planning authority**

If a planning application has been submitted, the local planning authority will welcome representations from local residents and interested parties regarding the proposals. Similar arguments to the pre-application technique can be used to persuade the planning authority to

encourage the developer to make adjustments to their proposal. This process is carried out through local planning portals, where documents relating to each individual planning application are made publicly available.

To find your local planning authority and the application in question:

[http://www.planningportal.gov.uk/wps/portal/genpub\\_LocalInformation](http://www.planningportal.gov.uk/wps/portal/genpub_LocalInformation)

If you already know your local planning authority and the application reference number, a web search will bring you to the relevant planning portal page.

Planning authorities should take the following into account when making decisions and it is worth reminding them of these obligations in any representations regarding the application, pointing out that hedgehogs are in decline and that providing a coherent network for them can aid population recovery:

#### **UK Biodiversity Action Plan (BAP) Priority Species**

Hedgehogs are listed as a UK priority species due to their continued population decline. Although the BAP scheme has been replaced by the UK Post-2010 Biodiversity Framework, the priority list is still used to inform wildlife priorities at various levels of governance across the UK and provide advice on good management practice. This does not, however, amount to legal protection.

**The Natural Environment and Rural Communities Act (NERC Act) 2006** contains a statutory duty:

*“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”*

#### **National Planning Policy Framework 2012**

##### **11. Conserving and enhancing the natural environment**

*109 - The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*

#### **Bern Convention on the Conservation of European Wildlife and Natural Habitats**

Hedgehogs are listed in Appendix III of the Bern Convention (to which the UK is a signatory). This agreement recognised that *“wild flora and fauna constitute a natural heritage of aesthetic, scientific, cultural, recreational, economic and intrinsic value that needs to be preserved and handed on to future generations.”*

#### **Wild Mammals Protection Act 1996**

Prohibits cruel activities

### **Other recommendations:**

**Contact your local Wildlife Trust:** Many Wildlife Trusts around the UK have dedicated planning officers or knowledge bases and it is possible that they have already engaged with the development site that near you and potentially already visited the site. They can also provide advice on mitigation for hedgehogs and other species at the site.

**Contact Natural England:** they manage the licence and mitigation process for species, although hedgehogs are only partially protected they will be able to provide some advice. The new [Gov.uk](https://www.gov.uk) website is not particularly user friendly but there are contact details for the licensing department of Natural England at the bottom of this webpage <https://www.gov.uk/construction-near-protected-areas-and-wildlife> - they may also be able to give advice on whether a licence has been issued for this site and the mitigation that has been agreed with the people carrying out the works.

**Visit the PTES website:** we have compiled various recommendations and advice on our own website for you to use, so please access that here: <https://ptes.org/planning-development-biodiversity/>

### **Responding to individual Applications:**

Hedgehog Street do not normally respond to individual applications as we prefer to focus our efforts in ensuring that housing developers mitigate for hedgehogs in any development work that they do. This is because hedgehogs are only partially protected, objections along those lines are often disregarded.

However, we can provide a quote from Hedgehog Street that you can include in your own response to the application, where we can outline our strong concerns around hedgehog declines in the UK and that new housing developments put these at risk. We can also suggest various mitigation practises that can be adopted during development to ensure minimal disturbance or hedgehog-friendly features are included in the design of the new housing etc.

#### **Quotation:**

*"Hedgehog numbers are rapidly declining nationally – with a third of the hedgehog population having been lost since the millennium – we aim to engage people in wildlife conservation as well as encouraging developers to help our prickly friends who are at risk from habitat disturbance or destruction.*

*Hedgehogs have been seen in the area of this development and are likely to be feeding and nesting in or around the development site. As they are at BAP (Biodiversity Action Plan) priority species and partially legally protected, we would like to suggest that you take certain steps to mitigate for these animals in your development work:*

- *Ensure adequate ecological surveys are undertaken to survey for hedgehogs in the area*
- *Mitigation should always seek to avoid direct mortality to the animals and disturbance of hibernating or breeding animals.*

