

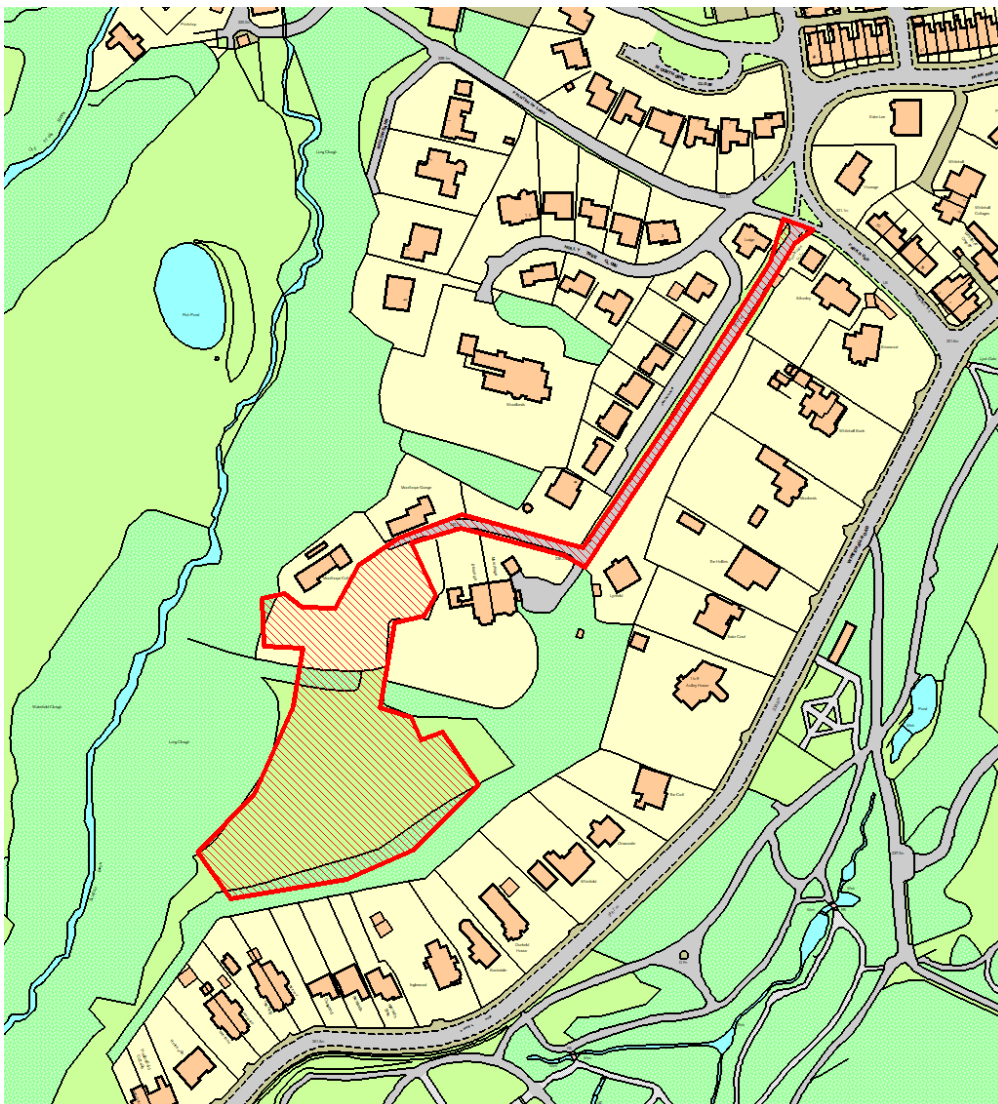
Proposed development: Reserved Matters Application: Approval of Reserved Matters "appearance, landscaping and scale" pursuant to outline planning application 10/18/1153 "the erection of 9 dwellings".

