

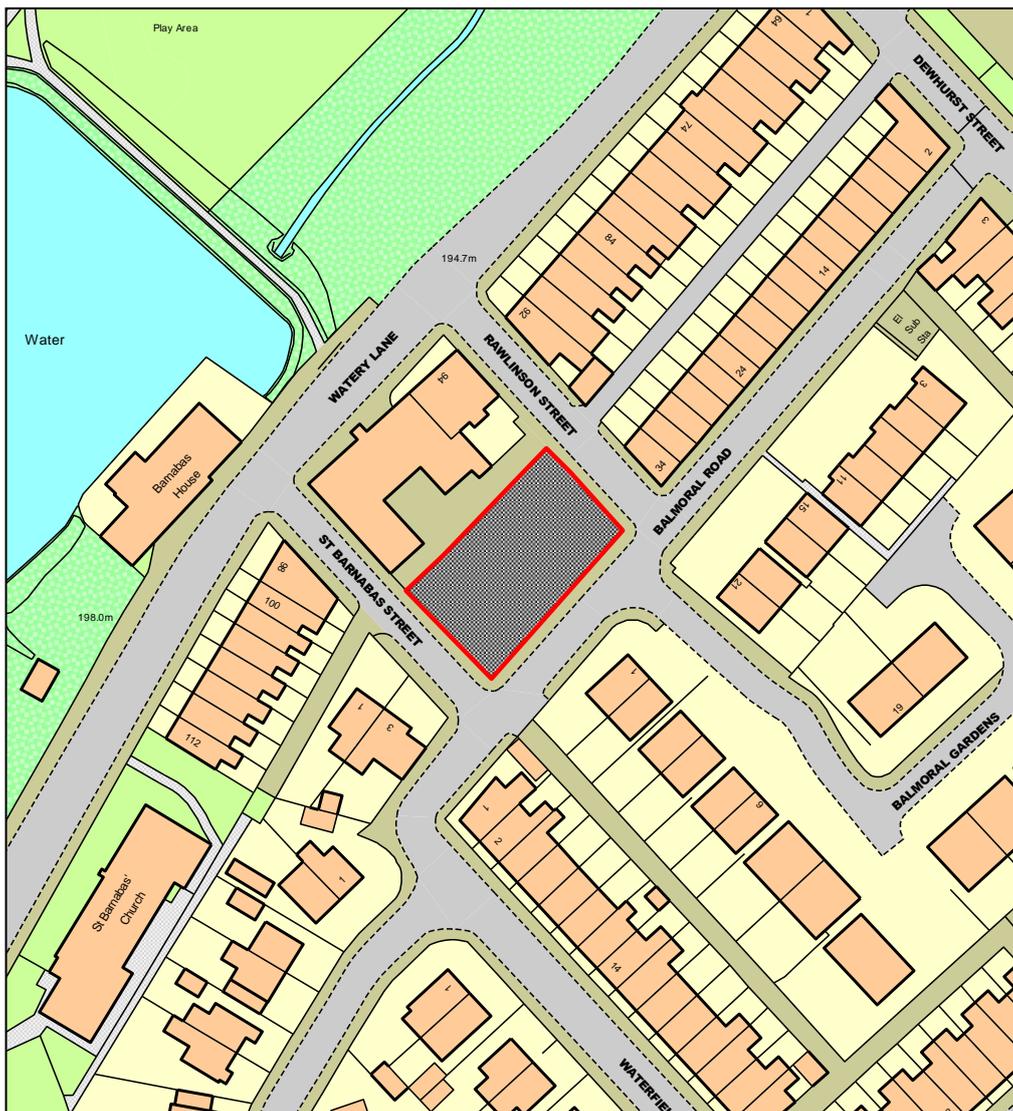
Proposed development: Full Planning Application for; proposed development of 6no. three bedroom dwellings.