- Works taking place during October to March should be carefully undertaken to avoid injuring hibernating animals by undertaking works in suitable habitat slowly, being particularly careful when using machinery within a foot of ground level or when removing brash/log piles.
- Additionally, mitigation should seek to reduce any potential fragmentation of habitats though the introduction of physical barriers to dispersal such as hardstanding, fences and artificial lighting. Modern fencing systems that extend to ground level, particularly those with concrete gravel boards, are impermeable to hedgehogs. Where feasible, fencing should be created without the use of concrete gravel boards. A 13 x 13cm gap in gravel boards or at the bottom of the fence allows hedgehogs to pass through. Hedges or hedgerows are preferable to fences to define property boundaries.
- Please avoid using fence netting unless 13cm off of the ground as this may cause entanglement and painful death for the hedgehog
- Piles of dead wood and brash piles can be provided to mitigate for the removal of suitable nesting sites. Scrub patches (particularly brambles) that provide suitable hibernation nesting habitat are thought to be a limiting resource for hedgehogs and small patches of this habitat may be used by many animals. Therefore, where an area of scrub is lost, efforts should be made to replant areas with scrubby native hedgerow species such as bramble and hawthorn.
- Management and maintenance practices should take into account the presence/potential presence of hedgehogs and leave leaf litter in place or in piles as well as leaving log or brash piles. Where possible, in any development the total area of hard standing should be minimised in favour of grassland or permeable 'living driveways'.

*Hedgehogs travel around one mile every night through parks and gardens in their quest to find enough food, nest sites and a mate. We suggest that for any new housing developments, Hedgehog 'highways' are cut in the garden fences of new homes to improve connectivity throughout the development and help protect this endangered species. Examples of this have been seen across numerous UK developers in the media, including [Barratt Homes/David Wilson Homes](#), [Russell Armer Homes](#), [Redrow Homes](#) and [Morris Homes](#) to name a few. If you are interesting in joining these and introducing simple solutions like 'Hedgehog Highways' into your developments please contact [hedgehog@ptes.org](mailto:hedgehog@ptes.org) and we can work together to bring these animals back from the brink."*

**- Emily Wilson, Hedgehog Officer at Hedgehog Street** (a joint campaign from the People's Trust for Endangered Species and the British Hedgehog Preservation Society).

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#### **Comment - Loran Moriarty, 27 Hillcrest Rd – Rec 14.08.19**

I'm just writing to submit my comments regarding the proposed development off Tower Road and Hillcrest Road.

I live at 27 Hillcrest Road, so am directly affected by the development.

Overall, I think the plans are acceptable: given the fact that we knew houses were always going to be built, and at least some of the green has been retained. Ideally, more of it would have been retained: for example, if the four houses opposite 15 and 17 Hillcrest Road were omitted from the plan, it would create a much bigger space for the green. I'm well aware that this is unlikely, but it would be ideal from a personal perspective too, as I currently have a lovely view of Billinge Woods, which improved my mood significantly (having had mental health issues in the past).



From a selfish perspective, based on the proposed plan as it stands at present, there is a gap between the two houses proposed to be opposite me, so that's some recompense, as it will increase the light and sightlines from my location.

With regards to the house designs: I feel they pay very little heed to the existing architectural vernacular of the houses on Hillcrest Road or Tower Road. I live at 27 and the style opposite me is to be the Newton. Some of the upper bedroom windows are tiny: the windows on the houses currently on Hillcrest Road are huge, and hugely beneficial for letting light in. There's an obvious style to Victorian and Edwardian houses and simple geometric rules to follow.

Additionally, I'd be suggesting smooth red brick rather than the Tuscan Red Multi: the smooth red is a much closer match to the old engineering brick of all the surrounding houses: the Tuscan Red Multi just isn't sympathetic, and just shows a lack of consideration of the existing architecture. This is surely a simple tweak.

If the houses could mirror the existing, the development would sit much better from an aesthetic perspective.

I also wanted to ensure that there would be a minimum space of 21metres between my windows and the windows of the new houses, as recommended in BwD's Residential Design Guide Supplementary Planning Document RES 2G (attached).

I like the fact that the houses on Hillcrest Road have drives - this all helps my case for privacy (the retirement home is presently way back from my house which suits me fine). The fact that there will be double yellow lines is of some concern as at present, the road is constantly double parked. I appreciate that a car park is being provided, but I wondered whether a permit scheme should be implemented to ensure it is (existing) residents and their families who can actually park there.

With regards to the planting plan, I was pleasantly surprised. I'm very encouraged to see trees planted in all of the gardens of the proposed houses, and most (if not all native) provide significant wildlife value, which will encourage biodiversity.

The plan for the green (which I presume won't have been popular with many residents) is also a positive step (apart from it being much smaller than it is at the minute) - I'm happy to see wildflower meadows amidst the amenity grass, and again, the trees will provide an interesting feature and provide for wildlife. However, wildflower meadows require a well thought out management regime to allow them to flourish - this information is readily available, but does need to be adhered to to ensure success.