**Site address:
Land adjoining Moorthorpe Cottage
Park Road
Darwen
BB3 2LQ**

Applicant: Ms Gillian Lomax

Ward: West Pennine

**Councillor Jean Rigby
Councillor Julie Slater
Councillor Neil Slater**



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This planning application is submitted in the form of a Reserved Matters (RM) proposal to consider the **appearance, landscaping and scale**, of the development pursuant to the grant of outline planning permission for the erection of 9 dwellings, with all matters reserved except for access and layout (ref. 10/18/1153).
- 2.2 The application is reported to Committee in accordance with the Council's adopted scheme of delegation. This follows refusal of the Outline application by Committee, in June 2016; a decision which was subsequently overturned on appeal, in June 2020, which resulted in the grant of conditional outline planning permission and costs of £7,520.58 awarded against the Council because it acted unreasonably in refusing the application. The Inspectors report is appended to this report (Appendix A). The application was deferred at January's meeting to allow further consideration of the proposed house types, their position and plot boundaries. An amended layout has since been submitted which is considered to appropriately address discrepancies with the layout approved at outline stage.
- 2.3 Assessment of the application finds that the proposal will deliver a high quality bespoke housing development which will widen the choice of family housing in the Borough. It supports the Borough's planning strategy for housing growth as set out in the Core Strategy, through delivery of housing at a site for which the principle of housing led development is established via the site's inclusion in the Council's Brownfield Register. 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.
- 2.4 Conditions attached to the outline permission, pertaining to a range of technical matters, will be considered under a separate discharge of condition process, to be submitted at the appropriate time.
- 2.5 As with the outline application, Members are advised that significant public objection has been received against this RM proposal. Objections are summarised as follows:
- The principle of housing of a greenfield site;
 - Development is not 'small scale residential';
 - Impact on wildlife / ecology / biodiversity;
 - Loss of trees;
 - Discrepancy between layout approved at outline stage and that submitted with this RM application;
 - Traffic generation;

- Design / Character & appearance;
- Loss of privacy; and
- Brownfield sites should be prioritised.

2.6 Members are advised that the outline permission establishes the principle of housing led development at the site, for 9 dwellings with detached garages, in accordance with the site specific policy requirement of a 'small scale' residential, together with access arrangements (from the private access road off Park Road) and the layout. The outline permission also accounts for all environmental impacts (loss of trees, ecology, biodiversity and drainage) and traffic generation / highway impacts. This application is strictly limited to consideration of the remaining RM – ie. appearance, landscaping and scale.

3.0 RATIONALE

3.1 Site and Surroundings

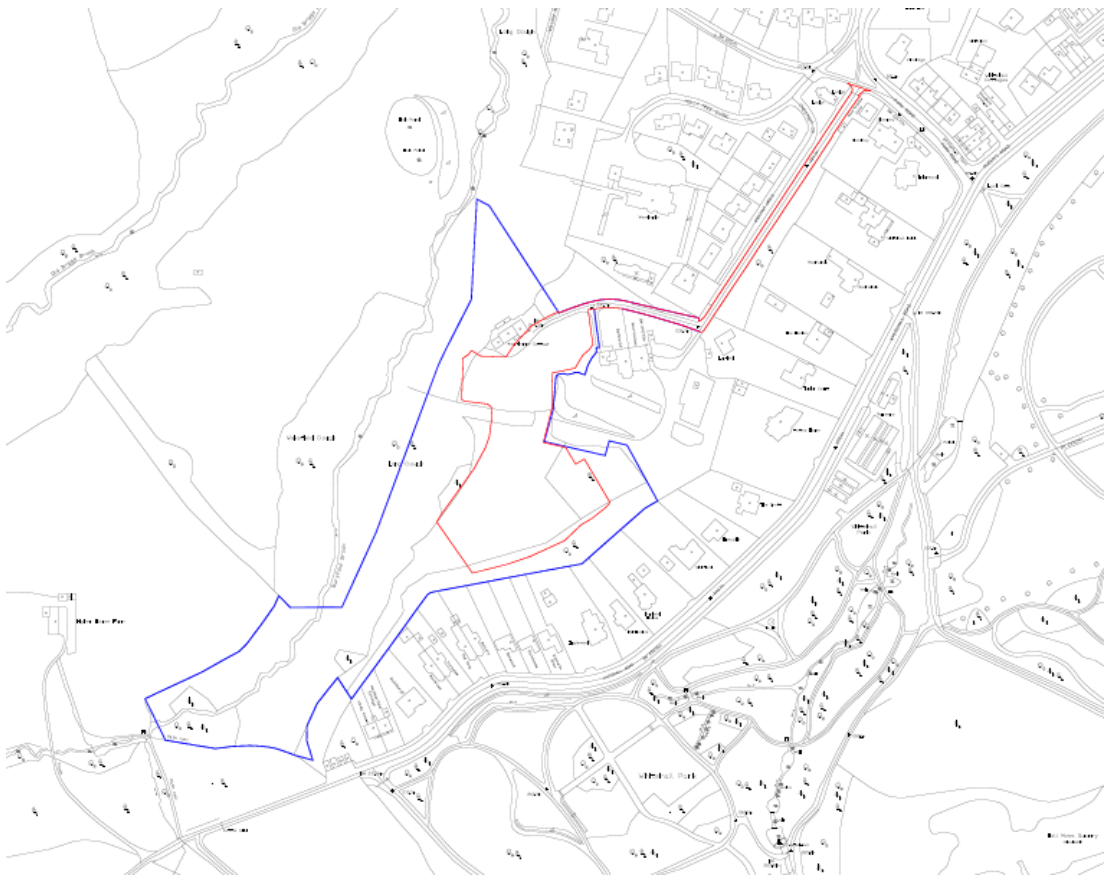
3.1.1 The application site is primarily allocated as a 'Development Opportunity'; identified as 'Long Clough, Darwen', in accordance with the Adopted Policies Map of the Local Plan Part 2 for Darwen. The private drive that serves to access the site is not included in the allocation and is instead unallocated. The entirety of the site lies within the outer confines of Darwen's Urban Boundary, adjacent to open countryside