**Site address:
Land to the Rear of St Barnabas Warehouse
Watery Lane
Darwen
BB3 2EB**

Applicant: Milltom Builders Ltd

Ward: West Pennine

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



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to conditions; as set out in paragraph 4.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The application is presented to Committee under the Chair Referral Scheme; due to public objections received.
- 2.2 The proposal is in the form of a full planning application. Assessment of the submitted detail establishes that the proposal corresponds with the Council's overarching housing growth strategy; as set out in the Development Plan (comprising Core Strategy and Local Plan Part 2). It suitably demonstrates delivery of a high quality development that would make an important contribution towards the Council's housing delivery target, adding to the vitality of the local housing market. Moreover, from a technical point of view, all issues have been addressed through the planning application or are capable of being controlled or mitigated through planning conditions.
- 2.3 Members are advised of a previous approval in 2013, for conversion of the former St Barnabas School building into 10no. apartment's erection of 4no. terraced houses. This application was not implemented. The current application seeks permission for 6no. houses, whilst a separate application seeks permission for conversion of the former school building into. 8no. apartments (ref: 10/19/0842). Both applications correspond with the application sites assessed in 2013. Assessment of this application, having regard to amenity, is considered in the context of both applications. Members are further advised of the applicant's statement that the viability of both schemes are mutually dependant on each other.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site is essentially rectangular in shape, featuring a very gradual rise in land levels from north west to south east. It measures circa 595 square metres in area and consists of a car park that served the former St. Barnabas School which fronts Watery Lane, Darwen. The site has most recently been used as a car park and servicing area associated with a retail furniture shop (Use Class A1) operating out of the former school building. The shop recently closed down and the site is now recognised as redundant. Vehicular access is currently taken from Rawlinson Street to the north east. Although the site address refers to St Barnabas Warehouse, Watery Lane, Members are advised that the proposed dwellings will front Balmoral Road.
- 3.1.2 In accordance with the Development Plan, the site is located within Darwen's outer urban area. To the north of Watery Lane is an area allocated as Green

Infrastructure. The area is predominantly residential, characterised by a mix of terraced and semi-detached dwellings. Of note is the recent redevelopment of the former Balmoral Mill site on Balmoral Road, located to the south east of the site. The development consists of 27 semi-detached homes and was delivered by the developer proposing the scheme subject to this assessment.

3.1.3 The site is well served by the local road network, and access to local amenities and public transport links along the A666 are within a reasonable walking distance. Darwen town centre, a short distance away, offers frequent services for commuters to destinations including but not limited to Manchester, Bolton, Clitheroe and Preston.

3.2 Proposed Development

3.2.1 As set out in the submitted drawings, the proposal is a full planning application for the erection of 6no. terraced dwellings with dedicated outdoor amenity space and parking. They will be laid out in linear form, fronting Balmoral Road and follow the pattern of the terraced row to the north west. Access will be taken from the existing point off Rawlinson Street and a proposed point off Barnabas Street. Two dedicated parking spaces will be provided to the rear of each dwelling.

3.2.2 The dwellings will provide accommodation over 3 floors and will include 3no. bedrooms. Each dwelling will have a footprint of 128 square metres.

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 Core Strategy

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

3.3.3 Local Plan Part 2

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

- Policy 19 Apartment Development and Houses in Multiple Occupation

3.4 Other Material Planning Considerations

3.4.1 Residential Design Guide Supplementary Planning Document

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

3.4.2 National Planning Policy Framework (The Framework) (2019):

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

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

3.5 Assessment

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

- Principle of residential development;;
- Amenity;
- Environment;
- Highways;
- Design;

3.5.2 Principle

The principle of the development is considered under the Blackburn with Darwen Development Plan; particularly Policies CS1, CS5, CS6 and CS7 of the Core Strategy and Policies 1, 7, 18 and 19 of Local Plan part 2.

3.5.3 The site lies within Darwen's defined Urban Boundary but is otherwise unallocated. Policy CS1 sets out that development will be concentrated within the urban area. Policy CS5 is also relevant to the proposed development. Firstly, it identifies a need for development to be in sustainable locations and preferably in the inner urban area, in order to help stimulate economic change and support overall levels of housing delivery. Policy CS5 has a target requirement of 65% of all new housing to be constructed on previously developed sites. Although outside of the preferred location for new housing within the defined Inner Urban Area, Policy CS5 also directs that new housing will take place in accessible locations elsewhere within the urban area.

Accordingly, the proposal is consistent with this policy requirement and with the Core Strategy's overarching aims and objectives of achieving economic gain through new development and of promoting new house building within the urban areas of Blackburn and Darwen. Moreover, the principle of redeveloping the site for housing is previously accepted by a permission granted in 2013, details of which are set out at paragraph 5.1.