On the subject of wildlife, a large number of hedgehogs (really) use the existing site. Given their precipitous decline, it would be nice (or good if it could be enforced?) if the new fences had hedgehog holes incorporated: these need only be very small (13cm x 13cm) and allow for hedgehogs to traverse from garden to garden - being right next to the park (where there's a sizeable population) I feel this could be a valuable addition to the site, and a serious consideration at little to no additional cost, but with the potential for enhancing the biodiversity of the site and helping maintain their numbers and keep them safe from the new roads that will traverse the site.

Likewise, a number of swifts and housemartins nest on Hillcrest Road: there's a huge array of specifically designed brick nest products that allow for them to nest in new houses: swift bricks are something that are being increasingly utilised, and I feel that given the significant decline in swift numbers, and the presence of a summer population (breeding) that this is something that should be given serious consideration, given the location. This is something the RSPB are currently advising

developers to commit to, and we all have a commitment to ensuring that any development is beneficial to wildlife (especially with the ecological crisis and climate crisis high on the political agenda and popular consensus).

<https://www.telegraph.co.uk/news/2019/05/09/rspb-asks-government-ensure-developers-build-bird-boxes-new/>

I feel it's worth highlighting (as I have several times to the council) that traffic calming measures of some form (average speed cameras?) should be utilised on Tower Road, and potentially Hillcrest. Vehicles often race in the park, and out of it, and it's not unusual to see vehicles in the park in excess of 60mph (including overtaking in a racing style). The recent accidental demolition of the park gate posts and near fatal accident is further proof that this is a real problem. Considering there was an event on with thousands of young people entering and exiting the park that day, it's a miracle that no one other than the drivers were hurt. I appreciate due to hearses that speed bumps are impractical, but perhaps a chevron system?

I'd appreciate it if you could confirm receipt of this email, and if you could genuinely impress on the developers the small but significant issues I've highlighted here.

I've tried to keep it as positive as possible, as I'm sure you'll have received a great deal of objections, and whilst I'd obviously love the retirement home to be knocked down and left as a meadow with views out to Hoghton Tower (and a potentially exponential increase in the value of my house), I also live in the real world. That's why if these small features to help wildlife, and small elements of architectural detailing could be genuinely looked into I'd be happy and feel that this was a genuinely democratic process. It could also just be a good news story for the council/ Applethwaite. The media likes a developer to look like a good guy and I'm sure the developer would too.

Kind regards,

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**Comment – Keith Murray, 34 Gib Lane – Rec 16.08.19**

This scheme will increase the demand for parking by removing almost all the spaces now used on the west of Hillcrest Road, the additional 15 residential spaces are not sufficient for the demand. To alleviate this problem it is recommended that on street parking is permitted on the north side of Blackburn Road similar to that at Witton with provision for parking on the pavement. There is more road width here than when the bus lane was in place at Witton and such a provision would be appropriate.

The scheme proposed requires 10 mature trees to be removed, altering the character of the area and removing habitat for local wildlife, does the council no longer consider mature trees to be a local amenity, particularly as the felling of a single mature tree has in the past been considered sufficient to turn down a planning application.

Please confirm that the minimum separation distance of 21 metres between facing windows is achieved throughout the proposed scheme and that garages and parking spaces comply with the space standards specified by the Council.

The original application for this site stalled when it was realised that permission required special approval to protect the resident bats.

In 2016 onwards it was proposed to demolish Fenisccliffe Bank Home for the Elderly and Council budget of £80,000 was allocated to cover demolition. In 2017 this was reallocated for demolition at



Tower View Darwen and the scheme for Feniscliffe Bank reemerged as a much wider scheme 10/17/1378 including the rest of the land up to Tower Road and the public open space.

The scheme is not required for the Local Plan and is just a means of gaining income for the Council to spend on other priorities by land grabbing from the Leisure and Culture portfolio which also loses some of its assets due to the reduction in open space.

There were objections raised by local residents but outline planning was pushed through regardless and approved 23/2/2018 another demonstration of an uncaring council not listening to local residents, I doubt if this scheme would have progressed in a Labour dominated ward.

There is similar open space in Roe Lee Park along Emerald Avenue, ideally placed for similar or much larger development without the significant impact on local residents, will this similarly be considered as a development potential? Development here would also overcome the sporadic occupation by travelers and reduce grass cutting.