3.1.2 The application site is privately owned; comprising 0.99 hectares in area and is located within the Whitehall district of Darwen, to the north of Whitehall Road. Access is taken off Printshop Lane / Park Road to the north east, along a private drive that currently serves 5 dwellings. The drive runs adjacent to the length of Chestnut Grove to the west. Moorthorpe Cottage and its associated curtilage lies to the north of the proposed dwellings and is the property closest associated with the development. The site area to be developed is grass and shrub land, bordered by mature trees and woodland groups protected by Preservation Order. The private access drive is hard surfaced. Land levels rise gently from east to west.

3.1.3 The immediate locality features large family dwellings set in spacious grounds within a wider area characterised by woodland and adjacent countryside. A woodland belt separates the application site from dwellings located along Whitehall Road to the south east, beyond which lies the Grade II listed Whitehall Park. The Grade II listed property 'Woodlands' is located to the north of the site.

3.1.4 Darwen town centre is approximately 1.3 miles to the north, accessible by public transport along the A666. It offers a typical range of amenities and includes public rail and bus transport hubs which provide convenient connections to locations such as Blackburn, Bolton, Preston and Manchester. The M65 motorway lies approximately 3.2 to the north.

3.1.5 The application is shown as follows, as defined by the red edge. The wider land holding is defined by the blue edge, on the location plan shown below.



Location Plan, MCK Associates Ltd, October 2018).



Google Earth Image

3.1.6 Photographs below show the site viewed from Moorthorpe looking south, the southern woodland fringe and south eastern edge, respectively.



3.2 Proposed Development

3.2.1 The application seeks approval of RM for appearance, landscaping and scale, pursuant to outline permission granted for 9 dwellings with detached garages, associated access and layout, determined under application no. 10/18/1153.

3.2.2 The layout, although set at outline stage, is submitted with this application at it includes proposed house types. The proposed layout is as follows (Holden Lancashire Ltd, Oct 2022):



3.2.3 Proposed house types are five and six bedrooms and range between two storey and two and a half storey's in height. Sample house types are shown as follows (Holden Lancashire Ltd, Oct 2022):



3.2.4 Full details are set out in the submitted drawings and Supporting Statement.

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
- CS16 – Form and Design of New Development

3.3.4 Local Plan Part 2

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

3.4 Other Material Planning Considerations

3.4.1 Green Infrastructure (GI) SPD

3.4.2 National Planning Policy Framework (The Framework)

- Section 12 – Achieving well-designed places

3.4.3 National Planning Practice Guidance (NPPG)

3.4.4 Local Plan Review

Blackburn with Darwen Borough Council is reviewing their current adopted Local Plan. The review will lead to a new Local Plan to replace the existing and will cover the period 2018 to 2037. As an emerging document, it carries weight in the decision making process.

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.
- **Scale:** Includes information on the size of the development, including the height, width and length of each proposed building.

3.5.2 Appearance

Proposed dwellings range between two and two and a half storeys in height. Two and a half storey dwellings include bedrooms within the roof space. Each will feature gable pitched roof profiling with a 'Marley Rave' slate effect tile finish.

