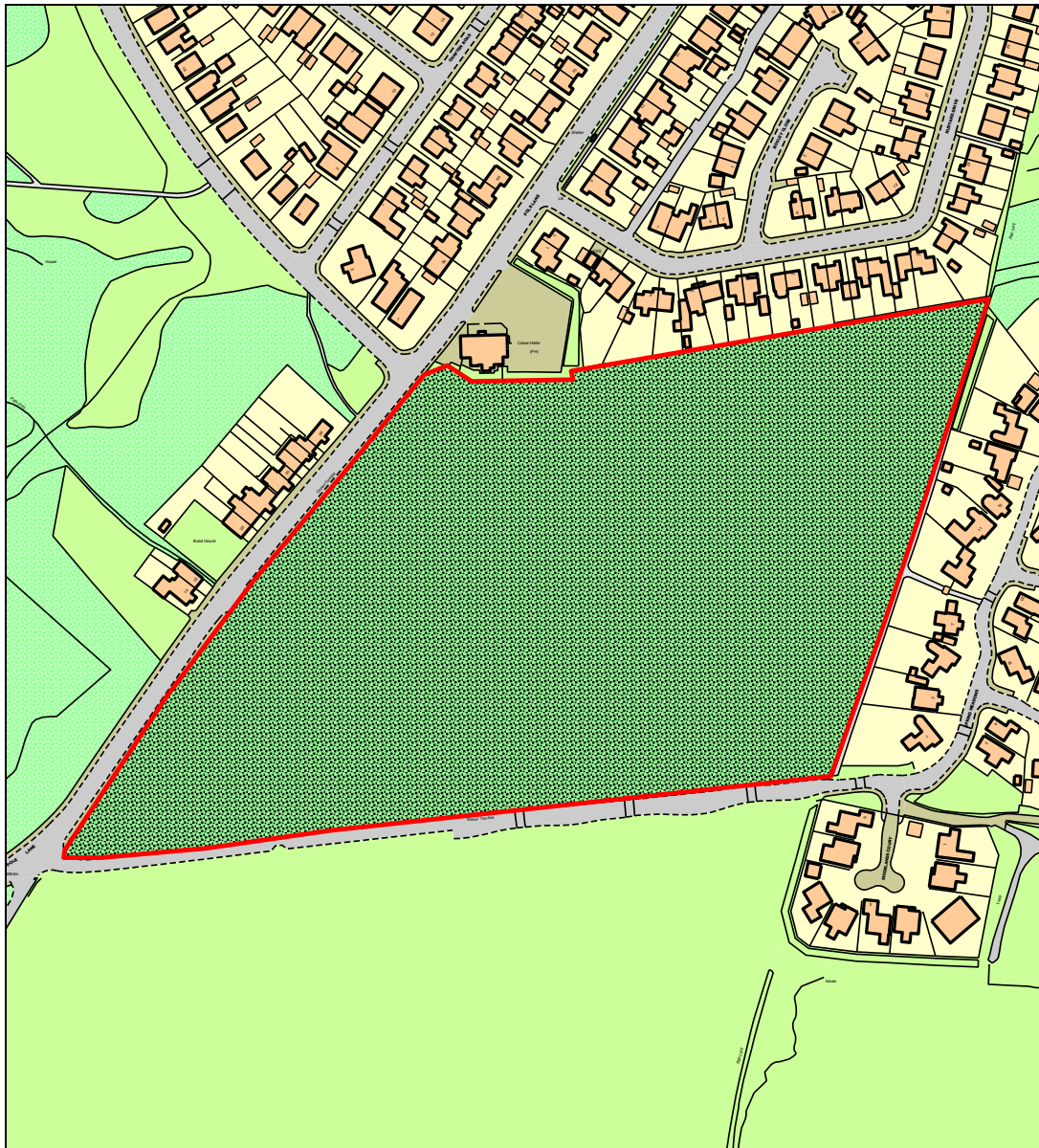


**Proposed development: Variation of Condition Nos 2, 4 and 6 pursuant to application 10/19/1209 - amendments of brick types, dividing fences between semi-detached plots, orientation of garage roof, all to Plots 8-31 and 39-85**

**Site address:  
Land off Pole Lane  
Darwen**

**Applicant: Kier Living Ltd**

**Ward: Darwen South**



## **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 **APPROVE** subject to the amendment of conditions 2, 4 and 6 imposed upon extant planning approval 10/19/1209

## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

- 2.1 This application is before the Planning & Highways Committee as it represents an amendment to a major residential planning application. The proposal seeks to amend conditions 2 (parking provision) 4 (means of enclosure) and 6 (approved drawings – materials plan) of planning approval 10/19/1209, which itself represented a variation to planning approval 10/16/0789: “Reserved Matters for 126 dwellings”. There are no changes to the number of units, house types or positions and the agreed highway layout.
- 2.2 The amendments represent modest changes to the previously approved development, in part driven by supply chain issues related to the ongoing Covid pandemic. The changes will continue to deliver a high quality bespoke housing development, which will widen the choice of family housing in the Borough, consistent with the planning strategy for housing growth as set out in the Core Strategy and Local Plan Part 2

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

- 3.1.1 The site is located on the eastern side of Pole Lane, and is bounded by Spring Meadows road along the southern boundary, Spring Meadows residential properties to the east and Rudyard Drive and the Craven Heifer Public House are located to the north. Residential cottages lie to the west of the site across Pole Lane. The housing development area measures approximately 5.7 hectares.
- 3.1.2 Construction of the previously approved development, as varied by planning permission 10/19/1209, has been ongoing for a number of years and is substantially complete.

### **3.2 Proposed Development**

- 3.2.1 The current application seeks to modify conditions imposed upon the extant permission. The affected conditions are detailed below;
- 3.2.2 Condition 2: This condition details the agreed parking layout and requires the identified parking to be available for use prior to the plot being occupied. The proposed change does not alter parking provision, but rather deals with a change to the roof design of detached garages within the development.
- 3.2.3 Condition 4: This condition details the means of enclosure plan for the development. The proposed changes to the agreed details relate to the removal of some dividing fences between plots, with a view to these being erected at a later point by the new occupants. Additionally, a modification to plot 99 is also proposed, with a change from the previously approved brick

wall to a dwarf wall and pillars with timber panel fence infill. This change is necessitated due to a shortage of brick.

- 3.2.4 Condition 6: This condition identifies the approved drawings for the development. The proposed change is to the previously agreed materials plan, which is necessitated due to problems with the supply chain.

### 3.3 Development Plan

- 3.3.1 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:

3.3.2 Core Strategy

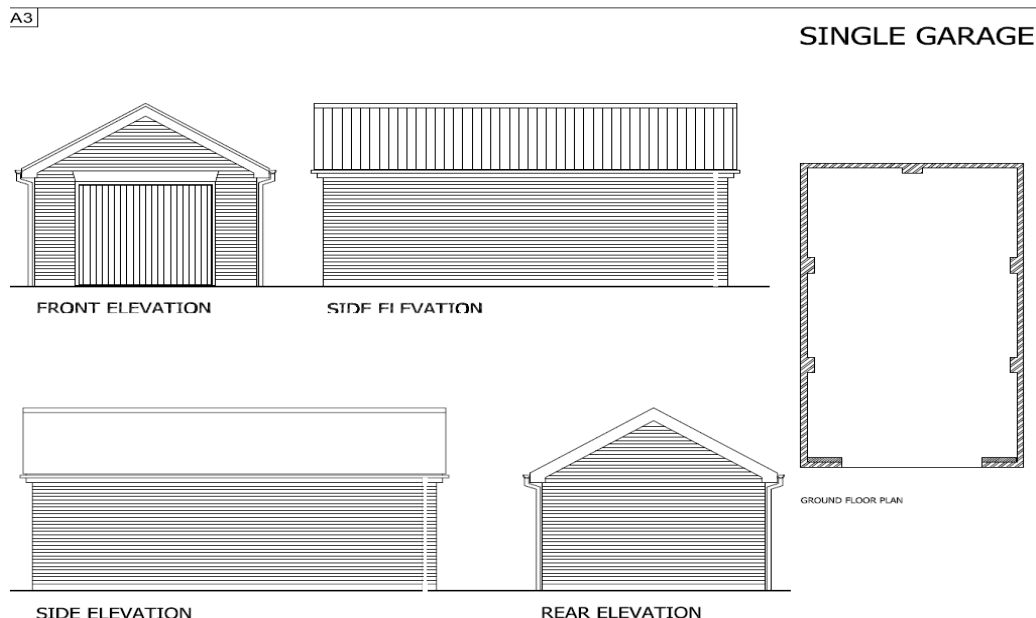
- CS16 – Form and Design of New Development

3.3.3 Local Plan Part 2

- Policy 8 – Development and People
- Policy 10 – Accessibility and Transport
- Policy 11 – Design

### 3.4 Assessment

- 3.4.1 Condition 2 amendment: The proposed changes amount to alterations to the previously approved roof design of the detached garages within the development. There are no changes to the overall provision of parking, nor the agreed garage specifications.