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Dear Sir

8<sup>th</sup> Aug 19.

I write as a resident of Tower Rd.  
& wish to make you aware of our concerns  
regarding future building plans on the green  
adjoining our premises.

The proposed double yellow lines for Hillcrest Rd  
& Tower Rd will add to difficulty in parking  
on this busy road.

Funerals - daily to the crematorium could  
be delayed causing distress to all.

Leisure activities already mentioned  
previously will be affected by the plans  
for Whitten Park becoming an Events Venue.  
Parking will now be greatly affected as  
the use of the entrance to Pleasing fields  
is a major part of these events.

A recent accident on Saturday 27<sup>th</sup> July  
at 9.30 pm in the middle of an event  
caused major disruption - the gatepost &  
wall being demolished and no  
access of exit by vehicles being possible.

This matter needs attention as it is evident  
that safety matters have not been  
fully addressed.

Yours sincerely

I would like to raise two objections to the planning application at the Land South of Tower Road and West of Hillcrest Road.

The objections/comments are as follows:

### **Parking constraints**

The development has considered the loss of parking by allocating a car parking for what appears to be 14-16 cars. The average number of cars parked on Hillcrest is over 21 and as such this space will not sufficiently support the demand for parking in the area. There are no measures detailed to explain how parking will be allocated and as such this space could simply be used by visitors to the local businesses in the area or local businesses themselves. There is no guarantee it will alleviate pressure for local residents affected by the development.

The increased number of events at Witton Park and Pleasington Playing fields, and the introduction of car parking fees at Witton Park entrance has led to an increase in traffic in the area and non-residents parking on the side roads. There are times when it is not possible to park near your home or even on the same street. The parking constraints at Preston Old Road add further pressure to this already busy area.

### **Area of green / open space**

The plans indicate a small area of green to be retained on the existing land. In light of the loss of land used daily by local residents for recreational use (many homes in the area have small gardens and this space is used as a public meeting place and for children to play freely) I would urge the council to retain this land as **designated public open space** so that it can continue to be used by existing residents for recreational use.

The plans indicate that numerous trees will be planted in this limited space. This would change the landscape of the area, add shading and darkness to a once open and bright space and reduce the use of the space to nothing more than a dog walking area. There are trees already lining Tower Road and I urge the Council to review this and leave the space with an open aspect and to be used as a multi-functional area for all to enjoy.

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### **Obj - Mrs Michaela Heather - Rec 07.08.19**

I am writing to lodge my objection to planning application 10/19/0677.

My objections are I do not believe the developer has taken consideration on the impact to residents of Hillcrest Road with relation to parking. The road already has a serious parking problem that is compounded by the double yellow lines on Preston Old Road. With most houses on Preston Old Road and Hillcrest having an average of 2 cars parking is already lacking. The local businesses only add to the issue.

I feel that the proposed car park is insufficient when taking into account the parking restrictions that are proposed on Hillcrest Road. The planning department and developers need to take serious action to alleviate these issues and look to make Hillcrest Road resident only parking with permits. Another consideration is the parking bay being increased.

The increased use of Witton Park being used for events is seeing Hillcrest Road and surrounding streets having massive issues with parking and disruption to the area. I would like to say that I believe all these valid issues need to be addressed as a matter of urgency.

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**Obj – Leigh Keen, 11 Hillcrest Rd - Rec 06.08.19**

I refer to the planning application no 10/19/0677 and after viewing the documents online would like to register the following objections.

**TRAFFIC**

As a resident of Hillcrest road there are already severe issues with parking due to the 8am - 6pm Mon - Sat restrictions in place on Preston Old Road. Having spoken with residents living on Preston Old Road some 60% of families living there have at least 3 cars which is why there is an average of anything between 22- 26 additional cars parking on Hillcrest Road every single night.

The 81 page desktop traffic assessment included in the full plans completely ignores the impact of the parking restrictions on Preston Old Road and the knock on effect this has to the surrounding area. It mentions vehicle movements are taken into account from when Feniscliffe Bank functioned as an old peoples home (which had its own long standing traffic restrictions outside the entrance). What the assessment fails to take into account is the fact that the restrictions on Preston Old Road are recent in comparison and also the increase in cars per household. the proposed 15 space car park on the junction with Geddes St will simply not solve the problem as the spaces will be taken by visitors to the parade of shops you mention in the assessment i.e Cherry Tree Dental practice, Eye care Opticians who have no parking provision to name a couple.