3.5.3 Each dwelling will be constructed in natural stone, with stone headers and cill detail to the windows. Rainwater goods will be cast iron and windows are proposed in 'timberlook' finish.

3.5.4 Plots 1-4, 6 and 9 would have front gable features, with plots 5, 7 and 8 having a two storey element projecting forwards perpendicular from the front elevation, to be used as a double garage with living accommodation above.

3.5.5 Dwellings are varied in appearance but all retain similar identifiable characteristics to existing dwellings to which they closest relate and which they would be read against – ie. Moorthorpe Cottage, Moorthorpe and Belthorpe.

3.5.6 Plot sizes vary, with those closest to Moorthorpe Cottage at the northern end of the site benefitting from larger gardens than those towards the southern end of the site, arranged around the turning circle. Expanses of open space straddle the internal road, central to the site.

3.5.7 Boundary treatments are not clearly defined. Full details are, however, required via a condition attached to the outline permission, as are external materials, notwithstanding the submitted details. Detailed assessment of such will, therefore, be undertaken through a subsequent discharge of the condition process.

3.5.8 A heritage assessment has been undertaken by the Council's Heritage consultee, with reference to impacts arising on the nearby Grade II Listed Buildings – 'The Woodlands' and adjacent 'Greenhouse' Whitehall Park.

3.5.9 Notwithstanding assessment of the layout, at outline application stage, on the heritage assets, a further assessment is necessary with regard to the RM. Assessment finds that the proposal would meet the statutory test 'to preserve',

causing no discernible harm to the contribution made by the setting to the significance of the heritage assets. Therefore, no balancing exercise is required as, as explained by The Framework at para. 202.

3.5.10 The appearance of the development is found to be in accordance with the requirements of Policies 9, 11 and 39 of The Local Plan Part 2, the Residential Design Guide SPD, and The Framework.

3.5.11 Landscaping

Each of the dwellings will have lawned front and rear gardens with permeable block paved driveways and permeable patio areas. This is consistent with the layout approved at outline stage.

3.5.12 As shown on the submitted Tree Removal and Retention Plan, the removal of four trees, a woodland group and partial removal of another woodland group is proposed. Additional planting is proposed as part of the private road within the proposed road islands, adjacent to the roads and within the private gardens. A mix of species is proposed totalling 92 newly planted trees as shown on the proposed site plan. As requested by the Council's Arboriculture consultee, the extent of tree removal / retention is confirmed via submission of an additional drawing. Members are advised that the parameters of tree removal / retention was established at outline stage. The following is extracted from the Committee Report at that time, setting out the details:

Tree Survey and proposed Tree Removal Plan have been submitted in support of the application. The submission identifies proposed removal of 4no. individual trees within the site, identified as T31, T32, T33 and T34 on the Tree Removal Plan, a woodland group identified as G5 and partial removal of woodland group identified as G6. The submission has been peer reviewed by Urban Green, in the context that the principle of residential development is accepted, on account of the sites allocation. The review is summarised as follows:

It is considered that T31 (Grey Willow), detailed as a category C tree, is of low amenity value that should not constrain the development.

T32 (Sycamore) is detailed as a category A tree. This categorisation is, however, considered very generous and should be considered a category B, due to its impaired condition. Consequently, its retention beyond 40 years is unlikely. Moreover, it is accepted that the proposed highway infrastructure work would encroach within the Root Protection Area (RPA) of this tree to such an extent that retention would not be advisable.

T33 (Grey Willow), detailed as a category U tree displays significant decay. Its condition is such that it cannot realistically be retained in the context of the development.

T34 (Sycamore) is detailed as category B tree with potential to develop into a category A worthy of retention. It is recommended that, during construction work, the ground within the RPA should be excavated using

hand tools under supervision of an Arboricultural Consultant to assess the extent of the root proliferation, in order to inform a decision on retention or removal of the tree.

G5 is a mixed group of Lime, Oak, Beach, Horse Chestnut and Sycamore trees. The Lime trees are considered inconsistent with the nature and form of the rest of the woodland on the site. Moreover, removal of G5 would visually expose the Northern aspect of W3, which is a high quality natural and well-developed group. In this context, G5 should not constrain development.

The 'overstorey' trees within group G6 should be retained. The 'understorey' rhododendron and standing deadwood should not constrain development.

Any other suppressed, dying, diseased or dangerous trees should be removed.

