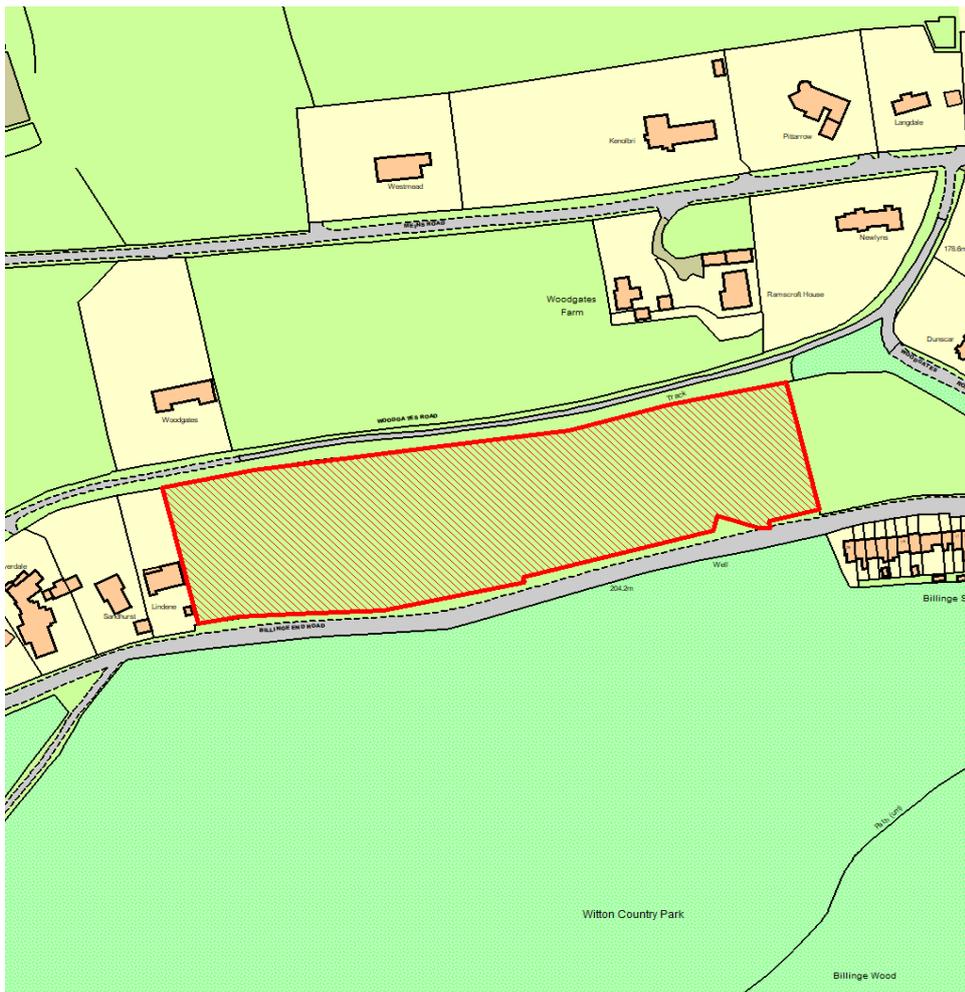


Proposed development: Variation/Removal of Condition/Minor Material Amendment for Variation of Condition Nos 4 "Construction Method Statement", 10 "revised tree protection measures and working practices", 11 "revised landscaping scheme" and 23 "revised scheme relating to design of proposed housing (increase to ridge height; increase to depth of dwellings; increase to glazing on the ground and lower ground floors; relocation of access points and driveways to Plots 3-5" pursuant to planning application 10/18/0396 "Residential development of 5 no. dwelling following demolition of existing buildings"

**Site address: Land and Properties North of Billinge End Road, Blackburn
BB2 6PY**

Applicant: S Issa

**Ward: Billinge & Beardwood Councillors: Tasleem Fazal
Jackie Floyd
Mohammed Irfan**



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE subject to the conditions set out within section 4 of this report

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 This application is before the Planning and Highways Committee as it relates to a variation to an earlier planning permission (10/18/0396) that was approved by the committee at the meeting in October 2018. The application has also generated public objections, detailed at section 9 of this report.

