

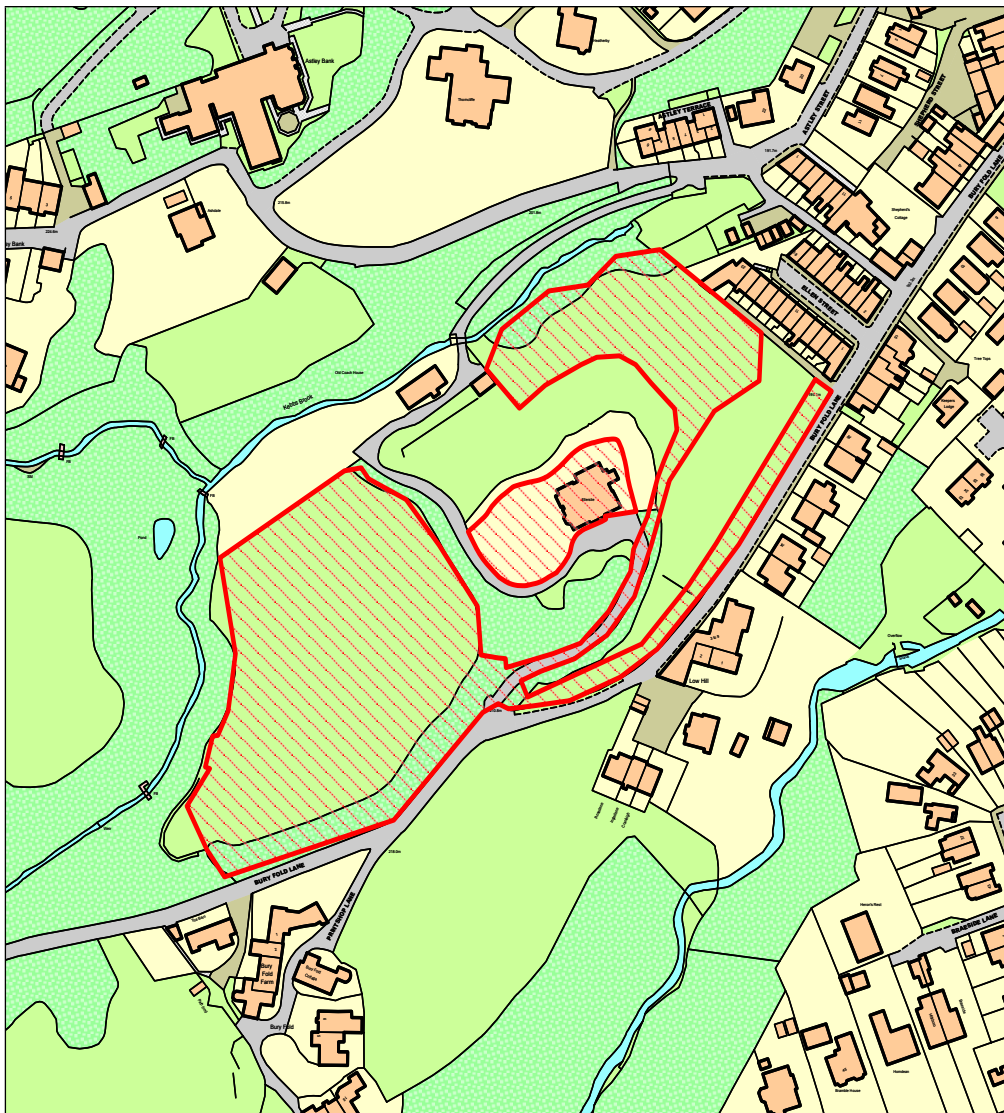
**Proposed development: Reserved Matters Application for: Approval of Reserved Matters for the appearance, landscaping, layout and scale for 18 dwellings; pursuant to Outline Approval 10/15/1081.**

**Site address:  
Land at Ellerslie House  
Bury Fold Lane  
Darwen**

**Applicant: Mrs Patricia Da Silva**

**Ward: Darwen South  
Councillor Kevin Connor  
Councillor Neil Slater  
Councillor Lilian Salton**

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## **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 This major planning application is submitted in the form of a Reserved Matters proposal; pursuant to Outline Planning Permission granted for the erection of 22 three and four bedroom dwellings and associated access, in 2015. As with the outline application, this application is reported to the Committee following the receipt of a significant number of objections.

2.2 The application site is allocated as a 'Development Opportunity' site known as 'Ellerslie House', comprising 2.3 hectares; in accordance with the Local Plan Part 2. Outline planning permission was granted in the context of the site allocation which supports the principle of 'small scale' residential. Matters pertaining to the following (summary) conditions which were attached to the outline permission will be considered under a separate discharge of condition application process, where applicable, or otherwise controlled:

- Submission of samples of construction materials.
- Submission of boundary treatments.
- Submission of a detailed scheme for the site access, road widening works and footpath on Bury Fold Lane as detailed on drawing number DES01/DWG 02 amendment F received on 19<sup>th</sup> May 2016, to be submitted to and approved in writing by the Local Planning Authority, implementation of the approved scheme prior to commencement of the development.
- Submission of a scheme of off-site highway works to provide right hand turning lane at the junction of Bolton Road and Bury Fold Lane. The approved scheme to be implemented prior to construction of the development.
- Submission of a detailed vehicular access design to ensure appropriate visibility splays to Bury Fold Lane.
- Visibility splays shall not at any time be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height greater than 1 metre above the crown level of the adjacent highway.
- Submission of a Construction Method Statement shall be submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - a) the parking of vehicles of site operatives and visitors
  - b) loading and unloading of plant and materials
  - c) storage of plant and materials used in constructing the development
  - d) wheel washing facilities, including a method statement outlining how the developer intends to use and manage the facility. The approved wheel wash shall be put in place at all vehicle access

points onto the public highway when work commences and shall remain in operation throughout the period of development;

- e) construction methodology for the road widening works, including relocated supporting wall on Bury Fold Lane.
- Submission of a scheme for protecting existing neighbouring residential dwellings from dust during site works.
- Construction restricted to the hours of:
  - Monday to Friday 08:00 to18:00.
  - Saturday 09:00 to13:00.
  - Not at all on Sunday and Bank Holidays.
- Vehicles associated with construction of the development shall only access Bury Fold Lane between the hours of:
  - Monday to Friday 08:00 to18:00.
  - Saturday 09:00 to13:00.
  - Not at all on Sunday and Bank Holidays.
- Submission of contaminated land survey
- Submission of an arboricultural method statement and tree protection plan.
- Hard and soft Landscaping, to include replacement native tree planting and to compensate for lost habitat specified in paragraphs 3.2.1 of the submitted Extended Phase 1 Habitat Survey (Pennine Ecological – December 2014).
- No existing trees or hedges within the development site shall be lopped, topped, felled, uprooted, pruned, or sustain root severance, without prior written consent from the Local Planning Authority.
- All existing trees that are not shown to be removed on the approved plan and all newly planted trees becoming diseased, severely damaged, removed or dying within the development period or within five years of the completion of the development shall be replaced in accordance with a scheme to be agreed in writing by the Local Planning Authority.
- Submission of a scheme for foul and surface water drainage.
- Submission of a sustainable drainage management and maintenance plan.
- The siting of dwellings to retain a 5m buffer zone to tree canopies, unless further bat survey work is undertaken to demonstrate value of the site for foraging and mitigation in accordance with findings of that survey.
- Submission of a Biodiversity Enhancement Strategy, which should seek to compensate for lost habitat specified in paragraphs 3.2.1 of the submitted Extended Phase 1 Habitat Survey (Pennine Ecological – December 2014) and provision of Bat and Bird Boxes.
- Vegetation removal should not be undertaken during the nesting bird season (March to August, inclusive), unless a nesting bird check undertaken immediately prior to construction has confirmed the absence of nesting birds.
- Scheme for the eradication of invasive species from the site, including Himalayan balsam.
- Lighting scheme proposed to minimise impact upon bat foraging areas.
- If construction of the development has not commenced within two years of the date of submitted Extended Phase 1 Habitat Survey (Pennine

Ecological – December 2014), an updated Ecology Report shall be submitted to and approved in writing by the Local Planning Authority. Any required mitigation shall inform the Biodiversity Enhancement Strategy and landscaping strategy for the development.

**2.3 Members are advised that under the outline permission, the principle of a residential development on the site, of up to 22 dwellings with associated access arrangements along Bury Fold Lane, including widening a section thereof, has been accepted by the Council following the Committee meeting in July 2016. This application seeks permission for the remaining reserved matters; limited to consideration of appearance, landscape, layout and scale.**

2.4 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 that would make an important contribution towards the Council's housing delivery target, adding choice and vitality to 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.

### **3.0 RATIONALE**

#### **3.1 Site and Surroundings**

3.1.1 The application site relates to the grounds which surround Ellerslie House and access thereto, from the junction of Bury Fold Lane with the A666, Bolton Road. Ellerslie House is a large, impressive detached mid-19<sup>th</sup> Century dwelling located to the north west of Bury Fold Lane. The application site lies within the south eastern edge of Darwen's urban boundary. The site is bounded by housing to the east and open countryside to the north, south and west. A Listed Building is located to the south at Low Hill, being sited at the edge of the footpath to Bury Fold Lane. Large mature trees, some of which are protected by Tree Preservation Order, envelop the site and there is a watercourse known as Kebbs Brook to the north. The site is accessed from the A666 Bolton Road via Bury Fold Lane.

3.1.2 Topography rises steeply from the rear of terrace properties on Ellen Street toward Ellerslie, where the land continues to rise more gradually toward the west. There is also a drop in land level from south to north toward Kebbs Brook.

#### **3.2 Proposed Development**

3.2.1 Approval of Reserved Matters, following Outline Approval, is sought for the appearance, landscaping, layout and scale for 18 dwellings; as set out in the submitted drawings.

### **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 (LPP2)**

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 12 – Developer Contributions
- Policy 18 – Housing Mix
- Policy 28 – Development Opportunities
- Policy 38 – Green Infrastructure on the Adopted Policies Map
- Policy 39 – Heritage
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape

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

3.4.1 Residential Design Guide Supplementary Planning Document

3.4.2 Green Infrastructure Supplementary Planning Document

3.4.3 National Planning Policy Framework (The Framework) 2019

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 As aforementioned, assessment of this Reserved Matters application is limited the following matters:

- **Appearance:** Aspects of a building or place which affect the way it looks, including the exterior of the development.
- **Landscaping:** The improvement or protection of the amenities of the site and the surrounding area; this could include planting trees or hedges as a screen.
- **Layout:** Includes buildings, routes and open spaces within the development and the way they are laid out in relation to buildings, routes and open space outside the development.
- **Scale:** Includes information on the size of the development, including the height, width and length of each proposed building.

3.5.2 The application site policy (LPP2 – Policy 28, site 28/12) has no specific requirements for any of the reserved matters, beyond a direction of the potential use of the site for ‘small scale residential’. Policy 11 (Design) of LPP2 is the primary policy that guides the assessment.

#### Appearance

3.5.3 The proposed dwellings are of contemporary two storey appearance, reflective of the modern timber frame construction solution and high energy efficiency; featuring advanced levels of insulation and renewable technologies.

3.5.4 The pallet of external materials proposed include a range of walling materials consisting of white render, timber effect cladding and black facing brick feature panels and plinths. This modern pallet of materials is considered to appropriately contrast with the traditional grandeur and elegance of Ellerslie House, serving to emphasise the building as a stand-alone property central to a wider modern intervention.

3.5.5 The relationship with adjacent stone faced terraced rows, is somewhat detached, due to the elevated position of the site. Moreover, the character of the neighbouring area is mixed and previously compromised by the

introduction of dormer style bungalows along Bury Fold Lane positioned adjacent traditional terraced rows.