- 3.5.13 Tree removal is addressed in further detail in the Inspector's appeal decision.
- 3.5.14 Notwithstanding the submitted detail, submission of a landscaping scheme will be secured via condition, to further consider planting of trees and shrubs, including species, locations and density.
- 3.5.15 Submission of an Arboricultural Method Statement and Tree Protection Plan is required via condition attached to the outline permission which will specify how retained trees will be protected during construction phase of the development.
- 3.5.16 Landscaping for the development is found to be in accordance with Policies 9, 11 and 40 of The Local Plan Part 2, the Residential Design Guide SPD, and The Framework.
- 3.5.17 Scale
Plots 1 and 9 would have a maximum width and depth of approximately 11.70m and a ridge height of approximately 7.2m.
- 3.5.18 Plots 2 and 8 would have a maximum width of approximately 12.1m, an approximate depth of approximately 8.1m and a ridge height of approximately 8.1m.
- 3.5.19 Plots 3 and 7 would have a maximum width of 11.75m, an approximate depth of 9m and a ridge height of approximately 8.84m.
- 3.5.20 Plots 4 and 6 would have a maximum width of 11.90m, an approximate depth 9m and a ridge height of approximately 8.50m.

- 3.5.21 Plot 5 would have a maximum width of approximately 15.90m, an approximate depth of 9.9m.
- 3.5.22 Proposed floor space for all dwellings would be in excess of the national minimum standard, as prescribed by the Nationally Described Space Standards.
- 3.5.23 Plots 1 and 9 are typical 2 storey scale houses, with accommodation provided over 2 floors. Plots 1, 3, 4, 5, 6, 7 and 8 include accommodation within the roof space and are considered to be 2.5 storey in scale.
- 3.5.24 Plots 1, 2, 4, 5, 6, 8 and 9 benefit from detached double garages measuring approximately 6.75m x 6.75m, in excess of the Council's adopted minimum garage size of 6m x 6m. Plots 3 and 7 do not have garages.
- 3.5.25 The scale of the proposed buildings appropriately respond to those local to the site, defined as large family homes. They are also proportionate to the wider application site and proposed individual plots sizes, which offer ample outdoor amenity space to service householder needs.
- 3.5.26 The scale of the development is found to be in accordance with Policies 8, 10, 11 and 40 of The Local Plan Part 2, the Residential Design Guide SPD, and The Framework.
- 3.5.27 Other Matters
In response to a query from the Council's Highway's consultee, the internal road is confirmed as remaining in private ownership, as established at outline stage, as a matter outside the scope of this assessment.
- 3.5.28 Receipt of an amended layout (received 30/1) provides for a modest repositioning of proposed dwellings, set within plots corresponding to those approved at outline stage. Any minor discrepancy between the position of dwellings indicatively shown on the approved site layout (at outline stage) and those indicated on the current site layout, arises as a consequence of specific house types being proposed with reference to their appearance and scale, as a RM.
- 3.5.29 The proposed site layout (shown above) includes an outline of the position of indicative houses on the original layout. It is important to recognise that the position of proposed houses are no closer to existing neighbouring dwellings, thereby ensuring a mutually acceptable relationship is maintained, with reference to privacy, outlook, dominance and daylight / sunlight admission.
- 3.5.30 Representations questioning the 'minor' nature of the application type have been received, suggesting that the scale of the RM proposal represents a 'major' application type. The application is, however, confirmed as falling outside the scope of a 'major', in accordance with the following definition taken from the Development Management Procedure Order 2015:

“major development” means development involving any one or more of the following—

(a) the winning and working of minerals or the use of land for mineral-working deposits;

(b) waste development;

(c) the provision of dwellinghouses where—

(i) the number of dwellinghouses to be provided is 10 or more; or

(ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);

(d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or

(e) development carried out on a site having an area of 1 hectare or more.

3.5.31 This confirms that the application is not a ‘major’, notwithstanding that proposed floor space is in excess of 1000sqm, as the threshold is explicitly excluded for the ‘provision of dwellinghouses’.

3.5.32 Summary

This report assesses the RM planning application for land at Moorthorpe, Darwen. In considering the proposal, the necessary 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. Specifically, the development demonstrably:

- Enhances and reinforces the established character of the locality;
- appropriately responds to the sites topography and general landscape features;
- makes best use of existing connections, landmarks / views and the relationship of buildings to the street, and:
- presents a scale of development proportionate to the surroundings.