2.2 Planning permission 10/18/0396 was approved subject to 23 planning conditions. Subsequently, the Council have considered and approved condition discharge applications 10/18/1011 and 10/19/0571. As construction works have progressed, the applicant has made a number of working amendments to the approved scheme. This application is under s.73 of the 1990 Town and Country Planning Act and seeks to regularise those changes.

2.3 The amendments represent modest changes to the previously approved development. The proposal will continue to deliver a high quality housing scheme consistent with the Council's planning strategy for growth and widening the choice of accommodation within the Borough. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site occupies an area to the north of Billinge End Road, close to the junction with Woodgates Road. Prior to the extant approval 10/18/0396 being granted the site was occupied by 8no. detached units. Those units have been demolished and the site is currently occupied by 5no. detached dwellings that are at differing stages of construction. None are currently occupied.

3.1.2 The site is bounded to the west by 4no. detached dwellings, the nearest property being Linden. The application site and those 4 units are all situated within the urban boundary. Beyond Billinge End Road to the south lies an area of woodland, whilst a bridle way bounds much of the site's northern boundary, with the remainder formed by an un-adopted section of Woodgates Road. Also in close proximity are large detached properties to the north and Billinge Side, a traditional terrace holding an elevated position above Billinge End Road, to the south east.

Site Photographs



3.2 Proposed Development

3.2.1 This application seeks to amend the details approved within planning approval 10/18/0396 under conditions; **4 (construction method statement); 10 (tree protection details); 11 (landscaping); and 23 (approved drawings)**. The proposed changes are further detailed below.

- 3.2.2 Condition 4: This condition relates to construction methods. The current proposal seeks to amend the details agreed through condition discharge application 10/18/1011 in order to revise the location of the site compound and parking locations.
- 3.2.3 Condition 10: This condition relates to the agreed tree protection measures and working practices. The current proposal seeks to amend those details to provide for additional tree removal and to agree modified tree protection measures necessitated by the revised access and layout changes. Trees G1, G6, G9, G15, T3, T5 and T40 to be removed.
- 3.2.4 Condition 11: This condition identifies the agreed landscaping to be completed in the first planting season following completion of each plot. The current proposal seeks to amend the previously agreed landscaping to allow for additional planting to be added to compensate for the existing trees being removed.
- 3.2.5 Condition 23: This condition identifies the approved drawings and other supporting documents. The current proposal seeks to regularise the working amendments that have occurred during the construction of the 5 dwellings. Specifically the alterations to the 10/18/0396 planning permission are;
- 1.1m addition to ridge height and increase to roof angle
 - 650mm increase in projection of the lower ground floor
 - Increase in the proportion of glazing within the rear (north) elevation of the ground floor and lower ground floor
 - Relocation of access points and driveways for plots 3 and 5, each moving towards the eastern edge of the respective plots
 - Internal changes to the layouts of each dwelling
- 3.2.6 The changes to the design of the properties are detailed on the following images. The green outline indicates the size and form of the development approved previously.

Proposed south elevation



Proposed north elevation



Proposed west elevation:



Proposed east elevation:



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

- CS1 – A Targeted Growth Strategy
- CS16 – Form and Design of New Development

3.3.3 Local Plan Part 2

- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design

3.4 Other Material Planning Considerations

3.4.1 Residential Design Guide Supplementary Planning Document

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

3.4.2 National Planning Policy Framework (NPPF)

3.5 Assessment

3.5.1 Condition 4 amendment: The applicant has submitted a revised construction methods statement to cover the remaining development period. The main changes from that previously agreed by condition discharge application 10/19/0571 are;

- *Site operative parking to be on the footway adjoining Billinge End Road. Additional overflow parking within the site, in front of plot 1.*
- *Removal of wheel wash facility adjacent to the site access/egress points. Replacement with road sweeper, to be utilised as necessary.*

3.5.2 The applicant has indicated that the change of parking location for site operatives is necessary as the original location within the site is no longer viable due to the need for a 'thoroughfare' within the site to enable construction works to continue. The applicant has also indicated that it is enforced by the site manager that vehicles do not park on the opposite side of the carriageway in order to avoid traffic congestion.