A scheme similar to what you have employed to the east of Witton Park where cars are permitted to park with two wheels on the pavement could easily work on both sides of the main road and would free up valuable space if restrictions were removed. On the day/time when the assessment was carried out the traffic restrictions were in force but there was no mention of where the affected cars were having to park. The plans simply cannot be passed without full consideration being given to a proper parking assessment by officers.

The assessment also fails to mention the increase in traffic on evenings and weekends down Tower Rd following the introduction of Council parking charges at the main Witton Park car park. Several cycling and running clubs have relocated car parks which now causes an overflow forcing people to park all the way down the verge inside the entrance to Pleasington Playing fields (happy to provide photographs) forcing pedestrians to have to walk in the middle of the road sharing the space with speeding cars. There is also a complete failure to take into account the fact that Tower road now has to cope with the additional traffic involved with the Council approved increase of music festivals from 3 to 6 and that is just one company organising events, just how many other events are planned?

The traffic assessment will also not cover the recent car accident where a stolen speeding vehicle completely destroyed the gates to Pleasington Playing fields and blocked Tower road for 6 hours causing mayhem for coaches and taxis aiming to collect people leaving the dance festival. It was only by chance that pedestrians leaving the dance festival were not killed as that is now the approved pedestrian exit now that the park has become an entertainment venue.

**OPEN SPACE**

It is my understanding that the open space being left will be owned by the developer and maintained by a landscape management company at cost to the new homeowners. I want to see a planning constraint adding to the P&H Committee's decision to ensure that the remaining green space is designated public open space. The Council have throughout the planning process have always led me to believe that they would maintain ownership, control and maintenance of the green space. This is clearly not case, and as such the open space needs protecting.

The landscape statement included in the plans shows some 20 trees being planted on the open space, these will further restrict the open space being left and I would ask that these are removed from the scheme. An orchard was mentioned at the consultation event by the developer which nobody wanted or agreed to. As we are losing 2/3 of our open space what open space we are being left needs to remain OPEN SPACE!

#### FOOTPATH LINK

I have noticed that footpath link into Witton Park has been removed from the plans even though 52.3% of people asked at the consultation event wanted a link for safe entry into the park via the Pleasington entrance and all the previous plans designed by the council, including the tender document, have shown a footpath link. Applethwaite even included it in their consultation design, but now say in the public consultation document included in the full application, that it is now outside their area of ownership. THIS HAS TO BE INCLUDED in the final plans and the S106 monies raised from the housing will go some small way to improving the existing entrance as the Council stated in the original Outline Planning Application.

A lack of footpath and safe crossing places and a footpath intersection, which leads to nowhere, right on the now destroyed Pleasington entrance is an impediment to safe access especially for those with disabilities and also young children.

As this land is outside the applicants ownership or control, it is within the P&H Committee's powers to include this within the scope of the application.

I very much hope that you give due consideration to my objections and I wish to be consulted before design principles are put in place.

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#### **Obj - Feniscliffe Bank Resident Association – Rec 06.08.19**

Following the recent meeting with yourself and Nick Blackledge regarding planning application 10/19/0677 the Feniscliffe Bank Residents Association would like to register the following objections.

- The footpath link into Witton Park has been removed from the plans even though 54% of people asked at the consultation event wanted a link for safe entry into the park via the Pleasington entrance and all the previous plans designed by the council have included a footpath link. Applethwaite say in the consultation document that it is now outside their area of ownership. This has to be included in the plans and the S106 monies raised from the housing will go some way to improving the entrance as stated in the original Outline Planning Application.  
The recent car crash during the music festival where the gateway and pedestrian entrance were demolished by a speeding stolen car, and blocked Tower road for 6 hrs, highlights the need for safe access into the park via the Pleasington entrance for the community as well as people accessing the numerous music/dance festivals being organised as this is the organised pedestrian entrance/ exit during events.
- Also the 81 page desktop traffic assessment included in the plans completely ignores the impact of the parking restrictions on Preston Old Road and the knock on effects to surrounding roads when they are in force. Most houses on the main road have 3 cars, which is why there is an increase of anything from 22-26 additional cars after 6pm every night onto Hillcrest Road.

A parking scheme similar to that implemented by the Council to the east of Witton Park where cars are permitted to park with two wheels on the pavement would work on both sides of the main road and free up valuable spaces if the restrictions were removed at the same time.