3.5.33 To re-iterate, the assessment has been undertaken in the context of residential development of the site for 9 dwellings, layout of the development, and access arrangements off the public highway, having previously been accepted under the outline planning permission.

4 RECOMMENDATION

4.1 Approve:

Delegated authority is given to the Strategic Director of Growth & Development to approve planning permission, subject to the following conditions:

1. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received 17th January 2021 and drawings numbered: *to be added*.

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

2. Prior to occupation of the development hereby approved, and notwithstanding the submitted details, a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of native tree and shrub planting on site, in order to compensate for lost trees, local habitat and biodiversity, and hard surface treatment to proposed driveways and patios at each dwelling. Planting of trees and shrubs shall be implemented in accordance with the approved scheme, during the first available planting season after completion of the development. 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. Hard surfaces shall be implemented in accordance with the approved scheme prior to occupation of the dwellings.

REASON: To ensure appropriate soft landscaping of the site, in the interests of visual amenity and ecology, in accordance with Policies 9 and 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

5.0 PLANNING HISTORY

5.1 10/18/1153 - Outline planning application with all matters reserved except for access and layout for erection of 9 dwellings with detached garages. Approved on appeal 5/6/2020.

6.0 CONSULTATIONS

6.1 Public Protection

No objection.

6.2 Strategic Housing

No objection.

6.3 Arboriculture Officer

No objection.

Assessment:

I have considered the impact of the proposals with reference to the submitted AIA document.

With regard to Tree Removal and Retention Plan A3 1-1000 05.02.19 D6647.002 TEP plan.

The tree survey data as not been submitted with the reserved matters application, which is found in application 10/18/1153

I have therefore cross referenced to determine the impact on trees, as required to implement the agreed layout.

The tree cover identified G5 and G6 consists of mature trees, individually graded as B1 moderate.

The trees in G5 hatched area, appear to form part of W1 (grade A) and therefore a number of mature trees would be removed to accommodate the layout.

G5 includes approx. 28 notations for the positions of trees. This appears to include primarily mature trees which form part of the main body of W1.

G6 contains 3 notations within the hatched area for tree removal.

It appears approx. two thirds of W1 is not subject to the above TPO. Located from the rear of Dunkild House on Whitehall Road and to the east, to the rear of houses along Whitehall Road.

Location of services is not included with submission. If all services are to be located in along the access road then it appears there would be no conflict with tree cover.

Plot boundaries where they back onto woodland and trees have not been defined and it appears there is no fencing or boundary treatment where gardens adjoin woodland. Although the garden plots are mostly outside the application there could be issues associated with encroachment without a defined boundary.

It may be desirable to provide a landscape boundary for each property to provide screening and create enclosure with biodiversity benefits.

Appropriate landscaping could consist of native shrub and small tree planting.

Conclusions:

There is a lack of clarity as to how many trees are to be removed to accommodate the approved layout.

There is scope to provide landscape enhancements within each plot including boundaries.

Recommendation.

It would be desirable to seek clarification on tree removal.

A condition for landscaping provision.

6.4 Drainage (Lead Local Flood Authority)

No objection.

6.5 BwD Cleansing

No objection.

6.6 BwD Highways

No objection.

The submission details have been reviewed, and a site investigation has been undertaken.

The proposal seeks Approval of Reserved Matters "Appearance, landscaping and scale" pursuant to outline planning application 10/18/1153 "the erection of 9 dwellings"

This application as far as we can establish does not propose any further amendment to highways, or changes to that which were approved under matters in relation to access. Clarification is however sought in relation to the adoption of the road, it is reported within the planning statement that the road is to remain private. If that is the case then the comments in relation to both pedestrian and layout below would be irrelevant.

The parking is adequately provided for.