3.5.6 Proposed hard surface treatment to the internal highway and private driveways is tarmacadam. An alternative, more sympathetic treatment to the driveways is, however, considered necessary; provision of which will be secured by condition.

3.5.7 Landscaping

Notwithstanding the current application, submission of a landscaping scheme is required by condition attached to the outline permission. This will inform a further detailed assessment of landscape provision, including hard surface treatments as well as planting of new species and their densities. Details submitted with this application include proposed retention of key boundary tree groupings and vegetation, in response to the developed area; as set out in an Arboricultural Constraints Appraisal and supporting drawings. It is essential that the development ties into the existing landscape features; taking advantage of the topography of the site, ensuring retention of key trees / hedgerows and provides sufficient green communal spaces, to ensure a development sympathetic to the sites urban fringe position. Submission of a Woodland Management Plan will be secured by condition, to ensure protection and effective management of existing woodland.

3.5.8 Layout

The dwellings are laid out in response to existing woodland and Ellerslie House, the latter of which will feature as central focal point of the development. Spacing between the proposed properties and Ellerslie House takes into account the sensitivity of the property, ensuring preservation of its character and setting. In this context, it should be acknowledged that the outline permission offers the opportunity for the erection of up to 4no. additional dwellings. The 18no. proposed is, therefore, considered to limit impact on the character and setting of Ellerslie House, beyond what could otherwise occur.

3.5.9 Dwellings will front an internal road off the existing access into the site from Bury Fold Lane. The bulk of the properties (plots 1-15) will be arranged to the west of Ellerslie fronting a two arm cul-de-sac; entry into which will feature dual aspect dwellings straddling the road at plot nos. 1 and 15. Approach from the existing point of access to the north east will feature large rear gardens, screened by existing woodland. Woodland will also feature as a focal point beyond the each cul-de-sac head. Remaining plots (16-18) will be accessed from the existing internal road wrapping around the south side of Ellerslie, which will transition into a new arch shaped cul-de-sac fronted by a responsive row of dwellings laid out in arch form. A recurring theme throughout the development will be the benefit of each dwelling having its own portion of woodland within their rear garden space.

3.5.10 Separation between proposed dwellings and between proposed and existing dwellings accords with the Council's adopted separation; as set out in the Residential Design guide SPD. Particular attention is paid to the interface

between habitable windows to the rear of (proposed) plot no. 18 and the rear of 19 Ellen Street; taking into account the elevated position of the applicant site relative to those properties. Consequently, an appropriate separation of circa 25.4m is secured.

3.5.11 Plot sizes throughout are generous and well-proportioned, having regard to size of the dwellings and the overall spacious character of the site which provides for generous amounts integrated green space and woodland.

3.5.12 The elevated position of the site and natural landscape features, relative to surrounding development, presents a somewhat detached relationship. In context, therefore, the importance of reflecting the essentially linear prevailing pattern of development is diminished to an extent. The proposed arrangement of dwellings in a less orderly fashion is considered appropriate and an effective use of the site; taking into account the importance of retained woodland and open space as incorporated landscaping.

3.5.13 The layout offers sufficient connectivity through the site, taking into account the constraints presented by the position of Ellerslie, the extent of woodland and modest size of the site.

3.5.14 Off street parking, broadly in accordance with the Council's adopted standards, is provided for all dwellings, in the form of driveways and garages, where applicable.

3.5.15 The applicant has confirmed that the development will be gated and that maintenance of the highway and communal areas will be the responsibility of a private management company, upon completion. Internal highways will not, therefore, be adopted by the Council. Submission of a Management / Maintenance Plan and full details of the proposed gates will be secured by condition.

3.5.16 Scale

15no. dwellings are proposed to the south west corner of the site, consisting of 3no. house types. Each property will nestle into the sloping landscaping which falls from north to south.

3.5.17 House type B is a 4 bedroom, split level detached dwelling, nominally 2 storey's in height, with an integral single width garage. Its split level nature appropriately responds to the sites topography, ensuring an integrated design solution limiting the impact of the scale of the proposal.

3.5.18 House type C is a 2 storey, 4 bedroom detached dwelling with driveway parking for a minimum of 3 cars.

3.5.19 House type E is a 5 bedroom, split level, nominally 2 storey's in height, with an integral single width garage. As with house type B, its split level construction appropriately responds to the sites topography.



3.5.20 House type A is proposed to the North East corner of the site. It is a 2 storey, 4 bedroom, detached dwelling with an attached double garage. As with house types E and B the split level construction responds to the sites sloping topography. The double garage will sit at a higher level.

3.5.21 The height of the proposed dwellings range between circa 8m and 9m; a height considered proportionate, having regard to the range of architectural styles present to the locality.

3.5.22 Accordingly, when assessed against the character criteria of Policy 11, the proposal is considered compliant, by virtue of it demonstrably:

- Establishing a strong character, by taking applying positive local character traits in a modern context, through plot sizes, build style (including colour and materials), resulting in a complimentary development which accentuates the proposed house types and contrasts them with Ellerslie House;
- appropriately responding to the sites topography and general landscape features;
- making best use of existing connections, landmarks / views and the relationship of buildings to the street, and:
- presenting a scale of development proportionate to the surroundings.

#### 3.5.23 Section 106 obligations

Members are advised that the outline permission was subject to the applicant entering into an agreement under S106 of the Town & Country Planning Act 1990, requiring the following financial contribution towards:

- a. Affordable Housing - A formula detailing “‘x’ no. of dwellings x (42.5% of average affordable house value) x 20% =£y contribution) towards the provision of affordable housing off-site in the locality. The average affordable house value is set at £150,000.
- b. Public Open Space –. The formal provision is to be provided via a lump sum of £1406 per dwelling which would be used to enhance existing open space/ play areas at Watery Lane and Ashton Park, as well as land drainage improvements to Blacksnape football pitches; in accordance with the Council’s Playing Pitch Strategy.

#### 3.5.24 Summary

This report assesses the reserved matters planning application for land at Ellerslie House, Bury Fold 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. To re-iterate, the assessment has been undertaken in the context of the residential development of the site and access arrangements off Bury Fold Lane, from the A666, having previously been accepted under the outline planning permission.

## **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:**

- Submission of external materials
- Submission of a Management Plan for future maintenance of highways and communal open areas
- Submission of details for the gated entrance at the site
- Submission of Woodland Management Plan.

## **5.0 PLANNING HISTORY**

### **5.1 10/15/1081: Outline planning permission, granted by Planning & Highways Committee on 1<sup>st</sup> August 2016, for the erection of 22 three and four bedroom dwellings and access.**

## **6.0 CONSULTATIONS**

### **6.1 Drainage**

No objection subject to:

- Amendment to FRA to provide for climate change allowance to be increased to 40% in accordance with EA recommendations
- Surface water drainage design to incorporate attenuation in the form of a storage pond in order to comply with the Framework requirements for water quality.

### **6.2 United Utilities**

No objection subject to following conditions:

- Surface water drainage
- Foul and surface water to be drained on separate systems

Note: All drainage matters will be secured under the condition discharge procedure, for drainage conditions attached to the Outline planning permission.

### **6.3 Strategic Housing**

No objection.

### **6.4 Public Protection**

No objection:

Note: Matters to pertaining to public protection will be secured under the condition discharge procedure for drainage conditions attached to the Outline planning permission.

### **6.5 Environmental Services**

No objection

6.6 Highways Authority

No objection, subject to queries pertaining to the following matters:

- Site layout, including off-street parking and adequate carriageway / footway provision. These matters have been resolved through submission of amended detail relating to off-street parking and confirmation that the development will remain in the charge of a private management company, rather than Local Authority adoption.

Note: Other highway matters will be secured under the condition discharge procedure for such conditions attached to the Outline planning permission.

6.7 Education

No response offered.

6.8 GMEU Ecology

No response offered.

Note: Ecological matters will be secured under the condition discharge procedure for such conditions attached to the Outline planning permission. This includes a requirement to submit an additional up to date Ecological Site Survey, on account of the time elapsed since production of the initial assessment in 2014.

6.9 Lancashire Constabulary

No response offered.

6.10 Neighbours

Neighbour notification letters were sent to 119 properties within the locality on the 15<sup>th</sup> July 2019 and 5<sup>th</sup> December 2019. In addition site notices were displayed and a press notice was published in the Lancashire Evening Telegraph on the 26<sup>th</sup> July 2019. As a result of this consultation process 30 letters of objection have been received. The overwhelming majority of objections expressed concern as to the access arrangements along Bury Fold Lane, from the A666 and the impact of increased vehicular traffic. Such arrangements and impact has, however, been assessed and accepted by the Council under the previous Outline permission. Detailed specification of the proposed improvement works will be considered under the condition discharge procedure; in accordance with the requirements of conditions set out in points 3 and 4 at paragraph 2.2. It should be emphasised that the improvement works must be implemented prior to commencement of the housing development.

6.11 Moreover, Members are advised that residents concern in relation to potential damage resultant from the construction of the development, including vibration from heavy vehicles using Bury Fold Lane and impact to housing and road / drainage infrastructure, is a civil matter. Responsibility for damage caused as a direct result of construction lies with the developer / land owner.

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

**8.0 DATE PREPARED: 2<sup>nd</sup> January 2020**

**9.0 SUMMARY OF REPRESENTATIONS**

Comment - Hilary Midgley, 16 Bury Fold Cottages, Darwen. Rec 19/12/19

Dear Mr. Blackledge,

Regarding the above planning application: I would have sent my views to you today. However, I stumbled early on, not being able to see the details of the amendment on the planning website. I followed the steps suggested but could get no further than the initial table which state the nature of the application.

I realise I will now be too late to submit anything, so my comments are for your future reference. Please make the pathway for viewing planning applications, including amendments, much clearer and easier to follow. I am computer literate but felt I was just going round in circles.

Yours sincerely,

Hilary Midgley

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Objection – Wendy Humphreys, Nether Greenlowe Farm. Rec 21/12/2019

You wanted observations by 19th of Dec so I apologise that this is late. Having had an opportunity now to look at the application in detail I can see no reference to possible access to the site from Astley Terrace, I know there is a road going from Ellerslie House to Astley Terrace and using this road to access these new houses would have been much better than using Bury Fold Lane. Astley Terrace is much wider than Bury Fold Lane and has fewer houses on it so is not so busy. I made these observations at the time of the previous application but they have not been discussed or referred to nor have any possible reasons for discounting them been given.

I would like to again say that access from Astley Terrace should be considered.

Wendy Humphreys

Nether Greenlowe Farm

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Objection – Idris & Magdalen Davies – Unknown Address. Rec 19/12/2019

Dear Sir

I wish to raise my concerns regarding the proposed housing at Ellerslie Bury Fold Lane Darwen.

I feel the planning department have acknowledged that the road is not suitable for the increase in traffic movements, by insisting that the upper part of Bury fold be widened,, this will bring much disruption to all the residents of the lane for a long period of time,,,which seems rather pointless when the the lower part of the lane is much narrower, and cannot be widened.

At a meeting i attended i was told by a member of the team from Blackburn council that all the work to move the wall back would be done

from behind ,,i find that hard to believe,,how can it be possible to build a dry stone wall from behind .

Regardless of any changes to the actual buildings the above mentioned is my main concern

I trust my concerns will be taken in to account when the decision is taken.  
Regards Idris and Magdalen Davies.