- What is not being fully addressed is the parking issues on Hillcrest road when the restrictions mentioned above are in force, as the plans being submitted (a 15 space car park), and the added restriction of double yellow lines going down half the length of the street on the development side of the road, are going to cause major problems. A full parking needs assessment should be carried out to ascertain just what impact the development will have on the current parking situation. Local business users park on Hillcrest road as well as people using the park when events are on for a quick getaway due to traffic jams on Tower road as no traffic control measures are ever put in place and this again is not being taken into account. Also there is no mention of the increase in traffic in the past two years, now that the park has become a public entertainment/festival venue, plus the addition of a parking charge at the main car park located in Witton Park.
- It is our understanding from our meeting with yourselves that the open space being left will be owned by the developer and maintained by a landscape management company at cost to the new homeowners. The Residents Association want a planning constraint adding to the P&H Committee's decision to ensure that the remaining green space is designated public open space. The Council have throughout the planning process have always led us to believe that they would maintain ownership, control and maintenance of the green space. This is clearly not case, and as such the open space needs protecting.
- The landscape statement included in the plans shows some 20 trees being planted on the open space, these will further restrict the open space being left and Residents Association would like these removing from the scheme. An orchard was mentioned at the consultation event by the developer which nobody wanted or agreed to. As we are losing 2/3 of our open space what open space we are being left needs to remain OPEN SPACE!

We hope you give due consideration to the Feniscliffe Bank Residents Association objections and we wish to be consulted before design principles are put in place.

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**Obj – Mr David Mellody - Rec 06.08.19**

I would like to register my objections to the current plans that have been submitted by Applethwaite for the Tower Road housing development.

As a local resident that uses the green on a regular basis to walk my dog, I am dismayed to see that the plans show an abundance of trees will be planted on what remains of the green. If so many trees are planted it will change the green from being a nice bright open space into a woodland area which I strongly object too.

I would also like to raise additional concerns I have about the limited amount of parking space that is proposed in the plans. Our neighbourhood already suffers from a severe lack of parking spaces. The additional traffic that the new development will generate, together with any additional parking restrictions associated with this development will only compound what is already an unacceptable situation for my fellow residents and myself!

I understand that Applethwaite are now the legal owners of the land identified in the plan document that includes the green. Can you guarantee that they are legally bound not to carry out any further development on that piece of land? If not, I would like to register my objection to that situation too.  
Yours sincerely

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**Obj – Alison Elwood - Rec 05.08.19**

Hello,

I wish to protest and voice my concerns re the new development on Tower Road/Hillcrest Road. I am the owner of 340 Preston Old Road Blackburn BB2 5LJ. My husband and I both have vehicles. After looking at the plans, and speaking to the residents, I am very concerned, were we are going to park our vehicles.

Which we do so on Hillcrest Rod as we cannot park in front of our home on Preston Old Road until after 6pm and it has to be moved before 8am

Please do tell me were we can park, You are going to place double yellow line's all the way down Hillcrest Road, and make a permit holders small car park for 13 cars, when the new estate is built. We obviously would not be eligible for one of these spaces. Again please tell me were I can park our two vehicles ? I pay my taxes, and just want to park in the vicinity of my own home. You have not thought about the residents, and I feel very strongly that this is a miss justice, and is really not fair on other residents.

If you lifted the ban so we can park our cars outside our home, as the road is wide enough, and you have a bus lane further down towards Witton Park gates. this would elevate some of the problem. I will also slow cars/vans and lorries down passing though.

Alternatively, if the council, can lower the pavements, outside, I would be happy, to make a small drive outside my own home.

Again, I would like a response, as to were you suggest Preston Old Road residents will park their vehicles.

Yours faithfully

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**Obj - H Kabbara – 360 Preston Old Road, Blackburn - Rec 02.08.19**

I am writing in connection with the new development of 30 homes on the Tower Road site. I would like to inform you that I object to the planned red line parking project proposed on Hillcrest Road as this has been our parking access for over 20 years. I live in 360 Preston Old Road in front of which there is a yellow line that can be parked on only after 6:00 PM and on Sunday. I would like to point out that I have three vehicles in my household. As a result, if the proposed red line project goes ahead it will not only affect my household parking but also will depreciate the value of my house. I hope you take my objection into consideration and your help in this very serious matter is appreciated.

Kind regards,

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**Obj – Mr Barry Richmond - 340A Preston Old Road, Blackburn - Rec 02.08.19**

Dear Sir/Madam

There are a few concerns I have regarding the Application 10/19/0677.