- 3.4.2 The alterations relate solely to the reorientation of the roof, providing for a change to a gable-fronted appearance. The changes are modest in scope and

remain consistent with the provisions of Core Strategy Policy CS16: *Form and Design of New Development* and Local Plan Policy 11: *Design*

- 3.4.3 The proposed changes do not pose any concerns in relation to residential amenity given that the modified design actually provides for a modestly lower ridge height. As such, compliance with Local Plan Policy 8 is achieved.
- 3.4.4 Condition 4 amendment: The proposed changes principally relate to the removal of dividing fences between individual plots, with a view to these being provided later by the home owners under the permitted development allowances set out within Part 2 of the General Permitted Development Order (GPDO).
- 3.4.5 Given the proposed removals are not exposed to views from public areas there are no implications for the overall design and appearance of the development. Compliance with Local Plan Policy 11 is unaffected. The proposal also poses no concern to the future amenity of occupants given the allowances within the GPDO that would enable fences up to 2m in height to be erected without planning permission being required. Accordingly, compliance with Policy 8 is also maintained.
- 3.4.6 A specific change to the exposed boundary wall of plot 99 is also proposed. The agreed details identify this as being a solid brick wall, however supply chain issues related to the ongoing pandemic have meant there is a shortage of matching brick. This has led to an amended design that has a dwarf wall and pillars with timber panel infill. The proposed changes are modest in scope and without detriment to the overall character and appearance of the development. Compliance with Policy 11 is therefore achieved.
- 3.4.7 Condition 6 amendment: Again related to supply chain issues there has been a shortage of the previously approved Ibstock facing bricks. The amendment seeks to supplement the use of Ibstock 'Ormonde Antique Blend' and 'Leicester Weathered Red' with Forterra 'Teviot Red' and Rannoch Multi Red'
- 3.4.8 The proposed changes are modest in scope, with the overall intention to use red facing brick respected. Compliance with Local Plan Policy 11 is achieved

## **4.0 RECOMMENDATION**

**Approve subject to amendment to the previously imposed planning conditions**

### **Condition 2**

Prior to the occupation of each plot of the development hereby approved, the car parking spaces and garages identified on drawing NWL17025-SL-01 revision P, received 15<sup>th</sup> March 2021; shall be implemented for the relevant plot to be occupied and thereafter retained.

REASON: To ensure that off-street parking is maintained for the safe, efficient and convenient movement of all highway users in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

#### **Condition 4**

The development hereby approved shall be in accordance with drawing 'NWL17025-EN-01 revision L - Means of Enclosure plan', received 7<sup>th</sup> May 2021. The agreed details shall be implemented and thereafter retained.

REASON: In the interests of visual and residential amenity, in accordance with Policies 8 and 11 of the Blackburn with Darwen Borough Local Plan Part 2.

#### **Condition 6**

This consent relates to the submitted details marked received on 25th July 2016 and named / numbered LP01 Site Location Plan and Design & Access Statement, the Topographic Survey marked received on 20th October 2016, the Planning Application Form and Landscape Structure Plan (ref 2074\_06) marked received on 17th March 2017, the Planning Statement marked received on 3rd April 2017, the drainage strategy (ref 8117- DS01 Rev P2) marked received on 4th April 2017, the noise assessment dated 4th April 2017, the Coal Mining Issues Plan (ref 002) received on 12th April 2017, the refuse vehicle tracking plan (ref 8116-500 and 8116-501) received on 19th April 2017, the noise report addendum dated 19th April 2017, the Mine Shaft Investigation letter (ref 11-402-L2) received on 24th April 2017, 804 - House Type Brochure Rev A, received 16th December 2019, 804\_216 revision B - Street Scenes, received 26th February 2020, NWL17025-EN-01 revision L - Means of Enclosure plan, received 7<sup>th</sup> May 2021, NWL17025-ML-01 N - Facing Materials plan, received 14<sup>th</sup> May 2021, NWL17025-PFFL-01 REV F, received 26th February 2020, NWL17025-SL-01 revision P - Site Layout, received 15th March 2021 ; 804\_119 A SINGLE GARAGE, received 15<sup>th</sup> March 2021; and any subsequent amendments approved in writing by the Local Planning Authority.

REASON: To clarify the terms of this consent.

### **5.0 PLANNING HISTORY**

10/19/1209 – Variation to condition 6 of approval 10/17/1043

10/17/1043 – Variation to conditions 1,3,4 and 5 of approval 10/16/0789

10/16/0789 – Reserved Matters Approval for 126 dwellings

10/12/0933 – Outline Approval for up to 133 dwellings

### **6.0 CONSULTATIONS**

6.1 Public Consultation: A press notice has been issued and site notices displayed. No representations have been received.

6.2 Highways: No objection

**7.0 CONTACT OFFICER: Martin Kenny, Principal Planner**

**8.0 DATE PREPARED: 14<sup>th</sup> May 2021**