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Objection – Steve Farrell – Coach House, Bury Fold Lane, Darwen. Rec 17/12/2019

*Your Ref: 10/19/0642 Reserved Matters Application Ellerslie House Darwen*

*Dear Mr Blackledge*

*With regards to this planning application, I am concerned about the siting of the underground sewage pump station which is adjacent to the boundary of my property.*

*I understand there are regulations regarding the siting of this equipment which may well then be applicable onto my property.*

*I am also aware that in a number of similar installations there have been complaints from residents of both noise and smell so I would like some assurance that we will not be affected.*

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Objection – Ian Embley – The Rock Higher, Bold Venture, Bury Fold Lane, Darwen. Rec 16/12/2019

**Re: Planning Application - Land at Ellerslie House Amendment.**

I refer to your letter dated the 5th of December 2019 relating to the above.

My observations are as follows:

This development is not needed, Darwen is saturated with new build and the development serves no purpose other than to fill pockets. This is not affordable housing and the proposed development would ruin an area of historical significance.

The effects on the environment, particularly carbon emissions would be detrimental.

The traffic problems already outlined in my previous letters have not, it appears been addressed, in particular the dangerous access onto Bolton Road and the permanent advertising hoarding attached to a defunct taxi parked outside the Chinese Takeaway which restricts both vision and traffic.

The development is made up of four and five bedroomed properties, each with three parking spaces. There will be more than an additional 30 vehicle journeys per day. Drastic upgrading of Bury Fold Lane would be required to deal with the the significant increase in vehicle movements. Despite what has been said previously, there is restricted access all the way up to Ellerslie and many parked vehicles along the route make the journey dangerous. Again please see my comments in my previous letter[s].

It matters not how the development is designed; it should not be approved. Access to the entrance is still in an area where there is poor visibility for vehicles travelling up and down the lane. With respect, how many letters do I have to write reiterating these facts and when will anyone take notice?

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Objection – Ray Chenery, 3 Bury Fold, Darwen Rec 10/12/2019

**PROPOSED BUILDING ON LAND AT ELLERSLIE HOUSE, BURY FOLD LANE, DARWEN**

I assume my previous comments concerning the Ellerslie House, Bury Fold Lane, application are still on file.

These concerns still apply, and are mainly about what would be -

- The disruption/destruction of the present safe, undisturbed, walled wildlife enclave.

The much-increased traffic on Bury Fold Lane, a narrow road exiting onto Bolton Road at a risky, not to say dangerous, junction, with restricted sightlines in both directions.

Eighteen new dwellings would probably generate up to forty or more extra vehicles regularly using Bury Fold Lane; sections of the footpath are now permanently used for parking, sometimes leaving no space at all for pedestrians.

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Objection – T Cowell, Unknown Address. Rec 22/08/2019

**Re: - Planning Application Reference 10/19/0642 Ellerslie House Bury Fold Lane Darwen.**

I wish to object to the above planning application.

My objections are :-

1. At various stages in the core planning principles it is required that the natural environment must be conserved, protected and enhanced. I believe that any building development on the Ellerslie site will achieve the absolute opposite of these core principles. It most certainly does not accommodate "local character and history and reflect the identity of local surroundings and materials."
2. Para 4.2 Site Access states that widening Bury Fold Lane "will require the replacement of a 2.2m high natural stone retaining wall." It does not state what the replacement materials will be. I and other residents of the lane are fearful that concrete or artificial stone will be used. ( As per the monstrous retaining wall at the not developed Belgrave Heights at the centre of Darwen) The natural stone must be reused if the core principles noted in item 1 of my objections are to mean anything at all.
3. Transport Statement. If this was not such a serious matter this statement would be amusing. The Council records will contain numerous letters sent over several years asking for modification to be made at the junction of Bury Fold Lane and the A666. This is a dangerous and restricted junction. On many occasions residents have needed to reverse into the A666 because two, even modest sized vehicles, cannot pass. Many times requests have been made for double yellow lines to be extended in the Bolton direction because parked vehicles dangerously impede the line of sight. The photographs in the proposal are intended to deceive and are definitely not typical of the usual pattern of parked vehicles.
4. Surveys. The Automatic Traffic counter used 28/01/15 to 03/02/15 was located above Ellen Street on the higher part of the lane. Therefore no account could be included of resident or service vehicles attending the whole of Ellen Street and the lower part of the lane. Again very deceptive data.

On a more general point, Councillors and Planning Officers are respectfully asked to seek to maintain the character and history of this ancient lane in their consideration of this planning application.

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Objection – Ian & Patricia Embley, The Rock Higher Bold Venture, Bury Fold Lane, Darwen. Rec 09/08/2019

Re: Reserved Matters Application for the appearance, landscaping layout and scale for 18 dwellings following outline planning approval 10/15/1081- at land at Ellerslie House, Bury Fold Lane, Darwen.

**Objections to Planning Application at Ellerslie House.**

**Overview:**

- Previous Outline Planning Consent [elapsed] included conditions which must still be relevant and applied to the current submission.
- Insufficient time allowed [barely three weeks ] for objections to be submitted and this at a time when many residents will be on their holidays and unaware of the application.
- Some residents who were involved initially have not received the current notice.
- Previous objections submitted in 2015, should be included as evidence against this development.
- Previous conditions applied to the 2015 outline planning application should also be applied.
- Strategic Housing Land Availability Assessment [residual housing requirement] for Darwen is calculated at 2500 dwellings. The proposed Local Development Plan Policy 16 Housing Allocations total 3340 properties. An excess to need of 840 properties. This site is surplus to requirements.
- In the 2007 SHLAA, the borough residual housing requirement was 3068 dwellings. Of these only 960 dwellings were completed [212 or 22% in Darwen]. Calculation of the RHR is flawed and grossly overestimates housing requirement.
- Local plan is based on out of date population figures [2001 census by virtue of both the Local Development Framework and the Local Plan following the housing need figures of the NW Regional Spatial Strategy].
- The 2011 census puts population increases for Blackburn with Darwen at 7%. Darwen's is very much less [2%], indicating considerably lower housing need than calculated.
- Whitehall ward has a less than 1% [0.71%] population increase from the 2001 census, illustrating no increase in housing need whatsoever.

- Blackburn with Darwen's housing market has seen continual monthly falls in value, unlike other areas. The borough has one of the highest mortgage loan-to-value conditions. Banks etc. will not easily extend credit; mortgages are scarce which imposes a huge viability risk on new development, especially one unsupported by housing need.
- Belgrave Mill, a brown-field development site opened in 2008 and closed, incomplete in 2009. The site is a longstanding eyesore on a major road route. It is a public monument to the Council's errors in overestimating Darwen's housing need. Ellerslie is not needed.
- Undeveloped sites from previous plans remained undeveloped for some time. [Pole Lane, Royal Infirmary etc.]; suggesting persistent historical overestimation of housing requirement.
- With the ongoing developments at Pole Lane and Cranberry, it is difficult to justify why Ellerslie is seen as critical to housing need in Darwen, particularly Whitehall.
- This development will not be providing affordable social housing [20% as required under the local Development Plan].
- Much of Darwen's housing stock is poorly maintained; 2% is long term vacant. Section 106 money [committed sums] assumes 430 of these voids will be made fit. This large pool of bargain properties acts as a drag on any demand for new development.
- Basing an argument for a growing housing market on the capriciousness of government policy is dangerous and unacceptable. Ellerslie's opportunistic inclusion merely 'makes up the numbers.' In reality it fulfils no actual housing requirement and can only be seen as a means to financial gain.
- Blackburn Council asserted that the site would be deliverable by 2018. As predicted, that assertion was greatly flawed. Based on the amenity, infrastructure and environmental difficulties and arguments it was obvious this could not be the case as circumstances have proven. [See below].
- At least one abortive attempt was made to develop this site under the former Local Development Plan when it was designated 'countryside.' The same mitigating factors against development then still apply.

**Infrastructure:**

- Site access is restricted. Bury Fold Lane is narrow, steep and winding. Current traffic problems: Only one way in and out. Dangers at A666 junction create limited vision and standing traffic. No off road parking for residents. Poor access for emergency vehicles. No access in snow and icy conditions. Development will increase danger from traffic. [Please see our objections re: access].
- Traffic increases resulting from this proposed development will place pedestrians in danger: Drivers' vision is restricted by high walls. Steep approach and no footpaths in parts. The lane is constantly in use by dog walkers, cyclists, joggers and ramblers. Many horse riders use the lane to access adjacent bridle paths. By way of traffic increases, development would be contrary to the Development Plan ie: the "need to ensure that



riders can use their horses safely with adequate access to rights of way and no need to travel on busy road routes."

- Schools in the Whitehall Ward are already oversubscribed. [Ashleigh had 95 applications for 30 places in 2013-2014, as did St Barnabas and St Joseph's]. Policy 34 states a need for increased school capacity. Additional schoolchildren arising from new housing cannot be catered for. Pole Lane and Cranberry will further add to this congestion; Ellerslie ditto.
- Public transport, particularly rail and road, is already stretched to breaking point. Poor travelling conditions will discourage potential commuters.
- United Utilities have stated there is insufficient water pressure on the mains supply for any additional consumers without major investment.
- There is a boundary wall [part of the heritage factor] which delineates the site along Bury Fold Lane. This is now in a neglected and dangerous state. It should be repaired as a matter of urgency.

#### **Environmental Factors:**

- Many adjacent dwellings rely on boreholes for water supply. Development of such a large, nearby site could contaminate or change the character of the source aquifers, contrary to the new local plan which states development "*which would have an unacceptable effect on the quality or yield of groundwater or surface water will not be permitted.*" A study should be required to assess the potential effects of the Ellerslie proposals.
- Brooks border the site. The area already currently suffers flood problems. Concreting over such a large area will speed up run-off and increase the potential for downstream flood damage.
- The ~~Draft~~ Local Plan states it seeks to control urban sprawl. This development is contrary to aim stated in the Local Plan to control urban sprawl. It will sacrifice a valuable green area for purely statistical reasons.
- Increased traffic from this development would compromise one of only two points of access to the West Pennine Moors on this side of town.
- The North West has the lowest life expectancy in England [as at 2009 -2011]. Allowing this pepper-pot development will irreversibly damage the enhancement to public health such semi-rural sites provides. The Local Plan states "*development that would result in the further fragmentation of, or compromise the function of Blackburn with Darwen's ecological network will not be permitted.*"
- The site is part of a green corridor essential to wildlife mobility. Loss of this area will adversely affect many species in this respect. A full environmental and wildlife survey would need to be done to quantify this.

- Developing this valuable green space would add Co2 to the atmosphere, result in the the loss of a critical carbon 'sink,' and further add to the causes of global warming.
- Development would bring increased human activity and associated problems, such as litter, pollution, wear and tear on the environment, higher noise levels etc., to an area valued for its quiet, rural nature.
- Development of this site would be inappropriate, contrary and detrimental to the historical nature of its' setting. Due to the heritage aspect of the area, developments should not be allowed, indeed stringent requirements would need to be applied to the design of any proposed dwellings. The modern style of the proposed dwellings is completely out of keeping with the [largely stone built], historical architectural style of the surrounding area.
- The proposed development is also too large for the site, further detracting from the heritage aspect of the area.

**Conclusions:**

The site will not benefit the local community, quite the contrary.

Events have proved it was not deliverable by 2018 [as was maintained in 2015]; this submission appears to be a rehash of the same. Evidence suggests it is a probable 'white elephant.' It is a waste of the Council's valuable time in having to reconsider this unfeasible proposal.

The design proposals are contrary to the heritage aspects of the area and the development is too large for the site.

The site is surplus to housing requirements by the council's own figures.

It sacrifices a valuable green area purely for development's own sake.

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## Objection – Helen Cowell, 14 Bury Fold Lane, Darwen. Rec 07/08/2019

I have these comments to make regarding the Reserved Matters planning application for the above site.