Image detailing parking area on the left

3.5.3 The applicant has also sought to explain why a jet washing facility is no longer to be provided adjacent to the site access/egress points; *"There are no wheel washes outside of the three vehicular entrances, as we have a road sweeper on call, as and when we know there will be big deliveries and can organise for the day before. From the original proposal, due to the depth of mud and tackiness of the muck on site, we were finding the mud was sticking to vehicle chassis when on site and trailing on the road as they left. No jet washing of wheels could eliminate this. All plant on and off site is banksed accordingly".*

3.5.4 The Council's highways team have appraised the revised construction methods statement and observed;

The area for operative parking is on the adopted highway, this should be provided within the curtilage. This is not ordinarily acceptable, however as this area, which was grassed has been torn up, by the vehicles, we will allow it

on this occasion. We will continue to monitor the area, and reserve the right to challenge and remove if they are not observing safe parking. Upon completion of works, we require the area to be returned to grass at the developers cost.

Wheel washing: the site is well advanced not to require a machine-operated wheel washing system, therefore the road sweeping should suffice. We also maintain the right to request further sweeping if we deem necessary.

3.5.5 Given the advanced stage of the development and subject to the controls outlined, the revised construction methods statement is agreeable and the revision of condition 4 can be supported.

3.5.6 Conditions 10 and 11 amendments: Policy 9 of the LPP2, at sections 11 to 14, provides guidance in relation to the development and the impact on trees. The policy offers a general requirement that development will be expected to incorporate existing trees into the design and layout of the scheme and should avoid the future conflict between buildings and trees. Where development would result in the loss of protected trees then planning permission will only be granted where (i) the removal of one or more trees would be in the interests of good arboricultural practice; or (ii) the desirability of the proposed development outweighs the amenity and/or nature conservation value of the trees.

3.5.7 The original approval for the development, 10/18/0396, identified the loss of 51 trees within the site, 13 due to their condition and 38 as a result of the proposed development. In mitigation the proposal provided for 64 extra heavy standard trees, along with hedge and shrub planting.

3.5.8 The suggested amendment to the previously agreed arboricultural impact and method statements identifies the loss of a further 6 trees. All affected trees are positioned to the rear of the plots and sit on the boundaries between plots 3, 4 and 5. Further supporting comment is offered within the submission;

“The proposed development appears to impact on the RPA’s of T4, T27 & T34 due the location of the new driveways and access arrangements. However, in all these instances this encroachment is extremely minimal in terms of the effect on their overall RPA’s. In addition the entrance adjacent T34 is as existing so no roots should be disturbed provided it is correctly fenced off.

Therefore, the impact on these trees is negligible and the line of the wall is to remain as existing but rebuilt on its original foundation where possible. No special measures other than tree protective fencing is considered necessary in this instance.

The loss of any tree is always regrettable although in this instance it is inevitable due to the major changes within the site, particularly by reducing the number of houses and changing the boundaries. However, several significant trees (mainly protected by a TPO) are to be retained along the frontage (T4, T10, T15, T16, T17, T18, T19, T20, T21, T23, T24, T25, T26, T27, T28, T35, T34, T36, T37, T40, G15, T53, T54 & T55).