1) with regards to parking it as come to my notice that there will be double yellow lines going down to one side of Hillcrest road restricting parking and also the proposed 15 bay parking I have learnt will be permit parking and these will be going mainly to the residents on Hillcrest Rd ' as I live on Preston old Rd directly behind the entrance to the old nursing home I generally use Hillcrest to park due to the restriction on parking outside my house. And in peak times over 25 vehicles park on one side of Hillcrest Rd

I feel that this will lead to us not having anywhere to park our vehicles safely . This could be a problem and would need looking at possibly by removing the parking restrictions or dropping the kerbs outside my property so I could park my vehicle on my front.

2) With regards to the piece of open land to be left for public use I have found out that this is not going to be council owned but by the new residents on a management contract which could stop public use . Having lived in the area for over 30 years I feel that we will have no near green land to just sit around and which as been the case over the time I have lived in the area.

I would be greatfull if these points could be looked into on the planning application.

Yours Faithfully

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**Obj - Shelagh Ellison - 1 Hillcrest Road - Rec 31.07.19**

For the attention of Nick Blackledge I refer to the above planning application and i strongly object to the loss of public open space.

On the plan there is very little viable open green space for children to play safely and unsupervised. What space there is looks like it is going to have trees planted and bushes, THIS IS NOT PUBLIC OPEN SPACE

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**Obj - Mr M Howarth - 38 Tower Road - Rec 31.07.19**

To whom it may concern

I write in regard to application number 10/19/0677 your department have asked for comments on the upcoming building work on Tower Road & Hillcrest Road. Having lived on Tower Road not for over 18 years it is with regret that I find that the council see fit to sell off a valued green space just so that they can make a few pounds. You have no regard for the residents of this area, we struggle now with parking issues. How can the building of 30 more houses, plus at least another 50 vehicles on this development make sense to anyone? The issue at the weekend with the accident at the main entrance into Pleasington should tell you that this is a totally bad idea to put the access road to the estate off Tower Road. You need to think about giving all residents on both roads permits to park



and make the whole area permit parking only. You also need to look at speed calming measures. We were promised that the "Green Space" would not be cut into two which of course you have done, how you as planning officials can hold your heads in public is beyond me. The council say that there is a shortage of housing, but how can this be with over 600 houses being built within 1 mile of my address? The only thing that this development will increase is local people leaving Blackburn for pastures new which you cannot blame anyone for doing.

Yours with disgust

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**Obj - Jack Ellison - 1 Hillcrest Road – Rec 31.07.19**

I object to the acceptance of this planning application proposal in its present form for the following reasons,

The amount of £1000 per dwelling Section 106 contributions alleviate the the loss of the unallocated open space on the site but does not take into account the loss of of Green Infrastructure corridor.

Insufficient Green Infrastructure ,according to the developement proposal ,has been retained to function as a leisure/recreational facility in defiance of Blackburn with Darwen Core Strategy 19,Policies 38 & 40.

If the number of dwellings is reduced , i.e. plots 1-5 on the phasing and logistics plan removed from the developement, it would leave enough green infrastructure to be a viable recreational facility especially as a safe play area for children in accordance with the above policies.

Applethwaite Homes held a public consultation in April 2019 to register residents views and comments.

The retention of theGreen Infrastructure area of the site was my main concern and indeed that of most people who attended that meeting.

The proposed site layout on this application is the same as on the Site Logistics Layout (Drawing SLL-01) which is dated November 2018 showing that Applethwaite had already decided on the developement rendering the April 2019 public consultation null and void.

All open space on the developent must be kept as public access open space.

Thankyou for your attention

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**Obj - Mrs Karen Atkins - Resident of Preston Old Road - Rec 31.07.19**

Dear Mr Kelly/Mr Blackledge

I am writing to you to voice my concerns over the above planning application. I am a resident in the Feniscliffe area and am concerned about the issue of parking, the housing estate will cause an impact to the available parking on Hillcrest Road and Tower Road, but also Preston Old Road, Feniscliffe Drive and Cecilia Road. I am aware that there has been a car park proposed within the new estate but this will not address the issue as it is already a struggle to park due to the shops on Preston Old Road, existing restricted parking in the area and multiple car families in the area, that