The perverse decision to designate this site as a Development Opportunity has created an impossible situation in that the principle of development is already agreed, however the Local Planning Authority could and should stringently apply its own policies to this site. I refer for example to **Policy 11 – Design**, in the Local Plan, which should be a prime consideration.

### **Extract from the Local Plan:**

#### **Policy 11 – Design**

**1. All new development will be required to present a good standard of design and will be expected to:**

- i) Demonstrate an understanding of the wider context; and**
- ii) Make a positive contribution to the local area.**

....the Council will have particular regard to..:

#### **Character**

**New development must enhance and reinforce the established character of the locality;**

There is no part of the proposal which meets any of the criteria in the policy.

Even when the site was first put forward as a Housing allocation in the Submission Local Plan, the primary key development consideration was that "Development at this site ....will need to be sensitively located and designed so as to preserve the character and setting of Ellerslie House". The site was eventually removed as an allocation because of the unsuitability of much of the site for development. Despite its subsequent designation as a Development Opportunities site, the circumstances are unchanged and if the development in this application goes ahead, the setting of the house will be destroyed. As far as the actual properties are concerned, they are far too close together and of a design which is not in keeping with either the surrounding area or the house itself.

The adopted Local Plan states that the site is suitable for "Small scale residential". In my opinion, 18 houses is not small scale and a maximum of 8 new units would be pushing the limits of what the site can sustain.

The proposed widening of Bury Fold Lane along the boundary of Ellerslie will have an extremely detrimental impact to the rural nature of the Lane. The Local Planning Authority would need to ensure that the replacement wall would be built sympathetically - entirely from existing materials. We do not want a repeat of the out of character retaining walls which were allowed at the Belgrave Mill site.

The extra traffic will make the problems in the Lane worse – it has previously been pointed out that you could create a dual carriageway at Ellerslie and it would do nothing to mitigate the problems, which will only increase if this development goes ahead, from Ellen Street down to the A666.

The Transport Statement refers to "opportunistic passing places". Page 33 states "The layout of Bury Fold Lane and the informal arrangement of the opportunistic passing bays clearly works currently...". As anyone who actually uses the Lane knows, the only "opportunistic passing bays" are usually the pavement, and, contrary to what the Transport Statement would like us to think, the Lane is not capable of "safely accommodating much higher flows of traffic". All this and more has been said before.

When all is considered, there seems to be many more reasons to refuse this application than approve it. I hope therefore that you will take these issues into consideration and refuse this application.

Yours faithfully,

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### Objection – Trevor Cowell, Unknown Address. Rec 07/08/2019

I wish to object to the above planning application.

My objections are :-

1. At various stages in the core planning principles it is required that the natural environment must be conserved, protected and enhanced. I believe that any building development on the Ellerslie site will achieve the absolute opposite of these core principles. It most certainly does not accommodate "local character and history and reflect the identity of local surroundings and materials."
2. Para 4.2 Site Access states that widening Bury Fold Lane "will require the replacement of a 2.2m high natural stone retaining wall." It does not state what the replacement materials will be. I and other residents of the lane are fearful that concrete or artificial stone will be used. ( As per the monstrous retaining wall at the not developed Belgrave Heights at the centre of Darwen) The natural stone must be reused if the core principles noted in item 1 of my objections are to mean anything at all.
3. Transport Statement. If this was not such a serious matter this statement would be amusing. The Council records will contain numerous letters sent over several years asking for modification to be made at the junction of Bury Fold Lane and the A666. This is a dangerous and restricted junction. On many occasions residents have needed to reverse into the A666 because two, even modest sized vehicles, cannot pass. Many times requests have been made for double yellow lines to be extended in the Bolton direction because parked vehicles dangerously impede the line of sight. The photographs in the proposal are intended to deceive and are definitely not typical of the usual pattern of parked vehicles.
4. Surveys. The Automatic Traffic counter used 28/01/15 to 03/02/15 was located above Ellen Street on the higher part of the lane. Therefore no account could be included of resident or service vehicles attending the whole of Ellen Street and the lower part of the lane. Again very deceptive data.

On a more general point, Councillors and Planning Officers are respectfully asked to seek to maintain the character and history of this ancient lane in their consideration of this planning application.

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Objection – Mr George Kay & Dr Jane Kay, 11 Ellen Street, Darwen. Rec 05/08/19

We would like to object to the planning application reference 10/19/0642 Land at Ellerslie House.

The application does not sufficiently take into consideration the disruption caused to traffic flow on Bury Fold Lane and in Ellen Street.

Recently Virgin Media completed works which caused huge disruption in that area for all road users and this level of disruption would not be acceptable for any length of time.

Additional road users from new housing would cause disruption and the requirements for plant machinery to be able to use this small access road would be unacceptable for the road surface as it currently is.

The type of housing that is proposed is not social housing or necessary housing for the area in any form and so the likelihood of each dwelling having a significant number of vehicles is increased.

The area does have some historical interest with Samuel Crompton's blue plaque house being on Bury Fold Lane, where traffic disruptions and the sheer weight of additional and repeated plant vehicles using that area may cause damage.

There is already difficulty for any large vehicle using Bury Fold Lane or trying to access Ellen street at certain of times of day (2pm when everyone is at work as oppose to weekends and evenings when parking is severely limited).

New houses have already been built on the old Belgrave Mills site in Darwen – however this has been left wallowing in uncertainty. Unfinished and an eyesore, there is no guarantee for the current residents that we would not be left in the same situation or worse, since the council is not asking for any financial bonds to secure the existing properties remain free from damages.

Please accept our thanks for your consideration of this objection.

Mr George Kay

Dr Jane Kay BA(Hons)PGCE. MA. QTLS. FSET.

11 Ellen Street, Darwen, BB32QH

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Objection – Mr R W Soutar, Ingledene Low Hill, Bury Fold Lane, Darwen. Rec 04/08/19

Dear Sir/Madam

**Ellerslie Reserved Matters Application 10/15/1081**

Referring to the Developer's statement, V1.0 (25 June 2019), I offer a cautious credit to the Developer for the quality of their proposal. I have also looked at the Construction Method Statement. My main reservations are:

\* the proposals regarding the redevelopment of Bury Fold Lane itself

\* the temptation for the developers to cut costs during the implementation phase resulting in a decrease in quality and sustainability, specifically around the reconstruction of the lane and the preservation of the mature trees at the borders of the site.

Both of these could have a major impact on our property and the legitimate access to it. In these matters, we are reliant of the diligence of the partnership between the Local

Authority and the Community in monitoring the works so that they achieve the high standards proposed. I accept that disruption during construction is inevitable, but I do not wish the neighbourhood, including our new residents, to suffer materially in the medium to long term.

### **Construction phase - traffic on Bury Fold Lane**

The proposals are reasonable but lack detail. To my knowledge, surveys to date are unlikely to have covered times of peak activity, which already shatter any ideas of a "quiet" lane. I have observed visiting surveyors, whom I have seen during the "quiet" times but not at busy ones. From around 10.00 to 15.00 hrs things are relatively "quiet" - apart from numerous deliveries to properties, builders and service vans etc!

The last few years have seen a big increase in traffic from delivery vans. More and more people in the neighbourhood are doing internet shopping and also having groceries delivered. Often the delivery vans and trucks seem disproportionately large.

Currently, bins awaiting collection (as instructed by the Council) and parked cars can make access for larger vehicles in the lane problematic. Bin collections (usually at "quiet" times) can already cause obstructions and subsequent delays of several minutes and queues of vehicles. Perhaps the Local Authority could send someone to accompany a bin collection and assess the issues?

Because of all the limiting factors, the works need to be planned very carefully and surveys need to be carried out at times of peak activity (as determined by residents and not by the convenience to visiting surveyors). It is unlikely that enough up-to-date information been gathered to plan the works properly, given the severe consequences for residents and for local economic activity should these plans lead to delays or worse. Have surveys been done at busier times of year (i.e. not during the summer holidays)? I have a continuing fear of being marooned in my house, unable to go to work or get to the hospital in an emergency.

### **Construction phase - residents' parking**

Many of my neighbours are hardworking taxpayers, with a good number requiring transport for their business activities, not just to commute to work. Others require a car as a condition of their job, having two sets of employment or working anti-social hours. Many of my neighbours do not have private drives and must park their cars overnight at the roadside. If roadside parking were to be restricted or banned, then their livelihoods could be threatened. A key issue is that there is, in practical terms, nowhere else to go. Parking on the A666 is either restricted or dangerous. Parking on the other side of the A666 is either privately owned and policed (Mayfield Flats) or in the industrial zone beyond which is already hazardous. (I parked my car over there when I could not drive it up the lane in the snow. When I returned to it the next day I found that it had been vandalised.)

Delivery and service vehicles compound the parking problem - they either desire or have a genuine need to park outside the properties in order to service them.

Then there is the issue of construction workers arriving either before the site gates are open or in the event that gates are closed when they should be open. (If something goes wrong, then it will).

During the road works, the Developer could enhance community relations by allocating some

temporary parking space outside the site gates (reposition the gates accordingly?). In case of severe disruption (accidents happen) space could be allocated for vehicles to turn round. This could obviate the problem of vehicles from higher up (possibly having traveled a few miles) coming down the lane and finding the road blocked, with the chance of getting snagged in a traffic jam that would be difficult to unravel. It would provide the option for able-bodied drivers to walk down to the main road to continue their journey and to walk back again to reclaim their vehicles afterwards. Just one abandoned vehicle near the site entrance could cause chaos to all concerned, including the contractors.

### **Junction with A666**

This is currently a major concern - and this is **before** any work starts. If cars are parked legally there, visibility is adequate, but any vans or larger vehicles that are parked cause us to venture almost half way across the carriageway before we can see if the road is clear. This needs to be reviewed again.

### **Wall and banking bordering Bury Fold Lane**

We are grateful to your Highways Dept for their proposals for improvements. We note that the Developer has stated a commitment to the sustainability policy of "reuse and recycle". Could we get assurances that the new retaining wall will re-use all the stonework of the existing wall? Surely this is the most sustainable construction in terms of material and energy use. A stone-clad wall have the added amenity and environmental value for residents both old and new.

A longer term issue is the maintenance of the new wall. Any slippage from the bank will give rise to a dangerous hazard. Who will be responsible for the long-term maintenance?

### **Preservation of trees at the site boundary**

The current mature trees adjoining the lane provide shelterbelt (including noise reduction). I note that no shelterbelt trees are to be removed above the site access point. Lower down, I accept that it may be necessary to remove some trees as part of the lane widening work. Do we know exactly which ones these will be? I have concerns that the penalties for removing trees are derisory compared to the financial advantage of chopping them down. Once destroyed, we will not see trees like this here for another hundred years or so. Mature trees are a significant store of carbon and replanting will not make up the carbon balance in the short to medium term. I would like to see practical commitments from the Developer regarding sustainability and climate change, not just words.

My comments above are independent of the particular applicant but carry a wariness of developers in general. The process would be much more convivial were the Developer to present their plans to the local community in person.

R W Soutar (Mr)

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### **Objection – Mrs Hazel Thomas, Rosedene, Bury Fold Lane, Darwen. Rec 04/08/19**

I am writing in objection to the houses being built on the land at Ellerslie house.

After reading various documents and viewing the photos I am amazed at the deceit and the misleading statements that have occurred in these papers. If they have been taken serious by

the council I am amazed. They need to come onto Bury Fold itself with their cars and talk to residents that have lived here for many years.

In document J350/TS it shows very deceiving pictures mainly at the bottom of the lane at the junction of the A666 (not the A560as stated on the pictures). It gives the impression that there is enough room for 2 cars to pass at the junction but there is only enough room for one car and many times cars have to back out on the main road if cars are coming down, which is very dangerous.