The majority of the internal trees located back from the frontage and within the gardens are insignificant specimens and typical of most gardens with a high proportion of conifer and ornamental species. However, T6, T7, T8, T10, T11 & T12 are now to be removed. It is considered that these losses can be mitigated with the implementation of the proposed detailed landscape scheme produced by DEP, which includes new trees of advanced stock and extensive formal evergreen hedging and shrub areas.

It is clear that this development requires the removal of many trees within the site and to the rear. However, it is considered that with the retention of the majority of the prominent specimens along the frontage and the new landscaping scheme that any loss of amenity will only be short term”.



3.5.9 The updated submission has been considered by the Council’s arboricultural officer who has advised;

“BS 5837 Arboricultural Impact Assessment and Arboricultural Method Statement has been updated to reflect the latest proposed layout and tree protection details.

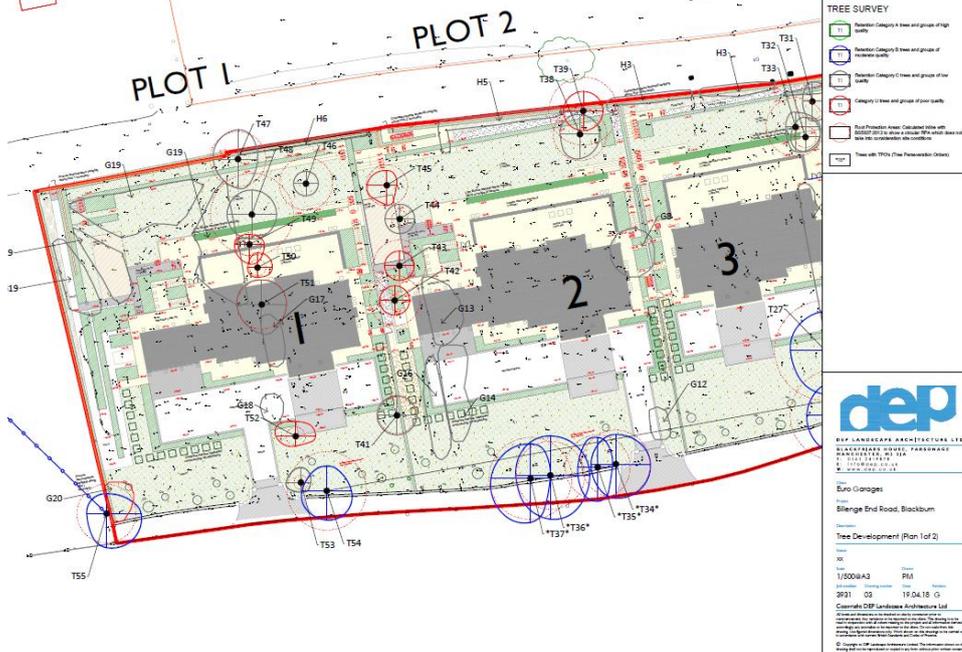
Tree Protection Plans rev G now show trees T6, T7, T8, T10, T11 and T12 as being removed clearing this matter up

The new protective fencing provides adequate protection for the retained trees at the front of the development and this should be in place and not moved until the completion of all construction works. No material, debris or anything should be within the area behind the fence and the trees.

The landscape plans show adequate planting for the loss of trees on this site”.



Extract – proposed landscaping plan



3.5.10 Given the above comments, it is considered that the proposal remains compliant with Policy 9 and can therefore be supported in principle. However, one area of concern has been identified by the submission;

“The protection plan refers to no dig areas in the key, yet these are not shown on the plan. It is understood that the areas where there is to be no dig solutions implemented is within the rooting area of trees T4, T15, T27 and T34 where new driveways/entrances are to be constructed/resurfaced. These areas should be shown on the Tree Protection Plans so these plans can be fully adhered to and signed off”.

3.5.11 The above matter has been relayed to the applicant and it is anticipated that the requisite information and comment will be provided via the committee update report.

