

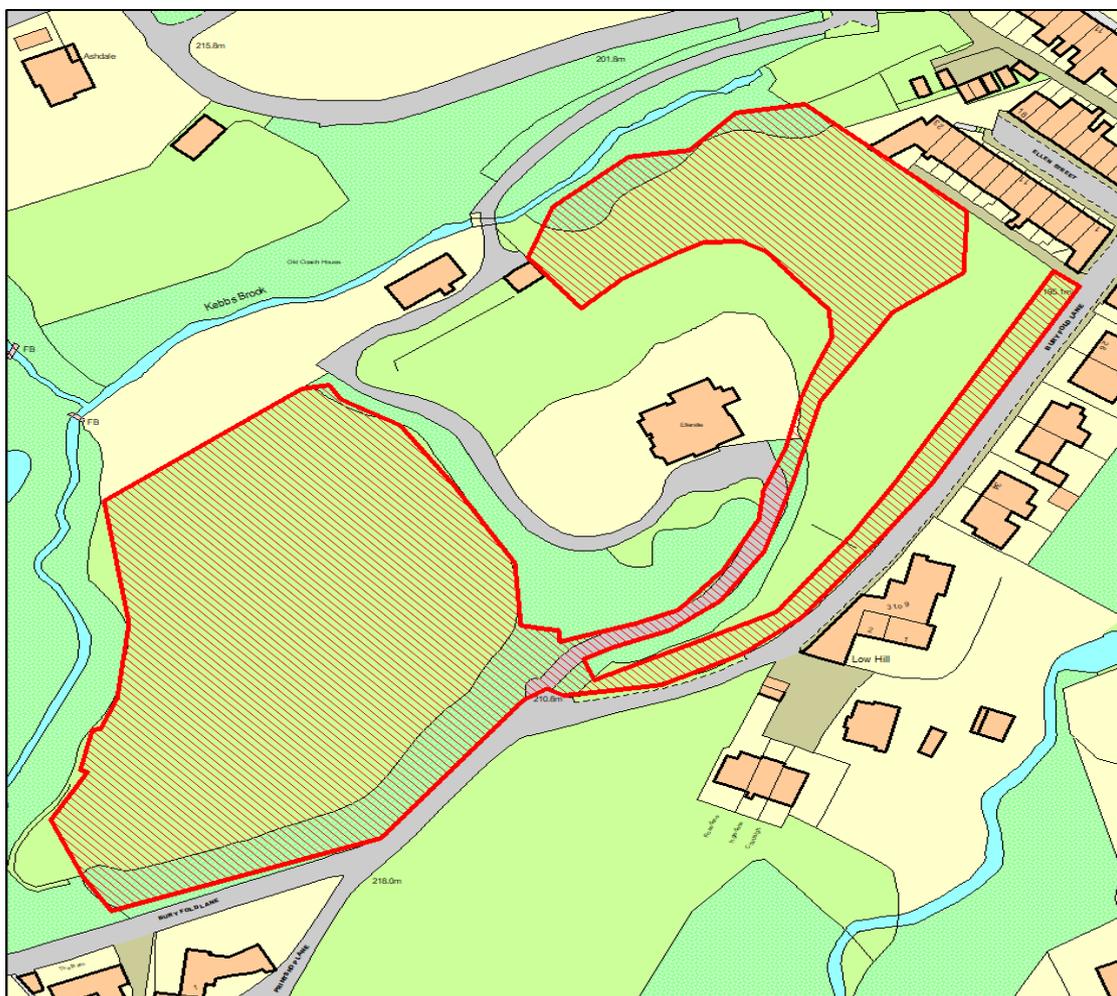
Proposed development: Minor Material Amendment: Variation of condition 5 pursuant to application 10/21/0090 'Variation of Condition No.5 pursuant to Reserved Matters application 10/19/0642 for the appearance, landscaping, layout and scale for 18 dwellings; pursuant to Outline Approval 10/15/1081 - to amend the design of the proposed houses and include a private access to plot 5 to include a basement floor at plot 5 and associated landscaping.