It also mentions about 'opportunistic passing places' this means mounting the pavement for one car to let the other pass. There are two small places which allows 2way traffic but there is always residential parking in these paces so impossible for 2way traffic and you have to patiently wait on the pavement.

It also mentions about surveying the area which in itself is a joke putting the counter above Ellerslie gates which only counts the few houses above Ellerslie. The survey should have been taken at the bottom of the lane where there is single lane traffic at the junction with the main road(A666). Then there would be a true record of the majority of the houses using Bury Fold to show the difficulties of everyday movement of residents, deliveries and local amenities.

In document 16097-DA

2.14 Widening the lane between Helen Street and Ellerslie gateway is a great concern to many residents especially if it is not in keeping with the rest of the wall. If it is not redone with the original stone it will look out of place and not in keeping with the rest of the countryside. Also, there will be the unbelievable disruption while the work is carried out.

2-17 Contributing, conserving and enhancing the natural environment has already been affected by the cutting down of the many trees already in the Ellerslie grounds. It already has had an effect on the deer which are not now moving through the way they used to.

2-19 Mentions affordable housing which would in my mind be smaller town houses. These are detached expensive houses for people with money and cars which will cause more disruption on the lane.

2-20 States how it will enhance the quality of the area. They are destroying woodland and the lovely looks of our countryside and are going to have a building site. It says about creating safe and accessible environment is a joke with areas of the lane which are single track which is impossible to make into a two-way road and people have to pull over and drive on the pavement. There will also always people having to back their cars onto a busy main road of the A666 when there is not enough room for 2 cars to pass at the bottom of Bury Fold.

All these things taken into consideration I totally object to the plans being allowed to be passed.

Yours faithfully

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Objection – Idris & Magdalen Davies, 32 Bury Fold Lane, Darwen. Rec 04/08/19

Dear Sir,

I wish to raise my concerns over the proposed development at Ellerslie, Bury Fold Lane Darwen.

1. At a previous meeting of residents of BFL, we were told there would be no disruption to residents whilst the wall was moved back to increase the width of the carriageway, now we are being told that there will have to be some traffic management system in place, namely traffic lights, this will disrupt my day and that of other residents, for in excess of 12 months, this is totally unacceptable. Noise, construction traffic will be a nightmare.

2. The plans of this development show approximately 40 vehicles on the site, this will dramatically increase traffic movements up and down the lane, and increase the danger at the junction with the A666, which has very restricted view of a very busy road due to lack of yellow lines and irresponsible parking.

The council highways department have refused to make any improvements to this junction due to lack of funds and the fact there has not been an accident YET.

3. When this application was first raised we were told that 20% of this development would be affordable housing, no mention of this at this stage, three and four bedroom properties are certainly not classed as affordable.

4. The design and finish of these properties is not in keeping with the country setting.

5. Nothing has been said about how the wall will be restored, as it has been in place for hundreds of years, it needs to be as near to its original state as possible. So this needs to be addressed prior to any work starting.

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Objection – Mrs Janice Cowell, Low Hill, Bury Fold Lane, Darwen. Rec 02/08/19

Application Ref: 19/01006/19  
Bury Fold Lane Darwen

I am writing to object to the above planning application which will completely destroy the natural environment of our local area.

1. The application does not comply with the Council's Core planning principles which amongst other factors dictate developments should not only "enhance the natural environment and make the fullest use of public transport walking and cycling" but should "respond to the local character and history, whilst reflecting the identity of local surroundings.
2. You say in Para 2:21 (Design and Access Statement) the development is concerned with Conserving and enhancing the natural environment!!

However not only does the proposal seek to destroy an ancient stone wall that has been in situ for at least 150 years, but it will be a serious upheaval to residents.

How will people be able to use the lane, which as you know is only a single track, during Building? There is nowhere for people to go

3. Moving the wall will not change the bottleneck exit to and from the A666 which is simply too narrow to accommodate more traffic as shown by the picture on the left. The picture on the right submitted by the applicants seeks only to mislead



You also encourage the effective use of land by reusing brownfield land that has been previously developed. The Ellerslie plan seeks to do none of these things so I would ask the proposal be refused.

Yours Sincerely

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Objection – Donald Sharples, Heightside Farm, Bury Fold Lane, Darwen. Rec 02/08/19

Dear Sir

I wish to comment on the above proposed development and strongly wish for the following to be considered in relation to future discussions by the planning committee:

1. The opportunities to carry out my normal business

On regular occasions I am either unable to, or have great difficulty transporting goods to and from my farm due to the current volume of cars using Bury Fold Lane inconsiderately and from the volume of cars parking on the lane causing congestion on this very narrow highway. Wagons have ultimately had to reverse back down to the A666. It has become normal working practice for me to have to escort vehicles and try to identify owners of cars inconsiderately parked. The junction with the A666 is very narrow and cannot be accessed with a wagon if coming from the South to turn into Bury Fold Lane – this would not be resolved by widening the lane further up as proposed.

2. The proposed widening of the lane

Bury Fold Lane cannot be widened below Ellen Street which is a ‘pinch point’.

The junction with the A666 cannot be widened due to cottages.

The widening of the Lane by setting back the dry-stone wall for the distance noted in the plans could be considered as beneficial but does not take away the problems elsewhere. In order to move this wall back 2 metres huge disruption is likely to occur not only when removing the stone but in the digging out of the land and reconstruction. Again, this will impact on the normal working practices of my business carrying essential items such as feed to my stock and preventing me from providing goods ordered to my customers, potentially having a huge economic impact.

3. Inaccurate traffic survey

The original traffic survey was undertaken in 2015 with the ‘counter’ not best placed to give an accurate picture of realistic lane usage. Since then the volume of traffic – cars, delivery vans, caravans, commercial vehicles have increased. If the intention is to allow for 18 more dwellings likely to have

two to three cars at each property this will further increase the volume of traffic. Even if the lane is widened at the proposed point this will not stop congestion at other points again causing disruption not only to my business but to other residents.

#### 4. Inappropriate housing design

Bury Fold Lane has buildings that are of historic interest and properties developed over the years have been in keeping with the character of the area. The new properties proposed are not going to enhance in any way the identity of the surroundings and should not be considered in their current form.

I would respectfully request that the above points are taken into consideration during planning decisions.

Yours sincerely

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Objection – Brian & Christine Chappell, 34 Bury Fold Lane, Darwen. Rec 02/08/2019

We wish to object to the Reserved Matters Application for land at Ellerslie House, Bury Fold Lane, Darwen: reference number 10/19/0642.

- **The removal of the dry-stone wall running from Ellerslie gates to the junction of back Ellen Street**
  - This will have impact on widening the road outside mine and neighbours' properties but **will have no impact** on other areas of narrow road present on the lane. There is a structure on the East of Ellen Street junction which is a major narrowing for passing traffic. The junction of Bury Fold with the A666 appears to be wide enough for two small vehicles but in reality, it is not.
  - If the removal is to take place there are huge concerns as to the process and method used for demolition and reconstruction to limit disruption and damage to underlying structures. What guarantees are to be offered if this occurs and impacts on my property?
  - It is assumed that the replacement of the wall has considered the steep rise of the land on which it borders and supports – what risks are there of landslip/collapse and have these been taken into consideration?
  - Essentially it must be stressed that any replacement wall is of **the same character in order to preserve our heritage dry stone walls.**
  - Can it be guaranteed that the new wall will be maintained? Historically there has been no maintenance of the current wall in the last twenty years with trees growing out of the structure, shrubs and trees overhanging the footpath and calloused roots causing damage to cars.
  
- **Traffic movements**
  - An up to date traffic survey is required as it is understood from the Council documents associated with the planning application that the last one was dated August 2015. The counter for this survey was inappropriately placed and did

not reflect the true picture. The counter needs to be placed at the junction with the A666 as it is not only traffic that passes Ellerslie House but the impact of all traffic using the lane to consider congestion at certain points and how this currently affects residents in this area.

- There is an increase in traffic at all times of the day and night: delivery vans from internet shopping, delivery vehicles from supermarket shopping, garden maintenance vehicles, business vehicles new residents, taxis, residents' vehicles (new drivers, flats, multi-car homes), tractor units and associated trailers – all of these currently contribute to a very busy lane.
- If there are to be eighteen new dwellings with a minimum of four bedrooms potentially this could result in seventy-two further vehicles travelling up and down the lane. Add on to this delivery vans and visitors and this will be a further increase. 'Opportune' passing places as was quoted in a previous report are non-existent – particularly if this means ends of driveways which have been seriously eroded due to the practices of vehicles using these to pass other vehicles and ultimately having to be fixed by the residents, not the highways department. This can only be exacerbated if and when the development starts from the increase in heavy construction vehicles.
- **Parking**
  - Photographs of the lane within the associated documents show few cars parked. Again, this is an inaccurate reflection of the real situation.
  - Despite residents receiving letters about the inappropriate parking i.e. blocking footpaths, this continues to be a major hazard and no follow up actions have been taken.
  - Driveways become unusable, or at least difficult on which to manoeuvre to park and visibility of vehicles travelling up and down the lane limited when leaving. Parked cars will continue to be a hazard and cause further congestion.
  - Pedestrians, carers, dog walkers and those walking with children cannot utilise the pavements for much of a normal day from the junction with the A666 past Ellerslie driveway due to inconsiderate parking, wheelie bins or overhanging vegetation. Add on to this the increased traffic flow as it is currently, and this hugely increases the risks of potential accidents.
- **The design of the proposed housing development**
  - The visual appearance of the houses is **not in keeping with the historic design of houses within the near vicinity** and will add nothing to the character of the area.
- **Working hours**
  - Is it to be assumed that monitoring will take place that any developers will adhere to the working hours?
  - Does this include that workers will not arrive at the site before 7.00am? What arrangements are in place to ensure that any arrivals in vehicles before this time will not be parking on the lane, particularly if the site is to be secured with gates?

I hope that these points will be taken into consideration when making planning decisions and that the Council will visit the area to get a true picture.

Yours sincerely

BRIAN AND CHRISTINE CHAPPELL

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Objection – Wendy Humphreys, Nether Greenlowe Farm, Duckshaw Road, Darwen.  
Rec 01/08/19

Ref 10/19/0642: Erection of 22 houses at Ellerslie

I am writing to object to the application.

Firstly we note that outline permission for this development was given in June 2016 and the application was referenced 10/15/1081. I have checked the neighbour consultation details for this and my husband and I and our immediate neighbours were not consulted. We have been consulted for application 10/19/0642. This means we had no opportunity to object to the initial application. We would have objected on traffic grounds, we have to use Bury Fold Lane for all access to our home.

There is no footpath on Bury Fold Lane, there is at one point a kerb and between the kerb and the wall a very muddy path, muddy and impossible to walk on with overhanging branches limiting the height to about 4 feet, clearly impossible to walk under. Widening the road by removing the kerb and calling the extra road width thus made a footpath is clearly a nonsense. The reality is that people walk in the middle of the road and move to the side when they hear a car. All these extra houses will just mean more traffic and thus more need to step to the side. This is a very popular footpath with walkers and cyclists. What about electric cars, their use is being encouraged but they are very quiet and walkers may not hear them.

A major omission in the application is the consideration of access to the site via Astley Street. I know the road at Ellerslie leads to Astley Terrace/Street as I have used it on two occasions with permission of the owners when Bury Fold Lane was blocked. Astley Street is much wider than Bury Fold Lane and has footpaths with proper raised kerbs; it has far less housing and is therefore much quieter with a lot more spare capacity for vehicles than Bury Fold Lane and a wider access to the A666. Why has this idea not formed part of the plan?