3.5.12 Condition 23 amendment: The current proposal seeks to regularise the working amendments that have occurred during the construction of the 5 dwellings. Specifically the alterations to the 10/18/0396 planning permission are;

- 1.1m addition to ridge height and increase to roof angle
- 650mm increase in projection of the lower ground floor
- Increase in the proportion of glazing within the rear (north) elevation of the ground floor and lower ground floor
- Relocation of access points and driveways for plots 3 and 5, each moving towards the eastern edge of the respective plots
- Internal changes to the layouts of each dwelling

3.5.13 Core Strategy Policy CS16 and Policy 11 of the Local Plan strive for high quality design within all new developments. Policy 11 specifically requires development to present a good standard of design, demonstrating an understanding of the wider context and make a positive contribution to the local area. The policy sets out a list of detailed design requirements relating to character, townscape, public realm, movement, sustainability, diversity, materials, colour and viability. Additional support is also set out within the Council's adopted Residential Design Guide

3.5.14 The most contentious element for Members to consider is the increase in the overall height of the new dwellings. Many of the public objections at the time of the 2018 application centred on the design of the new houses, principally their size and massing. The current proposal involves a further increase in height of 1.1m and an associated steeping of the roof pitch.

3.5.15 The position offered in 2018 was that "*...given the generous proportions of the plots and the lack of a coherent roof-scape forming an abiding feature of the locality the raising of ridge levels can be justified*". Additional justification was also identified through the retained tree coverage and new planting that would serve to offer some screening benefits from Billinge End Road. The consideration now is whether the additional 1.1m ridge height and steepened roof pitches form such incongruous additions to the host building and locality to deviate from the earlier position and thus warrant refusal.

3.5.16 On balance, the proposed increase to ridge height and other associated alterations to the roof line are considered to be without detriment to the setting given the generous nature of the plots and lack of any coherent architectural form in the immediate locality. Further, the proposed tree removal within the current application would be to the rear of plots 3, 4 and 5 and thus the

screening benefits from the trees fronting Billinge End Road would be retained.

3.5.17 The proposed alterations to the rear façade, including the further projection of the lower ground floor and additional glazing to ground floor and lower ground floor is also considered to be without detriment to visual amenity. The affected elevations are, given the area's topography and open countryside to the north, not readily visible apart from distance views. The impact of which is to serve to reduce any potential harm from the overall proportion of glazing. That position is further strengthened by the existing retained and proposed planting.

3.5.18 The final design change relates to the location of the driveway access/egress points linking to Billinge End Road. The proposal seeks to reposition the access/egress to plots 3 and 5, with both being pushed to the south east corner of the respective plots.

3.5.19 The Council's highway officer has offered no objection. The wide verge and recessed boundary treatment serve to ensure that appropriate sightlines are retained. Further, no conflict with the root protection zones of retained trees along the site frontage has been identified.

3.5.20 The proposed amendments are considered to remain consistent with Policies 9, 10 and 11 of the Local Plan

4 RECOMMENDATION

Approve subject to imposing all conditions attached to 10/18/0396, save for those previously discharged in writing and the amended wording of the following conditions;

4. The development hereby approved shall be undertaken in accordance with the submitted 'Construction Phase H&S Plan', received 31st May 2022
REASON: In the interests of residential amenity and highway safety, in accordance with the requirements of Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

10. The development hereby approved shall be undertaken in accordance with the tree protection measures and working practices detailed within the arboricultural method statement dated 20th May 2022 (reference: DEP Landscape Architecture Ltd job 3931), unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of biodiversity and visual amenity, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

11. Trees and shrubs shall be planted on the site in accordance with the landscaping scheme as shown on drawings no. 153 001 P, 153 002 P and 153 003 P. Planting shall occur during the first available planting season following completion of the affected plot and thereafter retained. Trees and shrubs dying or becoming diseased, removed, or being seriously damaged within five years

of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs.