had been significant in the past 3 years alone. There is also visitors to the residents in the new homes. I feel that this will also compromise the safety of residents/ people in the area due to the increase of cars in the area. I would also request that money from section 1 be released to fund a safe path that is accessible to pushchairs, wheelchairs and pedestrians to gain access to the park , especially as we are to lose significant green space in the area. It has been for quite some time difficult to navigate entry into the park, especially with pushchairs and children due to the traffic up and down Tower Road. I have on many occasions witnessed cars speeding. As you aware there was an incident last weekend at the entry gates to the park at Witton Park, where a car destroyed an entire wall. It was lucky that nobody was badly injured or there was a fatality. There are to be more music events and often large Asian funerals held on a regular basis also . Therefore I feel that a analysis is needed at a peak time to look at the Impact this will have on not just Hillcrest Road/ Tower Road residents but Feniscliffe Residents as a whole . I hope that your planning department will put safety first rather than monetary gain.

Regards

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To Whom it May Concern,  
I am writing  
in reference to planning application  
at the land South of Tower Rd and  
West of Hillcrest Rd Ferncliffe  
Blackburn BB2 5HF, I am  
making an objection to the  
property at the side of me  
as it is a invasion of privacy.  
We walk a lot in the garden  
as my son is disabled and  
we grow all our own vegetables  
as a care plan for disabled  
people, as your land is elevated  
you would be able to see  
directly in our garden, also  
one of our key workers gardeners

Reference 10/19/0677 54

lives in the caravan directly  
facing the proposed property, I  
hope you respect our privacy  
and come to a amicable  
agreement, I would like to arrange  
a meeting with appothwaites to  
explain our circumstances further  
yours Sincerely

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**Obj - Steve Talbot - 23 Hillcrest Road - Rec 30.07.19**

Mr Prescott / Mr Blackledge

I am writing to you with my concerns and objections to the proposed development at Land South of Tower Road and West of Hillcrest Road ref application 10/19/2019.

In response to your letter 10/19/0677 dated 11 July 2019.

Find below my objections, concerns and comments which I trust you will consider in your deliberations on this application.

As the new houses (Ref phase 4) opposite the existing established houses on Hillcrest Road will be closer to the road, I would object as I suggest there is a breach of privacy as they will be closely overlooking the existing housing when complete. Plans suggest a 18M minimum distance.

Another main issue would appear to be an adequate provision of parking as the new houses (phase 4) have drives that exit onto Hillcrest Road this will reduce the current on street parking by circa 8-10 cars. Possibly more, if these new residents have insufficient space for the numbers of household cars on their drives.

I note a potential off street public parking area for 16 cars which in reality is only an additional 6-8 cars as above.

The egress onto Hillcrest Road from the new properties is also of concern for safety reasons. The development creates 6 points of exit / entry onto an already narrow street and with parked cars creating a blind sighted exit and view for moving traffic using Hillcrest Road. I would welcome a traffic police report of this proposed situation.

The loss of the existing extensive green space Tower/Hillcrest roads for the young and elderly to enjoy is also a major concern. The use of Witton Park for recreational purposes at certain times has ceased to be a safe environment as other users openly flaunt the speed limits and use non legal vehicles creating an uncomfortable space. Local residents using the green space were at least comfortable that not only they could see their children at play but so could others in this close community.

I note the bat survey still suggests that bats are still present and I often see them at dusk flying and taking food in flight. I would also suggest there may be other ecological issues in this area and has a total survey been undertaken on the site to evaluate if there is a potential habitat for other species such as newts etc... ?

What provision is being enforced to minimise disturbance and nuisance to residents such as hours of working and limiting working days? Also there is likely to be lots of dust, dirt and mud on the surrounding properties and roads. As Tower Road is access to Pleasington cemetery grieving families will have to pass this building site on the final mile of their deceased loved ones journeys, hopefully not having to have their thoughts distracted by the activities on this site.

What is the proposed schedule/ duration of events can the council specify a timescale to the developer if the application is successful to minimise disruption etc... with perhaps penalties for non compliance ?

Can the existing schools accommodate the potential additional influx of children especially when you consider the extensive developments off Gib Lane, Livesey Branch Road, Brokenstone Road, Heys Lane etc.... ?

To alleviate the parking would the council consider removing the parking restrictions on Preston Old Road parallel to the rear of Hillcrest Road ?

If the council is successful in its bid for holding more events in Witton Park this may also increase / worsen the parking / traffic safety in the immediate vicinity.

Steve Talbot (resident 23 Hillcrest Road)

Although you say you are unable to acknowledge comments submitted, I would welcome a courtesy receipt email, thank you.