The traffic plan is misleading; the photographs have all been taken during the day when most people are at work, from 5pm or thereabouts until the morning and at weekends there is very little parking space left and very few places for vehicles to pass.

The assessment of traffic flows refers to Bury Fold as a road; it is not it is a Lane.

The Lane is referred to as a UAP4, "a busy high St", it is not a busy high street, it is an access road to approx. 45 dwellings, I use it regularly and have done for the last 30 years, I almost always have to give way to other vehicles, an additional 24 houses would logically increase traffic flow by 50%.

Parking and loading is not unrestricted, it is always a problem.

There is no 2 way traffic, there is not enough width when vehicles are parked which they usually are.

I would like my objections to be considered and an answer about why access via Astley Street, the most logical solution, has not even been considered.

Prior to 2016 when the Housing Development Plan was first published almost every resident on Bury Fold Lane went to a public meeting called by the then local Councillors, Mr and Mrs Foster, as I remember everyone at that meeting was against this development because of the traffic problems and although that was for 50 houses the problems remain the same. There is no support for this development from the residents of Bury Fold Lane, it is just being imposed on us. There is a lot of new development on Cranberry Lane and Pole Lane so these houses are not needed.

In cold and freezing weather Bury Fold Lane becomes impassable; people will just park on the A666 if they are concerned about getting out in the snow and that will increase problems there.

Yours faithfully

Wendy Humphreys

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Objection – Mrs Hilary Midgley, 16 Bury Fold Cottages, Darwen. Rec 01/08/19

Dear Sir,

As a resident of Bury Fold I wish to object to the above named planning application on several grounds.

Firstly, the appearance of the proposed houses are not in keeping with those in the immediate surrounding area.

Secondly, deer regularly move through the Bury Fold area from the fields near the stream, across Bury Fold Lane and onto Ellerslie land. The deer have been doing this for years. I worry what will happen when building work starts and also when the houses are completed. This will cause loss of habitat. Environmental needs should be paramount. Once the habitat is lost it will not be possible to recover it. Is it worth it for the sake of 18 houses?

Thirdly, I object on the grounds of increased traffic on the lane. With 18 houses there are likely to be upwards of 30 extra cars using Bury Fold Lane. This road is largely a single track road. It is hard enough now to use it safely at peak times of the day. Residents further down the lane have no option but to park on the pavement. This narrows the road considerably. The entrance/exit at the junction with the A666 is too narrow and also made very dangerous by the parking of vehicles every day on the immediate right and left of the junction. Whilst there have been no reported accidents as people try to join the A666, this has been largely due to extreme vigilance on our part. This is a dangerous junction, which, with increased traffic from the proposed development, will only get worse. Furthermore, lots of people access Bury Fold Lane for recreation, especially walkers, cyclists, runners and people riding horses. The safety of all these people needs to be considered very carefully.

In the original planning application three years ago it was proposed that any development on the land at Ellerslie must include road widening, the moving back of the retaining wall on the land where it meets the lane. If this is still being considered, please could serious thought be given to the amount of disruption this would cause for all residents, as well as for the emergency services, deliveries and refuse collection. Recently Virgin Media, who were installing new cables up the length of the lane as far as Low Hill House, caused serious disruption which meant that people were delayed and missed important appointments. The risk to health should the ambulance not be able to

move freely up and down the lane is extremely worrying, as is the risk to property if the fire brigade cannot navigate the road easily.

Finally, I do appreciate that the borough needs new housing stock, but why not look at other sites such as where Crown Paint and Wallpapers were situated at the bottom of the A666, near the Circus? This site was partially developed a few years ago but the main part of the land remains derelict. It is unsightly, casting a blight on the local area. Lots more houses, more than 18, could be built here and this would enhance an already partially prepared site.

Ellerslie sits in a quiet residential area, away from the main road. It is peaceful and tranquil. It is green and rural. Why spoil this for just 18 houses?

Yours sincerely  
Hilary Midgley

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Objection – Lynn & Derek Walsh, Ashdale Astley Bank, Darwen. Rec 26/07/19

Formal objection to the Outline Planning Permission Application (Access & Reserved matters) for erection of 18 four and five bedroom dwellings within the grounds of Ellerslie, off Bury Fold Lane, Darwen BB3 2QG  
Application reference: 10/19/0642

My husband and I live in close proximity to the proposed housing development within the grounds of Ellerslie. We formally object to the planned development of a total of 18 houses for the following reasons.

1 Bury Fold Lane

- Bury Fold Lane is a very narrow country "quiet lane" - predominantly a single track, with only 2 passing places and at least 2 blind corners. Due to the historical nature of the lane, it has in essence become a single carriageway in many areas due to the number of cars that are parked by homeowners on a daily basis which makes passing difficult.
- There is already congestion at peak periods near the junction with the main road which narrows to single carriage approximately 5 metres up from the junction. The safety of the present road users of Bury Fold Lane is a crucial consideration to any further plans for development. The proposed widening of the lane further up will not help the problems at the junction to the main road.
- The road can be treacherous in the winter months.
- Any widening of Bury Fold Lane would destroy its quiet historical and attractive character.
- According to the Highways Officer who attended the meeting held by Councillor Foster, (02.06.16) there will only be an extra 30 vehicles using the road at peak periods. I am since informed that the figures used are from Capita's own figures and not from some nationally agreed data. I



suspect that a conservative estimate of approximately 50 extra cars using the lane would be more likely. On top of that there will be the added volume of traffic from additional service vehicles such as post/delivery vans, bin collection etc.

- The lane becomes part of Bridleway 79. Consideration needs to be given to current cyclists, horse riders and dog walkers as well as other leisure users of the lane.
- The historical hamlets of Bury Fold and Printshop will be affected by any further development to the lane.
- Ellerslie had applied for planning permission to build houses before. From those people that remember, there were issues about highway access even in 1990 and applications were not passed.
- Traffic through Darwen is very slow moving now as the main road struggles to manage with the sheer volume of traffic. There is no indication that the roads in the town will be able to cope.

## 2 Heritage Assets

- It is documented that the land between the 2 houses were set as parkland with private footpaths set between the 2 houses. (OS map of area dated 1911). Both Ellerslie and Ashdale, being mill owners' houses are heritage assets although they are not listed. The heritage assets in the area have already been changed by the new urban boundary. According to Policy 39 p111 para. 1, the proposed building on land belonging to Ellerslie must be called into question. The setting would be totally destroyed and therefore the heritage value would be spoilt. If the setting is taken away, then the heritage is ruined.
- Once the trees lose their leaves, the landscape is very open and the proposed very modern-look houses will be a detriment to the heritage landscape. From Ashdale, it is true that little can be seen of Ellerslie House, but then that is not the house in question! The field to the south west of Ellerslie, which will have the majority of houses built on it, is very visible from Ashdale and leaf coverage is only partial in Spring/Summer and there is no coverage in Winter! The final sentence is incorrect from the Design and Access Statement And Planning Policy Statement (The Intelligent Design Centre).

They incorrectly state:

"2.3 The topography is such that the land in the wider vicinity falls down to the north east towards the main road, but there is also a steep fall across the property down to the north, towards the Kebbs Brook. The brook has a small tributary that originates within the woodland. Land in

other ownership rises again steeply on the opposite side of the brook, which has the effect of creating a strong sense of enclosure within a deep and wooded valley. The topography and the dense tree cover mean that it is only possible to get glimpses of the house and grounds from beyond the property boundary."

- Low Hill, a house that belonged to Samuel Crompton, is documented with a blue historical plaque on Bury Fold Lane. Further traffic on the lane is a detriment to this heritage asset.
- From what can be seen from the plans, the proposed architecture of the housing is not at all in keeping with the Victorian heritage of the area.

Indeed, The Intelligent Design Centre states the buildings should:  
2.20 Paragraph 58 .....respond to local character and history, and reflect the identity of local surroundings and materials, .....

Various quotes are taken from the REPORT OF THE DIRECTOR Plan No: 10/15/1081 with regard to the sympathetic nature needed in the design of the proposed buildings if they are to reinforce the established character of the locality. See below:

3.5.15 Policy 11 of LPP2 is of relevance and requires all new development to present a good standard of design and will be expected to demonstrate a good understanding of the wider context and make a positive contribution to the local area, including enhancing/ reinforcing the established character of the locality.

3.5.19 The Design and Conservation Officer has raised concern to the indicative layout provided. .... Whilst the concerns of residents are noted, it should be recognised that the Development Opportunity Allocation prioritises residential development of the site and that due to this impact on character and setting cannot be avoided. Notwithstanding this, it is considered that a scheme of development could be achieved which respects the character of the locality.

5.9 Design and Conservation Officer

- ..... There is scope to ..... introduce cottage style buildings with varying foot prints to reflect a more village character.

Perhaps if the houses were to be built in stone or even rendered in a more sympathetic colour then these proposed buildings would be less intrusive to this historical area.

- The current land between Ellerslie and Ashdale is a wild life corridor with wild deer, bats, badgers and other creatures to be seen on a regular basis. Any proposed development must be carried out in a sensitive matter and should ensure that the openness of the countryside remains a priority.
- Indeed, the field opposite Ellerslie which belongs to Ashdale is agricultural land as is the large field to the west belonging to Ellerslie.
- With the West Pennine Moors which starts on the upper part of Bury Fold Lane (according to the Local Plan Map) being a designated protected area, it seems important that the surrounding landscape should be saved to protect wildlife and to ensure that there is no loss of biodiversity.
- Indeed, according to the **Blackburn with Darwen Borough Council's Strategic Housing Land Availability Assessment (SHLAA) Update 2013**, "The western edge of the site is adjacent to the West Pennine Moors Policy LNC3. Saved policy LNC3 states that development proposals that have an unacceptable impact on the landscape character, ecological resource and recreational value of the West Pennine Moors will not be permitted." I consider the proposed building at Ellerslie will have a profound impact on the landscape character and that it should therefore not be permitted. The building of any modern, stark white housing would be out of character with the countryside and will have a detrimental effect on the recreational value of Bury Fold Lane.
- Using Kebbs Brook as the new drainage outfall needs very careful management to ensure that there is no further flooding down near the main road. We own half of Kebbs Brook bed and there has been no consultation with us over this matter.

#### 4 Urban Boundary

- The fact that Ellerslie has been put inside the urban boundary is in itself very odd, as the house Ashdale which is situated across the valley to the north west is not included in the proposed boundary. Historically, the 2 houses have been linked, as William Ashton a mill owner who built himself a house - Ashdale, was a cousin of the owner of Ellerslie. William Ashton is a well known historical figure and he has much written about him as he was instrumental in freeing the moors for the good of the Darwen people.

#### 5 Environmental Issues

- Noise levels are currently very low in the area and they should be kept that way as is fitting for the countryside and the adjacent designated

protected area of the West Pennine Moors. The impact of 18 family homes will not promote the current noise levels.

- There are many houses that are currently on the market locally and there is no guarantee that the houses will sell. Indeed, there is an undeveloped site at Belgrave that has stood empty for several years as the projected housing didn't sell. The tremendous impact that this could potentially have on this lovely area of Darwen is unthinkable should the proposed houses stand empty or should the developer or builder encounter financial difficulties.

I trust that you will consider that the suggestion of building on the grounds of Ellerslie is not granted for all the reasons above.

Yours sincerely,

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Objection – Keith Fenton, 17 Bury Fold Cottages, Darwen. Rec 26/07/19

Dear Sir Madam

Please take receipt of this email as an objection to the planning application as above.