3.5.4 Policies CS7 and 18 promote a wider choice of housing. The proposal offers family sized houses, albeit of a terraced typology inconsistent with the preferred mix of detached and semi-detached. Regardless, the sites constraints and the pre-existing terraced form common to the area, directs that the proposal is acceptable. Weight is also attached to the positive contribution that redevelopment of the redundant site will have on the locality, considered in the context of The Framework's positive emphasis on making effective use of land.

3.5.5 Accordingly, the principle of the development is accepted, insofar as it is consistent with Council's housing strategy, as set out in the Development Plan, and The Framework's presumption in favour of sustainable development, which should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified; subject to assessment of the following matters:

3.5.6 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.

3.5.7 The submitted layout is considered in context with the application for the apartment conversion to the rear, with regard to separation standards. Separation between principle windows to the rear of the proposed dwellings and principle windows to the rear of the existing dwelling at no. 94 Watery Lane achieves an acceptable separation of 21.5m. Such separation is deemed acceptable, notwithstanding the proposed three storeys, on account of the dormer extension to rear of no. 94 affecting a mutually consistent relationship, and also having regard to pre-existing terraced separation common in the locality.

3.5.8 Separation between the proposed ground floor bedroom of plot no. 1 and directly opposing apartment lounge windows in the rear elevation achieves a sub-standard separation of 14m. As the lounge benefits from windows to both side elevations, it is considered appropriate to secure non-opening and obscure glazed units to the rear windows; to be applied to the apartment permission (assessed under a separate application), to overcome the issue. Separation between the ground floor bedroom window to plot no. 4 and opposing apartment lounge windows in the rear elevation is also sub-standard at 16.5m. Non-opening and obscure glazed units to these windows is also considered appropriate to overcome the issue, on account of alternative non-obscure windows serving the room within the side elevations. Such obscure

glazed and non-opening units will be secured by condition. Further, it should be recognised that the existing terrace pattern of development features a similar sub-standard separation. Separation between the dwellings and the apartments at ground floor is otherwise acceptable; as in accordance with those directed by the Residential Design Guide SPD.

3.5.9 Separation between principle windows to the rear of the dwellings at first and second floor and principle windows to the rear of the apartments is achieved by means of an angled outrigger which features windows facing into each property; thereby avoiding conflict with principle apartment windows. Any overlooking created by proposed first floor balcony to the rear of the dwellings, in the form of a balcony, will be mitigated by the aforementioned obscure glazed, non-opening windows and balustrades; the material of which will be secured by condition.

3.5.10 Outdoor amenity space is provided in the form of the aforementioned first floor roof terrace / balcony. Bin storage is provided at ground level to the immediate rear of each dwelling, forward of the car parking spaces, covered by the first floor overhang. Such provision is considered sufficient to service householder's needs.

3.5.11 Sub-surface ground conditions can be appropriately addressed by application of the Council's standard contaminated land conditions; as recommended by Public protection.

3.5.12 Air quality mitigation can be secured by condition, by means of requiring provision of electric vehicle charging points for each property and control of boiler emissions. These measures will contribute towards mitigation of air quality impact; in accordance with the Council's Guidance Document *Air Quality Planning Advice Note*, and the recently revised Planning Practice Guidance on Air Quality.

3.5.13 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.

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

3.5.15 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.

3.5.16 Drainage

United Utilities and the Council Drainage consultee require conditions to deliver an appropriate surface water drainage scheme and for foul and surface water to be drained on separate systems.

3.5.17 Trees

The site hosts a number of semi mature self-seeded trees, along the Balmoral Road boundary. The trees offer low amenity value and the site in general is low in ecological value. Delivery of a landscaping scheme to provide replanting will be secured by condition.

3.5.18 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.

3.5.19 A Transport Statement is submitted in support of the application. The Statement considers this application site and that of the conversion; assessment of which is covered in the corresponding Committee Report (10/19/0842). 2no. dedicated off street parking spaces are to be provided to the rear of each property which are accepted as sufficient by the Council's highways consultee; in accordance with adopted standards.