REASON: To ensure that there is a well laid scheme of healthy trees and shrubs in the interests of amenity in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

23. This consent relates to the submitted details marked received 24th April 2018, the bat emergence survey received 20th June 2018, AIA and AMS dated 20th May 2022, and drawings no. 3931 03 F 1 of 2, 3931 04 F 2 of 2, 3931 05 F 1 of 2, 3931 06 F 2 of 2, BB283-800, BB283-801, BB283-802, BB283-803, BB283-810, BB283-811, BB283-812, BB283-813, 153 001 P, 153 002 P, 153 003 P, 153 004 P, received 31st May 2022, and to any subsequent amendments approved in writing by the Local Planning Authority

REASON: To clarify the terms of this consent.

5 PLANNING HISTORY

10/18/0396 – Residential development of 5 new dwellings following demolition of existing buildings – approved October 2018.

10/18/1011 – Discharge of conditions 4, 5, 6, 12 and 13, pursuant to application 10/18/0396 – approved 8th February 2019.

10/19/0571 – Discharge of conditions 2, 4 and 18, pursuant to application 10/18/0396 – approved 25th March 2021.

6 CONSULTATIONS

6.1 Public Consultation: 26 neighbouring properties have been individually consulted by letter and site notices displayed. 2 letters of objection have been summarised (see section 9)

6.2 Highways:

There are two areas of highway relevance;

Condition 4: Construction Method Statement

- The area for operative parking is on the adopted highway, this should be provided within the curtilage. This is not ordinarily acceptable, however as this area, which was grassed has been torn up, by the vehicles, we will allow it on this occasion. We will continue to monitor the area, and reserve the right to challenge and remove if they are not observing safe parking. Upon completion of works, we require the area to be returned to grass at the developers cost.
- Wheel washing: the site is well advanced not to require a machine-operated wheel washing system, therefore the road sweeping should

suffice. We also maintain the right to request further sweeping if we deem necessary.

Condition 23: Approved Drawings - relocation of access points and driveways.

- The relocation of the access points for plots 3 and 5 is a modest change without detriment. There is a wide verge between the frontage wall and carriageway edge which gives good protection for sightlines.
- Developers are minded to ensure that there are no street furniture in the path that would affect the new entrance. Also for noting, they will be required to apply for formal dropped crossing at each access location.

6.3 Arboricultural Officer:

BS 5837 Arboricultural Impact Assessment and Arboricultural Method Statement has been updated to reflect the latest proposed layout and tree protection details.

Tree Protection Plans rev G now show trees T6, T7, T8, T10, T11 and T12 as being removed clearing this matter up

The new protective fencing provides adequate protection for the retained trees at the front of the development and this should be in place and not moved until the completion of all construction works. No material, debris or anything should be within the area behind the fence and the trees.

The protection plan refers to no dig areas in the key, yet these are not shown on the plan. It is understood that the areas where there is to be no dig solutions implemented is within the rooting area of trees T4, T15, T27 and T34 where new driveways/entrances are to be constructed/resurfaced. These areas should be shown on the Tree Protection Plans so these plans can be fully adhered to and signed off.

The landscape plans show adequate planting for the loss of trees on this site.

7 CONTACT OFFICER: Martin Kenny, Principal Planner

8 DATE PREPARED: 3rd August 2022

9.0 SUMMARY OF REPRESENTATIONS

Objection – Ian Whalley. Received: 30/06/2022

As I understand it, this is an application made by the developer to ‘ratify’ breaches of the existing plan.

Going back to 2018, I seem to recall the main factors so obviously contrary to the Blackburn ‘Plan’ were, size and tree removal.

The houses proposed were massive, even in comparison to the large detached houses in the immediate vicinity, such as ‘Woodgates’.

The tree clearance required in order to facilitate the construction of these gigantic properties was nothing short of *Amazonian*.

Normally, such a plan wouldn’t have stood a chance, but Blackburn Council applied its own in-house logic.