The lane cannot cope with the extra traffic that these houses will create:-

1. The lane can only take single lane traffic all the way to the entrance to the A666. Vehicles have to pull onto pavements for the passing vehicles to pass or reverse to a wider spot where they can pass wait until the other has passed.
2. The original traffic census was not accurate as it was taken from Ellerslie and the majority of the traffic is from the main road (A666) to Low Hill. We were advised that this would be repeated and taken further down the lane to show the amount of traffic the lane generates but this never happened that I am aware of.
3. Emergency vehicles struggle to get up the lane now which was proved when the moors where on fire in 2015.
4. The junction of Bury Fold Lane and the A666 is already dangerous as you are unable to see to pull out and if you are waiting to pull out other vehicles cannot turn into Bury Fold and have to wait half stuck out into the main road (A666). I have before now had to reverse back into the main road as I have been unable to get into Bury Fold.

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Objection – Fiona Fenton, 17 Bury Fold Cottages, Darwen. Rec 26/07/19

Dear Sir Madam

Please take receipt of this email as an objection to the planning application as above.

The lane cannot cope with the extra traffic that these houses will create:-

1. The lane can only take single lane traffic all the way to the entrance to the A666. Vehicles have to pull onto pavements for the passing vehicles to pass or reverse to a wider spot where they can pass wait until the other has passed.
2. The original traffic census was not accurate as it was taken from Ellerslie and the majority of the traffic is from the main road (A666) to Low Hill. We were advised that this would be repeated and taken further down the lane to show the amount of traffic the lane generates but this never happened that I am aware off.
3. Emergency vehicles struggle to get up the lane now which was proved when the moors where on fire in 2015.
4. The junction of Bury Fold Lane and the A666 is already dangerous as you are unable to see to pull out and if you are waiting to pull out other vehicles cannot turn into Bury Fold and have to wait half stuck out into the main road (A666). I have before now had to reverse back into the main road as I have been unable to get into Bury Fold.

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Objection – Andy Thorburn, The Barn, Bury Fold Lane, Darwen. Rec 26/07/19

Sir / Madam,

Thank you for your letters dated 08 Jul and 15 Jul 19 inviting comment on the referenced planning application.

I object to the application on the basis of the following:

**1. Lack of clarity in the application that has been made public to residents**

From the documents on your website, it is not clear whether permission is being sought for the construction of 18 or 22 dwellings.

**2. Traffic generation and highway safety on Bury Fold Lane**

The planning assumptions and proposed building designs indicate an additional 3 vehicles per household. 54 or 66 vehicles represents a significant increase to the volume of traffic that will transit Bury Fold Lane up to the point where it will access Ellerslie House (the site to be developed).

While acknowledging the proposal to widen the road where it borders Ellerslie House (which I urge to be made a condition of any approval of the application), the lower part of Bury Fold Lane will be subject to a significant increase in traffic. This section of the road is, today, congested outside of working hours forcing cars to mount pavements (to allow passage of oncoming cars) or make reversals.


Bury Fold Lane is an access road for Darwen Moor and the farmland on the moor. The road is used by cyclists, walkers, runner, equestrians and farm machinery. Additional traffic, without accompanying road safety measures increases risk for residents and visitors - especially the later who will be unfamiliar with the road. None of the documents made available to the public address these safety issues.

I also note that traffic flow measurements were conducted in 2015. I urge the council to recommend these measurements are updated prior to reviewing the application

### 3. Design, appearance and materials

With the exception of the bungalows on the left of the lower half of Bury Fold Lane, all properties are of traditional (100 years +) design, constructed using brick and/or quarried stone. The materials proposed for the construction of the new dwellings are unsympathetic with the rest of Bury Fold Lane and have a significant impact on the character of the local area.

From the documents accompanying the application:

<p><b>4.4 Sustainability</b></p> <p>The new dwellings will be constructed of stepped concrete: slip foundations and have concrete beam and block floors. The main house structure will be timber frame with timber roof.</p> <p>High levels of insulation and airtightness, within excess of building regulations requirements will be achieved by incorporating higher levels of insulation to floor and roof and specifying windows of quality.</p> <p>The timber frame which is the key component in achieving such performance will be by XXXXXX and will be the 140mm thick injected insulation timber frame.</p>		<p><b>4.5 Appearance</b></p> <p>All the proposed dwellings will have a modern appearance, expressing the modern construction solution and high energy efficiency. A simple palette of materials is proposed:</p> <ul style="list-style-type: none"> <li>- Back facing brick feature panels and plinths.</li> <li>- Fair white level render.</li> <li>- Stone detailing.</li> <li>- Timber effect cladding.</li> <li>- Back uPVC window and door frames.</li> <li>- Composite garage doors.</li> <li>- Oak entrance doors.</li> <li>- Black iron, facias and entrance grills.</li> </ul> <p>Roads and drives will be tarmac/stone and green spaces will be created with grass and planting.</p>
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### 4. Noise and disturbance resulting from use of the proposed properties

You have categorised this as a "Major Development". The western part of the development affects me directly.

This represents a significant change to the environment close to my property (circled in blue on diagram extracted from planning application). The addition on 15 x 3-4 bedroom houses implies a population increase of 50-75(?) people with the associated disturbance. The impact of that disturbance should be compared to current environment which has no people living on it.



**Objections to Planning Application at Ellerslie House [Access].**

**Overview:**

- Previous Outline Planning Consent [elapsed] included conditions. Those conditions have not been incorporated in the current submission.
- Some years have elapsed since the original traffic surveys were carried out [2013]. The survey information included in the submission is outdated and irrelevant.
- Bury Fold Lane is used regularly by groups of walkers, runners, horse riders and cyclists who access the moors and Darwen Tower. Casual walkers park on the lane and at Higher Bold Venture, leave their vehicles and walk up to the moors. Cyclists particularly, travel at high speed down the lane and are more at risk from increased traffic. The lane is part of a bridleway and frequented by horse riders. There is an element of heavy traffic from properties higher up Duckshaw Lane. The lane is also used several times a day by farm vehicles.
- There is no alternative access route. Traffic is halted whenever any works, deliveries or emergencies occur. Increased traffic will further exacerbate an already critical situation.

**Traffic Surveys:**

- A traffic survey was carried out in 2013. The information is now outdated. The figures in the submission are statistically false, do not reflect current vehicular activity and have no true value in determining the actual traffic increases and their consequences the development would create.
- The traffic survey still contains many fallacies, errors and misrepresentations as in the original application. They have not been corrected. It cannot be considered as valid. It plays down existing detrimental and dangerous factors. [Examples of Errors - Bolton Road is described as the A506 when it is the A666; Photo caption refers to "Stockport and the City." There are calculation errors in the statistics. The designation of Bury Fold Lane as UAP4 is ridiculous, intentionally misleading and completely inaccurate. It conveniently disregards the current problems associated with this road and glosses over potentially dangerous factors which will be exacerbated if the development is approved.
- A traffic counter was placed near the entrance to the proposed development for only five days in 2015 [28 January to 3 February 2015] during an icy winter period which

effectively reduced vehicle movements. Due to the [intended] positioning, traffic from dwellings further down the lane were not recorded. A cynic might consider this to be intentional. The statistics it provided are therefore not representative of the true vehicular activity on Bury Fold Lane, and certainly not at the junction with the A666.

- The report includes a statement regarding speed of traffic, which suggests drivers are careful. This is speculative, unrealistic and without any substance. Traffic speed on the lane is often excessive and dangerous; not careful as maintained in the report.
- Traffic comparisons are made with distant areas such as Northern Ireland. These have no value in estimating the proposed development's effects on traffic on Bury Fold Lane.
- The traffic movements survey carried out on the A666 [7.30 to 8.30am and 17.00 to 18.00pm Tuesday 26 Nov 2013] was limited in time and of no current value
- Photographs in the report are intentionally misleading, showing a lane with virtually no vehicles parked. This cynically plays down access problems faced by drivers using the lane. A more usual situation is for traffic to have to negotiate vehicles parked on the pavement outside the terraced properties at the A666 junction; on the pavement outside the bungalows; on both sides of the road at the end of Ellen street, where vehicles are parked alongside the gable ends of both rows and on the pavement outside the bungalows beyond.
- The traffic report suggests an increase of 22 vehicular journeys from the development. This figure is unacceptable and unrealistic. It is purely speculative and understates any likely actual effects, which could be three times or more that figure. Many modern households now own two and even three cars. The proposed dwelling plans include 41 car parking spaces potentially creating 82 vehicular journeys per day; well exceeding the 30 two way threshold.
- There are existing access problems for ambulances, refuse, fire and other service vehicles. Allowing this development will further complicate an already critical situation. As an illustration, emergency services were delayed by parked vehicles during a moors fire in July 2015 which prevented access by the fire and rescue vehicles.
- In icy weather the lane is frequently impassable and residents park their vehicles on Bolton Road, leaving them there to walk up the lane to their homes. Vehicles unable to reach the proposed development in icy weather from this development would further add to congestion on the A666.
- The traffic report states the junction with the A666 is 4.1m wide and allows access for two vehicles to pass. This is a misrepresentation; two vehicles cannot pass at the junction. At this point, the lane is trumpet-shaped and narrows immediately to a single track outside the terrace at the bottom of the lane. Cars parked on the pavement outside the terraced properties further narrow the access. [Recent broadband excavation work here created gridlock, with vehicles waiting for some time on the main road for access]. Vehicles coming down the lane will meet vehicles coming off the main road and an impasse occurs. Traffic on the main road has to stop or is obstructed while a vehicle reverses back onto the A666 to allow the descending vehicle to exit. Work needs to be done to make the junction with the A666 safer. It is not enough to say there have been no accidents. Preventative measures should be put in place now to forestall any potential fatalities at this junction..... not wait until it happens! Ideally, it should be wider outside the terraced properties to allow two vehicles to pass one another.



- View of traffic on the main road is restricted by parked vehicles above and below the junction. Vehicles exiting Bury Fold Lane often have to edge out into the traffic to afford a view of the traffic, stopping main road traffic until they can proceed. Parking along the A666 close to the entrance to Bury Fold Lane should be curtailed, perhaps by painting more double yellow lines. There should be a useable safe area in the centre of the road to allow traffic to wait for a clear access to the lane without holding up main road traffic.
- An advertising hoarding on a trailer permanently parked outside the Chinese restaurant further creates a dangerous situation by preventing a clear sight of traffic. For right turning vehicles coming off the A666, the hatched 'safe' area in the centre of the road cannot be used. The parked advertising hoarding trailer narrows the road. Using the hatched area obstructs downward traffic due to the restriction created by the permanently parked vehicle[s]. Traffic has to stop until the right turning vehicle can leave the A666.

**Signage:**

- The proposal to erect give way signs is meaningless. Downward traffic [eastbound] cannot see upcoming traffic [westbound] due to the bend at Low Hill. Vehicles ascending are effectively on a single track road with no passing places. They would have no sight of descending vehicles, even if the retaining wall outside the Ellerslie entrance was moved back.
- Providing a footpath on the Ellerslie side of Bury Fold Lane, with a crossover to the Low Hill side would put pedestrians at greater risk. Upcoming traffic cannot be seen on the bend from that side of the lane. Also, ascending walkers [westbound] would have little warning of descending traffic [eastbound]. These proposals do nothing to address the situation and indeed, would cause even more danger to pedestrians. It will not create "an environment in which pedestrians can walk or stop to chat without feeling intimidated by motor traffic etc." [Manual for Street 2007].
- The only sure way to resolve these problems for traffic and pedestrians alike would be to ensure the lane allowed two vehicle access all the way to the proposed development's entrance.

May we thank you in anticipation of your taking these factors into account when the proposals are considered.