3.5.20 Vehicular access points into the parking spaces will be taken from a new access from Barnabas Street and an existing access from Rawlinson Street. Formally constructed vehicular crossings will be required; preferably in the form of dropped crossing points. Full technical details will be secured by condition.

3.5.21 In the absence of available evidence to the contrary, impact on the safety and efficiency of the surrounding highway network is not considered to be adversely affected.

3.5.22 The site is otherwise recognised for its sustainable location, benefitting from pedestrian links to the nearby A666, a range of local amenities and Whitehall Park. Moreover, the A666 offers direct bus routes into Darwen, Bolton and Blackburn town centres.

3.5.23 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.

3.5.24 Layout of the development follows the linear pattern fronting Balmoral Road, though the build line will feature a modest circa 400mm stagger. As three story properties, ridge and eave height will be circa 1m higher than the

existing terraced row to the east along Balmoral Road, though 0.5m lower than those approved in 2013. The proposal will introduce an individual grouping, physically detached from the existing row. Moreover, as the immediate area features a range of house types of various scale and design, it will not appear out of character. Indeed influence is taken from the traditional terraced form common to the area and the more contemporary elements of the adjacent redeveloped Balmoral Mill site.

3.5.25 External walling and roofing materials, including the balcony balustrades, will be secured by condition.

3.5.26 Summary

This report assesses the full planning application for the residential development of land to the rear of the St. Barnabas Warehouse, Watery Lane, Darwen. 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 Local Development Plan and The Framework, in support of the Council's strategic growth objectives; central to which is the borough's housing needs.

4.0 RECOMMENDATION

4.1 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
- Submission of external walling and roofing materials
- Submission of boundary treatments
- Submission of landscaping scheme
- Foul and surface water to be drained on separate systems
- Submission of a surface water drainage scheme
- Submission of highway infrastructure engineering details including vehicle crossing construction
- Submission of a Construction Management Statement
- Visibility splays not to be obstructed by any building, wall, fence, tree, shrub or other device exceeding 1m above crown level of the adjacent highway
- Contaminated land - submission of detailed proposals for site investigation
- Contaminated land – submission of validation report demonstrating effective remediation
- Unexpected contamination
- Provision of air quality mitigation in the form of dedicated motor vehicle electric charging points and boiler emissions
- Submission of dust suppression scheme
- Limited hours of construction:
 - 08:00 to 18:00 Mondays to Fridays
 - 09:00 to 13:00 Saturdays
 - Not at all on Sundays and Bank Holidays
- Permitted Development Rights to be removed

- Development in accordance with submitted details / drawing nos.

5.0 PLANNING HISTORY

- 5.1 10/11/0053 - Conversion of existing building (formerly St Barnabas Old School) into 10no. apartments and the erection of 4no. terraced houses. Approved under delegated powers.

6.0 CONSULTATIONS

6.1 Drainage Section

No objection subject to conditions requiring submission of surface water construction phase management plan and surface water drainage schemes.

6.2 Public Protection

No objection subject to conditions:

6.2.1 *Air Quality*

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

6.2.2 *Contaminated Land*

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

6.3 Environmental Services

No response offered.

6.4 Highways Authority

No objection subject to conditions:

- Submission of technical detail of vehicle crossover points.
- Construction Method Statement.

6.5 Strategic Housing

No objection.

6.6 United Utilities

No objection subject to conditions:

- Separate foul and surface water drainage systems
- Submission of a surface water drainage scheme.

6.7 Lancashire Fire Service

Standard advice offered.

- 6.8 Public consultation has taken place, with 53 letters posted to neighbouring addresses and display of three site notices on 26th September 2019. In response, 7 objections were received which are shown within the summary

below. In addition, an objection has been received from the Ward Councillor, as summarised in Section 9.

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

8.0 DATE PREPARED: 7th November 2019.

9.0 SUMMARY OF REPRESENTATIONS

Councillor Colin Rigby, 13th September 2019:

Clearly over development, especially when considered with planning application 10/19/0842.

Objection – K. Shaw, Knowlesly Road, Darwen. Rec – 12/09/2019

I am writing in reference to application 10/19/0843. As a local resident of Knowlesly Road I am concerned by the number of developments taking place close by currently and what impact that will have on the locality, schools, and road networks. I am already noticing a slow increase in traffic at peak times in the morning as the developments reach completion in the surrounding areas on my route to the motorway.