**Site address:
Eilerslie
Bury Fold Lane
Darwen
BB3 2QG**

Applicant: Ms Patricia da Silva

**Ward: Darwen South
Ward: Whitehall**

**Councillor Kevin Connor
Councillor Lilian Salton
Councillor Andrew Walker**



1.0 SUMMARY OF RECOMMENDATION

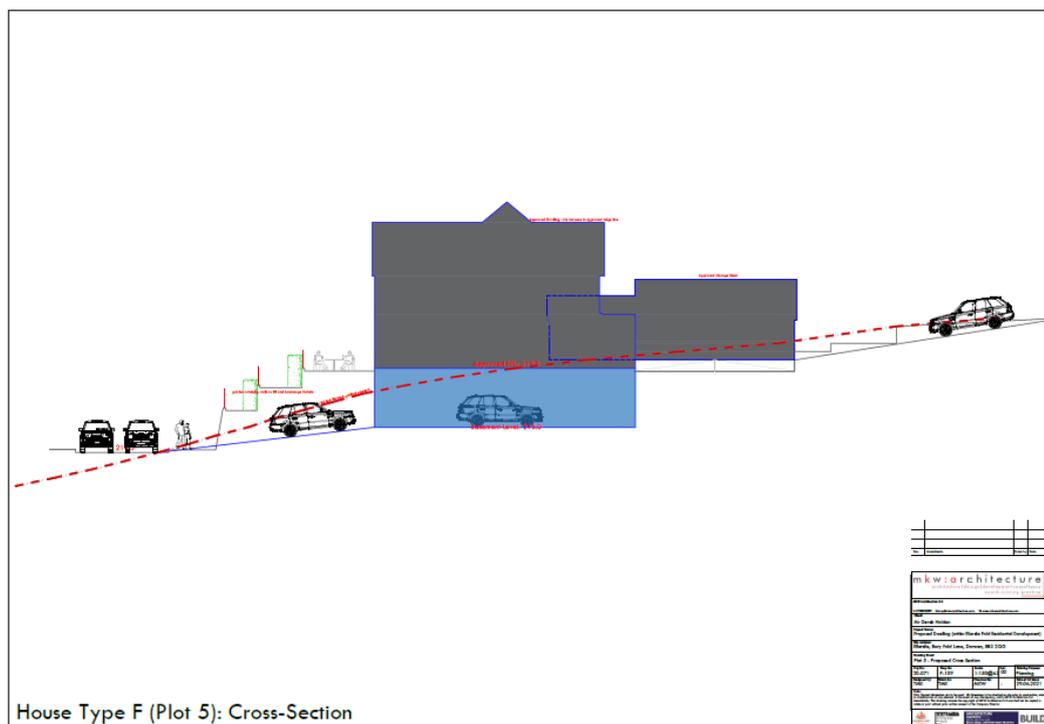
1.1 APPROVE – Subject to conditions, as set out in paragraph 4.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This planning application is submitted under the provision of section 73 of the Town and Country Planning Act 1990, pursuant to approval of Reserved Matters for the appearance, landscaping, layout and scale for 18 dwellings on land allocated for housing under Policy 28/12 of the Local Plan Part 2. This application represents a Minor Material Amendment to a previous Minor Material Amendment, seeking to vary previously approved drawings (set out in condition no. 5 – drawings received 4th February 2021), to amend plot 5 to include a basement floor. The application is reported to Committee as a proposed amendment to the original Reserved Matters application approved by Committee in January 2021, in accordance with the adopted Scheme of Delegation.
- 2.2 Members are advised that the principle of 18 dwellings and a subsequent amendment to the house type at Plot 5 are established under previous permissions. Assessment of this application is strictly limited to the proposed addition of a basement floor to the house type at Plot 5 and associated landscaping.
- 2.4 The assessment finds the proposed amendment to be acceptable, in maintaining a satisfactory appearance and scale of the dwelling together with proportionate landscaping. All technical issues have been addressed through the application or are capable of being controlled through planning conditions.
- 2.5 Members are respectfully reminded that the previously approved amendment to the house type at Plot 5 was considered and approved in the context of enabling development, with the plot being subject to a private sell off, including a significant non-refundable deposit paid to the applicant / developer, thereby enabling commencement of works to widen a section of Bury Fold Lane prior to the undertaking of any house building, as required by condition no. 5 attached to the Outline permission.
- 2.6 Members are further advised that support for this amendment does not influence conditions attached to the Outline permission which require compliance prior to commencement of development. This includes the need to undertake carriageway widening along a section of Bury Fold Lane, prior to the construction of any houses. Moreover, support for the proposal, as a Minor Material Amendment, will have the effect of creating a new planning permission alongside the original Reserved Matters permission and previous Minor Material Amendment. It would, therefore, still be open to the developer to implement either of the permissions.