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Objection – Gordon Barnett, Bury Fold Cottages, Bury Fold. Darwen. Rec 25/07/19

I object to this application because:-

1. The road is not wide enough to cope with the additional traffic that the development will bring. It is not possible for two cars to pass on the lane without going onto the footpath.
2. There are several deer that roam Ellerslie and no provision has been made for them to leave the estate and cross onto the field opposite. They do this every day.
3. It will be necessary to extend the yellow lines at the entrance to the lane from the A666 as it will not be possible to park in the middle of the road to turn into the lane due to parked vehicles.
4. The proposed new houses are completely out of character for the area.

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Objection – Sandra Barnett, Bury Fold Cottages, Bury Fold, Darwen. Rec 25/07/19

I object to this application because:-

1. The road is not wide enough to cope with the additional traffic that the development will bring. It is not possible for two cars to pass on the lane without going onto the footpath.
  2. There are several deer that roam Ellerslie and no provision has been made for them to leave the estate and cross onto the field opposite. They do this every day.
  3. It will be necessary to extend the yellow lines at the entrance to the lane from the A666 as it will not be possible to park in the middle of the road to turn into the lane due to parked vehicles.
  4. The proposed new houses are completely out of character for the area.
-

### Objection – R Chenery, 3 Bury Fold, Darwen. Rec 20/07/19

I would like to voice my objections to the above application as follows:

- The area in question is more than simply a green space; it is an enclosed area, mostly undisturbed by human activity. Deer make use of it, and certainly there will be other wildlife enjoying sanctuary there. Houses, people, dogs, cats and vehicles would destroy this. Enough wildlife is vanishing already; we must save as much as we can.
- Will trees have to go?
- How many of the houses will be 'affordable'?
- Bury Fold Lane is of varying width, but for most of its length it is single track; often drivers must reverse or mount the pavement to allow others free passage. It's no fun meeting a commercial vehicle. I believe the 2015 application was approved subject to road widening. Would this still apply? Even so, it would be limited in scope; there are places where widening is not possible.  
The junction of BFL and the A666 is difficult, not to say perilous, to negotiate; there are times when one has to edge out as far as possible, and even then have no clear view without actually being in the traffic. Yet we are told it isn't dangerous, as there hasn't been an accident. Yet.
- 22 new houses would generate more than 22 new vehicles - 30? 35? 40? No-one knows yet. If these buildings do come to pass then an extension of the yellow lines on the main road are essential. (It would be nice, anyway, to see the removal of the two-vehicle advertising sight-obstruction permanently parked in public spaces).

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### Objection – Gordon Barnett, Bury Fold Cottage, Darwen. Rec 19/07/19

After the first application it was decided by the Highways Dept that the application could not proceed until the Road improvements had been completed. We have now received notification that it is proceeding under the cover of the new application. Are the road improvements being done before any progress is considered?

I have the impression that there is a move to get the road widening etc., cancelled. Is this so? The greatest problem is actually the bottom end of the Lane. It will be vital to extend the yellow lines. It is difficult to turn into the lane when someone is coming out. It is necessary to go on to the footpath.

Gordon Barnett Bury Fold Cottage.

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### Objection – Ward Cllr Kevin Connor, Cllr Lilian Salton and Cllr Neil Slater. Rec 18/07/19

As referenced in the Highways Report; Bury Fold Lane is a single track road and essentially a cul de sac in a semi-rural area, traffic impact would therefore be greater than on the standard road network.

Whilst the data base used is a standard Highways and Transportation industry tool, in some respects it can only be predictive and the actuality of the impact can be very different in such circumstances as those in Bury Fold Lane.

In Darwen South we have already seen the reality of the disruption and problems that can occur with a single track road and one access. The Pole Lane development leading to Spring Meadows has at times caused havoc for nearby residents with the road blocked, children late for school, adults late for work and instances of missed appointments, added to this were hold ups on the main highway and, at times extreme muddy conditions; all this and more despite the best efforts of Planning Enforcement and councillors. **Main point none of this was predicted prior to construction. The traffic movement to and from Spring Meadows and Moorland Court [44 properties], would not be much dissimilar to Bury Fold Lane [45 properties].**

Emphasis is made that the Accident Review shows there have not been any accidents on Bury Fold Lane in the last five years. This refers to recorded accidents only, when in fact some bumps, scrapes and near misses are not recorded. The report admits width of the road varies and goes on to say 'there are opportunistic passing places along its length', this surely implies drivers have to be prepared to take risks.

Quote "Initially the junction with the A666 has a road width of 4.1 metres [13.5 feet] and therefore sufficient to facilitate two way vehicle movement" A Ford Fiesta is 6 feet wide, a standard HGV 8 feet 4 inches and a Range Rover Discovery 7 feet 2 inches; the caveat with the statement should be sufficient width dependent on the type and make of vehicle.

Doubt has been cast, by residents, on the validity of the traffic flow measurements and maintain that the actual traffic flow from and to the A666 is more than stated

Table 2 indicates that the maximum two way vehicle trips on the eastern end of the road will increase from 41 to 63 [a 33% increase] and in passing areas will increase from 16 to 38 [a 50% increase], it then states that this is significantly lower than the 300 vehicle threshold. To imagine a road such as Bury Fold Lane could cope with 299 vehicle trips and still be within this threshold is clearly stretching credibility too far.

**Only residents of Bury Fold Lane are aware of the real nature of their road and its hazards, which they face day in day out.**

The ecological report raises few concerns on the impact of this development on the local environment. Question what has more of a detrimental impact on the local environment a green field or 22 properties?

**The report did not find much evidence of Badgers, Bats or Great Crested Newts but as it made no mention of the deer that roam Ellerslie and the surrounding area, crossing Bury Fold Lane through the entrance into the field opposite, perhaps their findings are hardly surprising.**

This proposed development will not enhance or complement the area or environment, it will not add a jot to the real housing needs of the borough, but it will remove yet another green field that cannot be passed on to future generations and it will add significantly to the traffic problems in Bury Fold Lane.

### **We object to this development and urge the committee to refusal.**

If it is the committee's decision to pass we urge the following, in the interest of residents who will have to endure its impact.

- It was previously accepted that Bury Fold Lane should be widened; this should also be a condition with this current application.
- The yellow lines on the A666 to the junction should be extended to improve the sighting. Trust in residents local knowledge on this issue, they have campaigned long and hard for this to be done, the current sight lines are inadequate.
- The traffic report states that traffic movements will be restricted to hours that would not cause disturbance to the local area. Conditions should reflect this i.e Monday to Friday no HGV movement before 09.00 or after 15.00. Saturday no HGV movement before 09.00 or after 12.00. No Sunday working.

- To prevent muddy conditions on the lane, wheel washing prior to lorry's leaving the site.
- Adequate parking space on site to accommodate lorry's, to prevent blockage of the lane.
- Safe passage way through site for deer.

Darwen South Councillor  
Kevin Connor 18.07.2019

Also on behalf of Councillor Lilian Salton and Councillor Neil Slater

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Objection – Mandy Ainsworth, 4 Moorgate Cotts. Darwen. Rec 17/07/19

With regards to this planning application I would like to express my concerns regarding what would be an increase in traffic on Bury Fold Lane. However I think more of a problem is the design of the houses which is not in keeping with the surrounding area/properties.

Yours Sincerely  
Mandy Ainsworth

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Objection - Hilary Duxbury & Nicolas S T Duxbury, Priory House, 5 Bury Fold, Darwen. Rec 17/07/19

**Please accept this letter as my formal objection to the above proposed development.**

My main cause for concern with this outline planning application is traffic and access. The plans mention the proposed widening of Bury Fold Lane from above Ellen Street but that will do nothing to alleviate the congestion from below Ellen Street leading down onto the A666. The plans show 22 houses on the site, each with multiple parking spaces creating up to 50 PLUS extra cars using the lane.

In a previous application for this site in 2016, a traffic survey was conducted. The original traffic assessment commissioned by the applicants was flawed and inaccurate and in no way truly represented the current traffic flow and access on Bury Fold Lane. The survey point was placed directly outside the entrance to Ellerslie where it comes out onto Bury Fold Lane. The placement of this point to gather data for assessing the traffic flow on Bury Fold Lane is therefore completely useless as the vast majority of vehicle movements take place below the survey point where most of the properties that use the lane are situated. The figures and details therefore within that report were not a true reflection of the daily traffic that comes up and down the lane and cannot be relied upon. As far as I am aware, despite our requests, no further traffic survey had been done. Can you confirm if this is to be looked at again?

Bury Fold Lane can simply not support two way traffic. Even with the proposed widening of the lane, it is totally impossible for two cars to travel in opposite directions up and down the lane without the upward bound car having to mount the

pavement to allow the other vehicle to pass. There is only one place, at the entrance to Ellen Street, where two cars can be side by side, without having to mount the pavement but at peak times and when cars are parked up half on the road/half on the pavement, then even this is difficult. I am referring to cars in my previous statement but the problems are magnified when any larger vehicles are concerned. You may be aware that Bury Fold Lane serves farms and their vehicles (agricultural & lorries) and these vehicles get into greater difficulties. In previous years, when there have been fires on the moor, the Fire Brigade used Bury Fold Lane to gain access. However, they couldn't initially get up the lane due to traffic congestion. I have also seen an ambulance struggle to get up the lane. There are potentially life threatening consequences if emergency services cannot attend. If the proposed development goes ahead and there are subsequently even more vehicles using the lane, then it will obviously make this situation even worse.

In addition to the traffic congestion on the lane itself, the junction of Bury Fold Lane with the A666 is dangerous. The A666 is an extremely busy road and vehicles exiting Bury Fold Lane cannot see any traffic coming down the road (from the Bolton direction) due to parked cars and vans/lorries. The double yellow lines by no way extend enough in order to give a clear view. On many occasions, especially during morning rush hour, I have to edge out onto the A666 inch by inch in order to see up the road to know if I can turn right. Whilst waiting to turn out of Bury Fold Lane, nobody else can turn in as the lane will not allow for two way passing traffic. I have also had to reverse back into oncoming traffic so as to not block the junction. The situation is equally problematic trying to turn left out of Bury Fold Lane and for turning into Bury Fold Lane from the A666.

These problems only escalate during the winter months when the Bury Fold Lane can be treacherous. In snow, the lane is dangerous with cars skidding on compacted ice and snow. The lane never gets gritted and the close proximity of cars parked on the lane itself leaves a very small degree of error if your car skids. Again, the additional traffic generated by the proposed new development will only make this worse.

Bury Fold Lane also provides access to the moors and the surrounding countryside for walkers, cyclists and horse riders. Parts of the lane have no pavement as it is, and the increased volume of traffic will only make it even more difficult for pedestrians and motorists to negotiate one another.

I am also extremely concerned about the felling of the very mature trees that would be required in order to widen the lane. Isn't this a green field site that ought to be protected? The wildlife habitat will be destroyed. Often deer are spotted on Bury Fold Lane crossing into neighbouring fields. All this proposed construction and additional traffic could be devastating for the wildlife we love to see.

I trust I will be kept informed of ongoing developments regarding this outline planning application.

Yours sincerely

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Objection – Stewart Penswick, 4 Low Hill, Darwen. Rec 12/07/19

I'm writing regarding the planning permission request to build 22 dwellings on land at Ellerslie House, Bury Fold Lane, Darwen. To which the above reference refers.

I am totally opposed to this planned construction which will see total chaos on Bury Fold Lane and hassle for all the neighbours. A good example being the houses being built on Pole Lane. There has been non-stop roadworks, closing one and both lanes at times, and are totally spoiling the view of all the residents on that road.

Bury Fold Lane is a one vehicle wide road for most of it, and apparently has been regarded as not a busy road. My bedroom backs onto the road, so I know just how busy it can be.

Please reject this application on mine and everyone else's behalf.

Thanks,

Stewart Penswick, 4 Low Hill.

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