In regards to schools, I have have seen no provision made for extra schools to be created or places put forward for the steady increase in demand that will inevitably come with family homes being built and sold. This is a concern as a local resident who relies on having a place at the breakfast club for child care, and at a local school to ensure I am able to get to my job, in another town, in time.

I worry about the impact too many houses in such a small space will have all round with the other development having also just been built and further houses planned in surrounding areas.

Objection – Lynn Holden, 84 Watery Lane, Darwen. Rec – 15/09/2019

How can this application be passed? Have you seen this street we can't park the cars we have at the minute let alone another 14 homes. The street behind is full also and the side streets are double yellow lines for some reason. And we only have single file parking. So I oppose both off these applications

Objection – Mrs Janette Cocker, 16 Kirkdale Close, Darwen. Rec – 18/09/2019

Planning application 10/19/0843

I strongly object to the development of 6-3 bed houses on the land behind the old St Barnabas School as the space is not big enough for that many houses along with access for parking for the flats, plus the disruption it would cause. Another concern is where will all the plant required be kept and all their vehicles as there is nowhere to put them. It was chaos for the residents on Balmoral Road when they were building Balmoral Gardens because of all the mess they left lying around that had blown off the site and the dirt that was walked into the peoples houses. They used the area behind the old school as a rubbish dump and for some of their vehicles and portable toilets which wouldn't be possible if they got permission to build on
My granddaughter lives on Balmoral Road so I know what it was like and she couldn't wait for them to get the work finished.

Objection – Paul & Pauline Dargan, 3 Waterfield Avenue, Darwen. Rec – 21/09/2019

Re planning application to land at rear of St Barnabas warehouse.

We don't mind the warehouse being converted into apartments and then the land at the rear being used as a car park but if that land is used to build 6 houses instead where will people park!

The area is already very busy with cars and many struggle to park as it is.

The corner at the bottom of Waterfield Avenue is already quite dangerous with cars being parked there especially at school times as we are near st barnabas school and Barnabas nursery on watery lane and also the nursery that's based in st Barnabas church on watery lane. You really need to take all this into consideration.

We think more than enough houses are being built in our area ie cranberry lane and pole lane.

In our opinion the land at the back of Barnabas warehouse would be best used as a car park not more houses.

Objection – Sheila Singleton. Rec – 27/09/2019

I am concerned about parking abilities and can I suggest removing double yellow lines on Rawlinson st as it is no longer a bus route and perhaps make it one way going up off watery lane _____

Objection – Keith Bailey, 94 Watery Lane, Darwen. Rec – 27/09/2019

Dear Sirs,

I am writing to you in connection with the letter I have received regarding the planning application ref No 10/19/0842 and Ref No 10/19/0843 at Watery Lane, Darwen BB3 2EB.

As this property is attached to my property I have concerns about the noise levels of not only the noise of the building works that are proposed but also the noise levels that travel through the walls and floors that are joined to my property as the floor levels are about half way up the adjoining wall and would affect the lounge and drawing room of my property and also 3No of the bedrooms of which there are childrens bedrooms on the adjoining walls.

I have concerns about the parking and the amount of extra cars and vans this will create and the disruption this will cause to our standard of living. We have had to cope with the building works that both the applicants have recently undertaken at Balmoral Gardens and still have the unsightly mess they have left at the back of my house. We have put up with the noise and mess caused for over 12 months now and when we have spoken to them nothing ever gets done.

I also have concerns about the hours that the work will be carried out over, as i stated above the works carried out on Balmoral Gardens, they would start work at 6.30 am and would work 7 days a week. this is not exceptable to me.

We appreciate that work has to be done and we don't want to object to the proposed conversion but would like some considerate contractors that will speak to us and respect that this is our home and would like to be able to live a life without disruption.

As for the proposed House to be built at the rear of my property I have concerns over the height of these as this again will invade the privacy of the rear of my property as we are not over look. Can i also ask if the trees that are existing at present to be felled?

I look forward to your response of my concerns, not objections and look forward to hearing from either the planning department, or from the 2 No Contractors invlved with the project.