Extract from submitted elevations – Plot 5 received 7th July 2021



Extract from submitted cross section – Plot 5 received 7th July 2021

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

- CS7 – Types of Housing
- CS8 – Affordable Housing Requirement
- CS15 – Ecological Assets
- CS16 – Form and Design of New Development

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 18 – Housing Mix

3.4 **Other Material Planning Considerations**

3.4.1 Residential Design Guide Supplementary Planning Document

3.4.2 National Planning Policy Framework (The Framework)

The area of The Framework especially relevant to this proposal is:

- Achieving well-designed places

3.5 **Assessment**

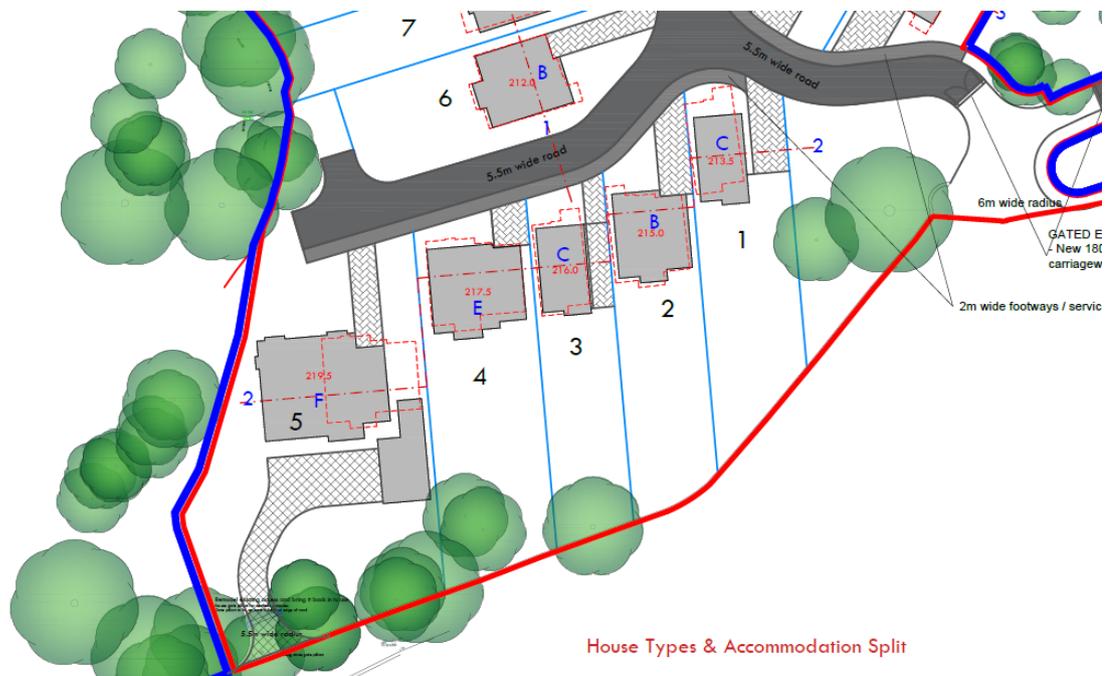
3.5.1 Assessment of the original Reserved Matters application was limited the following matters:

- **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 This Minor Material Amendment application is limited to these matters, in the context of assessing the amended house type at Plot 5.

3.5.3 The 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 guided the original assessment.

- 3.5.4 The proposed amendment maintains the principle of a bespoke, larger house type in comparison to those otherwise approved within the development. Although it represents something of a departure from the contemporary design of the other house types, featuring more traditional gable roof profiling, the fenestration, external walling and roofing materials will appear broadly consistent with the remainder of the development, notwithstanding the relatively modest increase in scale.
- 3.5.5 It should be recognised that Plot 5 is an end plot of a row, positioned at the south western extremity of the site. Consequently, the amendment will be read less in conjunction with the other house types. This would not be the case if the plot sat within the row. In this context, the proposed appearance and scale, taking into account the increased massing arising from modest ground excavation facilitating access to the basement garage and retained landscape feature to the front garden, is considered to be acceptable. The aforementioned benefit of enabling development for the requisite road widening scheme to Bury Fold Lane should also be afforded continued weight.



Extract from submitted site plan showing location of Plot 5 – received 6th October 2021

- 3.5.6 The proposal is otherwise acceptable when considered against all other issues arising from assessment of Reserved Matters, including amenity, environmental and highway impact.
- 3.5.7 Accordingly, the proposed amendment remains compliant with the design requirements of Policy 11 and The Framework.
- 3.5.8 Section 106 obligations
Members are advised that this amendment does not affect the section 106 Agreement attached to the outline permission, 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.