At the committee hearing we had Councillor Riley, who, paraphrasing, said, *yes, they certainly are big, but they have them this big in places like London and Manchester, so why not here?*

His colleague, on the question of trees said, again paraphrasing, *why all the fuss about trees, there are loads of trees in that area. And anyway, if they don’t build these houses what else might they do? You could maybe end up with a housing estate.* (As if to say that the developers could do what they wanted otherwise)

But this last point reveals the reality. The developers have been allowed to do what they wanted. They have been given an implicit permission to do carte blanche ever since they began to acquire the original 8 properties.

Legitimate and reasonable objections made by so many local residents have been completely ignored.

So, given that the Council will proceed to ignore any such further comments from local residents, I submit my formal objection to this application *on general principle*.

They shouldn’t have built them any bigger. They should not have removed any more trees.

The whole thing has been a pantomime. What we are left with is not two but **FIVE UGLY SISTERS**.

Objection – Liz Beaumont. Received: 01/07/2022.

Yes, I am aware that I am right on the line with my objections to Planning ref. 10/18/0396 at Billinge End. I wasn't going to waste more time outlining the objections myself and my neighbours have raised in the past as I have never received a reply and all our objections have been over ruled/overlooked.

However, I care about the environment and amenities of Blackburn residents, and feel each and everyone of us deserve consideration of our lives and chosen lifestyles, not just the rich and powerful within the borough, who seem to take a feudal view of the running of our town, and without any consideration for "the rest of us" are in control of decision making. Does anyone ever say "no" to these developers?

I am especially concerned about the number of trees that have been victims of, and those about to be destroyed by, the current development (maybe you know already that the demolition has begun.) As a member of the Woodland Trust I am aware of the campaigns around protection of old and environmentally valuable trees. I am in discussions about campaigning regarding this site, local/national publicity, etc. I am filled with horror as I look out of my window to the trees in the Billinge End site and know their likely fate, we need trees for a whole range of reasons that I am sure you are as aware of as I am.

Finally, I appeal to you to take very seriously my own, and those you have received from my neighbours, objections and concerns regarding the now established (the 5 "mansions") and the latest proposed complete changes to this area of Blackburn's landscape and natural environment.

Objection – Mr Ian Whalley, received 22nd July 2022:

Dear Mr Kenny,

The Five Ugly Sisters - Billinge End Road – Your ref: 10/22/0509

I refer to your letter dated 11 July 2022 concerning the further application made by the developer for variations, etc.

I do not find it at all clear from the documents listed on your site what these variations relate to are what they consist of. The only document I can see that refers to July 11 2022 is Murray's Tree Report but in this I cannot find specific mention of dates to indicate which of these updated variations relate to. Is this deliberately confusing? I appreciate I am a lay person, but surely there should be more clarity than is being provided here.

If you would care to point out which particular documents in your list are relevant, and the page numbers, I would be glad to take another look. Perhaps if you email me the details on Monday 25 July 2022, I'll be able to have another look at it and get back to you before the end of business on that day. In the meantime, however:

Why is not stated clearly which driveways/access points (with regard to plot numbers 1-5) are under discussion and why are they being varied, in what way they are being varied and why it is necessary to fell more trees, and finally, what was unreasonable about the original permission granted? Of course, I am not absolutely sure I have got this correct.

Having said that, I have to repeat the comments I made in my previous recent email dated 30 June 2022.

This has always been a totally undemocratic process. The Council have clearly paid lip service to their own planning criteria: size of buildings; massing; tree removal. And whilst they have been very careful to deal with the legal formalities of giving local residents the opportunity of commenting on the various plans proposed, the comments advanced by the residents have been completely ignored – an empty, meaningless and I would add, cynical exercise.

I assume this application relates to the developers wanting to remove more trees, due to their wish to relocate driveways/access points as well as to ratify breaches of planning granted to date.

Again, on general principle, because I have been against this grandiose plan for the start, I would object to all the variations requested.

Regards,
Ian Whalley