Objection Keith Bailey, 94 Watery Lane, Darwen. Rec – 18/10/2019

Dear Sirs,

In response to the letter I received from you about the amendments to the planning application Ref No. 10/19/0843, as stated in my previous email I have to strongly object to the height of the proposed dwellings and now the terraces that have been added. All this overlook straight into my property at 94 Watery Lane, so will invade my privacy whilst also blocking out the natural light. On top of this there is no mention about the trees that will have to be felled to make way for these proposed dwellings.

Also having read the statement about the traffic and proposed parking, this is very misleading. Historically the existing building at 96 Watery Lane, when used as a warehouse had 1 No van that was used so proposing that the traffic that will be greatly increased and the proposed moment of parking will greatly impact me and my standard of living as the proposal involves all traffic entering the site at the side of my property, parking at the back of my property not only once this site is complete, but also during any construction work. I have tolerated the work that was done at Balmoral Gardens by the same contractors and seen the mess, the noise and the verbal abuse given to people who have spoken to these contractors when asked about the mess they have created. As stated in my last email I have grave concerns over the time that these people start work and finish work as they seem to work 7 days a week and start at 6.30 am, this is unacceptable.

I would also like to mention that work has already started on the building at 96 Watery Lane, and would like to ask if planning has already been granted as we are unable to sit in the living room and drawing room of our property adjoining this during the day due to the noise and the vibration coming from this.

I would also like to draw the attention to the allotted statement about parking on Watery Lane opposite the proposed Flat that the 6 parking spaces are restricted to parking for 30 minutes during the daytime. I would also like to think that properties close to the rear that are 3 story in height and over 10.5 metres high is pushing the boundaries.

I look forward to your response and knowing the outcome, as no one seems to take into consideration that my property is attached to this and we will suffer the most disruption to our life.

Could I ask that consideration for other residents is taken into account, as previous experience tells me that they don't care about anyone else only themselves, as reported in the local press.

Objection – Mrs Rebecca Cooper, Barnabas House, Watery Lane, Darwen. Rec – 30/09/2019

Planning application 10/19/0843 and 10/19/0842.

I email today with regard to the above planning permission proposals, I am the proprietor of Barnabas House Private Day Nursery which is positioned directly opposite 10 meters away from the proposed planning site. The nursery has operated for over 30 years it has a registration for 59 children per day, fulltime and sessional care is offered, Monday to Friday from 7.30am until 6.00pm for 51 weeks of the year. I have looked at the proposals and strongly object to several of them I have listed my objections below and the reasons why and would implore you to consider these objections at your planning decision meeting.

The nursery has never received a proposal letter informing us of the site intentions.

The Transport statement provided by Croft to assist the local planning authority is very in-depth and recognises plenty of Whitehall's local amenities but appears to have overlooked the very busy children's day nursery across the road.

Watery lane is a very busy area consisting of various commercial, religious, two childcare providers and pleasure amenities all within 100 meters of the above proposed developments, these include; children's playground and sports facilities, park's, two fishing lodges, St Barnabas church, Out of school childcare facility, 59 place children private day nursery, two motor vehicle premises, a waste facility and various other independent commercial units.

The statement refers to on road parking adjacent to the warehouse 6 spaces have been identified on the plan for the use of apartments this is at the very entrance and driveway to the nursery which parents use to drop off and collect their children all day every day when the nursery is in operation.

This on road parking has a Mon -Sat 8am - 6pm 30 mins restriction notice. This notice was put in place due to double parking as the road is caused to narrow considerably making it dangerous when exiting or entering your car. The warehouse was a pine furniture shop there has never been any long term parking outside either of the two businesses.

Watery lane in the last ten years has become a very busy cut through road to which we have notified the highway's department on several occasions with concerns with speed and the density of traffic.

The planning permission advises there will be 6 three bedroom new dwellings when all through the Transport statement provided they are referred to as 4 bed room new dwellings. Please can you confirm the correct number of bedrooms.

Car parking spaces for 6 three bedroom dwellings requirements $2.50 \times 6 = 15$. Spaces per dwelling four bedroom house $2.75 \times 6 = 16.5$, the transport statement has only provided spaces for 12 cars. A further 8 car parking spaces are required for the apartments $1.5 \times 8 = 12$ the site is clearly overdeveloped. This creates a total of 28.5 car parking spaces which is not reflected in any of the above applications.