3.5.9 Summary

This report assesses the Minor Material Amendment relating to Plot 5. Assessment of the relevant material considerations finds the proposal to be in accordance with Development Plan and The Framework.

4.0 **RECOMMENDATION**

4.1 **Delegated authority is given to the Strategic Director of Place to approve planning permission, subject to the following conditions (including those attached to the original Reserved Matters permission):**

1. Prior to first occupation of the development hereby approved, a Management and Maintenance Plan for the approved internal highway and communal open space shall be submitted to and approved in writing by the Local Planning Authority. The development shall be maintained and managed in accordance with the approved details.

REASON: To ensure an appropriately maintained communal open area in the interests of visual amenity and biodiversity, in accordance with Policies 11, 9 & 40 of the adopted Blackburn with Darwen Borough Local Plan Part 2.

2. Notwithstanding the submitted details, prior to commencement of the development hereby approved, samples of all external walling and roofing materials, including their colour, to be used in construction of the building work shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To ensure that the external appearance of the development is satisfactory, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.

3. Prior to first occupation of the development hereby approved, details of the gated access into the site shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the precise location of the gates, their elevational appearance and opening radii. The gates shall be installed in accordance with the approved detail upon completion of the approved development.

REASON: In the interests of highway safety and to ensure that the external appearance of the development is acceptable, in accordance with Policies 10 and 11 of the adopted Blackburn with Darwen Local Plan Part 2.

4. No development shall take place until a long-term Woodland Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the lifetime of the development.

REASON: In order to safeguard retained woodland, in the interests of visual amenity and biodiversity, in accordance with Policy 9 and 40 of the adopted Local Plan Part 2.

5. Prior to occupation of the development hereby approved, details of the elevation / appearance and opening radii of the gates at the secondary access to Plot 5 shall be submitted to and approved in writing by the Local Planning Authority. The gates shall be installed in accordance with the approved detail upon completion of the approved development.

REASON: In the interests of highway safety and to ensure that the external appearance of the development is acceptable, in accordance with Policies 10 and 11 of the adopted Blackburn with Darwen Local Plan Part 2.

6. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received 27th June 2019; as detailed on drawings numbered: 16097 - LP, 16097 - 110 - Rev E, 16097 - CFP, 16097 - 113 - Rev C, House Type A - 16097 - 201, House Type B - 16097 - 202, House Type C - 16097 - 203 and House Type E - 16097 - 204; the amended proposal received 4th February 2021, as detailed on drawings numbered: 20-071 P-001 Rev 03, 20-071 P-002 Rev 02, House Type A 20-071 P-106, House Type B 20-071 P-105, House Type C 20-071 P-101, House Type E 20-071 P-103 and House Type F 20-071 P-102 Rev 01, 20-071 P-104 and 20-071 P-108; and the amended proposal received 7th July 2021, as detailed on drawings numbered: 20-071 P102 Rev 03, 20-071 P104, 20-071 P108 Rev 01 and 20-071 P109.

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

5.0 PLANNING HISTORY

10/15/1081: Outline planning permission, granted by Planning & Highways Committee on 1st August 2016, for the erection of 22 three and four bedroom dwellings and access. Approved by Committee 1/08/2016.

10/19/0642: Approval of Reserved Matters, granted by Planning & Highways Committee on 17th January 2020, for the appearance, landscaping, layout and

scale for 18 dwellings; pursuant to Outline Approval 10/15/1081. Approved by Committee 17/01/2020.

10/20/0090: Variation of Condition No.5 pursuant to Reserved Matters application 10/19/0642 for the appearance, landscaping, layout and scale for 18 dwellings; pursuant to Outline Approval 10/15/1081 - to amend the design of the proposed houses and include a private access to plot 5. Approved by Committee 15/04/2021.

6.0 CONSULTATIONS

6.1 As a Minor Material Amendment proposal involving a modification of house type and minor landscaping, consultation was limited to the public and Ward Members. 13 letters were posted to the local community, a site notice was displayed and a press notice published (05/08/2021). No written representations were received.

7.0 CONTACT OFFICER: CONTACT OFFICER: Nick Blackledge – [Senior Planner – Development Management].

8.0 DATE PREPARED: 5th October 2021.