Comments made at outline stage which are still relevant to this application are:

Access: *the access road leading from Park Road, leading up to the development, has been responded to as being a minimum of 4.2, which I would concur is sufficient to allow passage to two vehicles to pass one another. The concern is that the road was not intended for a greater number of houses, which this proposal will bring forward. There are no additional passing places, proposed to support the possibility of larger vehicles passing one another.*

Pedestrian safety: *to support this highway user we would request that a path is delineated from the highway along the access road, which would then connect to a full footway which should be provided to one side of the new access road within the red edge (please condition)*

Layout: *the internal access road should have a minimum 2m service verge around the full periphery of the new access road. This will form part of the adopted highway, but will be maintainable by each frontage. If the service verge is to only accommodate a street lighting column then the verge could be reduced to 800mm.*

Swept Path: *a tracking offering a 3 axle refuse vehicle has been offered, this is deemed acceptable, however we would suggest the tracking would benefit from the green triangle*

landscaping on either side of the first roundabout being removed, as this enable for the full highway to be utilised by the vehicle which will present for ease of manoeuvring

To conclude – in principle we would support the scheme. Subject to the above comments.

6.7 Heritage

No objection.

Assessment

I have reviewed the supporting documents, which include a Supporting Planning Statement, prepared by MacMarshalls Rural Chartered Surveyors & Planning Consultants, dated November 2022, proposed site plan, proposed plan plots, General Arrangements and Swept Paths Analysis and Tree removal/retention plan. I visited the site on 21 November 2022, to complete visual observations.

The key heritage issue for the LPA to consider under the Reserved Matters Application is:

1. Whether the proposal would harm the contribution made by the setting to the significance of the nearby Grade II listed buildings and park.

The Proposal

The application seeks the approval of Reserved Matters following the granting of planning permission on appeal (Ref: APP/M2372/W/19/3243411) dated 5th June 2020. The Reserved Matters include "Appearance, landscaping and scale" pursuant to outline planning application 10/18/1153 "the erection of 9 dwellings".

The proposed dwellings will be 2 and 2.5 storeys, containing 4 and 5 bedrooms, some with additional roof space, with the tallest buildings reaching a ridge height of 8.8m. Plots 1-4, 6 and 9 have front facing gables, whereas Plots 5, 7 and 8 have a projecting two-storey range, perpendicular from the front elevation, to be used as a double garage with living accommodation above.

The submission documents note that the proposed dwellings are to be finished in natural stone with stone lintels and cills, pitched roofs finished in Marley Riven slate effect tile. The proposed windows are to be Timberlook and cast style rainwater goods will be used.

In regards to landscaping, each of the dwellings will have lawned front and rear gardens with permeable block paved driveways. For the wider site, largely most of the boundary trees/woodland are to be retained, with a group of trees located centrally, and a band of woodland close to the southern boundary of the site being removed. In addition, newly planted trees (mix of species) are proposed, as well as planting at the road islands.

Impact on the Setting of the Listed Building

The issue from a heritage viewpoint is whether the proposal would harm the setting of the nearby Grade II Listed buildings and park, which should be regarded as being of high significance.

I note that in principle, the development has been accepted; the main focus of this assessment would largely be on the impact of the appearance, landscaping and scale details.

Historic England's advice on setting is contained in its Planning Note 3 (second edition) entitled *The Setting of Heritage Assets* (2017), which describes the setting as being the surrounding's in which a heritage asset is experienced and explains that this may be more extensive than its immediate curtilage and need not be confined to areas which have public access.

Mindful of the above guidance, on viewing the proposal site and completing map regression, it is evident that there is limited to no visual or historic connection of the site to the listed buildings and park. Largely, views from the proposal site to the range of listed buildings are screened by intervening mature trees and other extant structures.

From the northern end of the proposal site, looking northeast, the listed greenhouse, which is the closest listed building, cannot be viewed. Along the northern boundary, there is some glimpsed views of the listed 'Woodlands' through the autumn trees. Nevertheless, Plots 1 & 2 that will be located at the northern end of the site will likely be screened from view via the mature trees and the intervening Moorthorpe Cottage and Moorthorpe Grange. There are no views of the listed buildings and park located to the south, due to the intervening trees and dwellings and the separation provided by Whitehall Road.

Furthermore, I note that along the eastern and northern boundaries of 'Woodlands and the 'Greenhouse' is a modern housing development, which has already impacted upon and eroded slightly some of the significance of the listed buildings derived from the immediate setting.

In regards to the scale of the proposed dwellings, the properties that already surround the wider site are of a similar or larger size, particularly that of 'Woodlands'. In this context, the scale of the proposed dwellings in my view are appropriate.

To conclude, in the above context, it is my view that, there will be no discernible harm caused by the development to the contribution made by the setting to the significance of the nearby listed buildings and park.

Conclusion / recommendation

As I am required to do so, I have given the duty's imposed by s.66(1) of the P(LBCA) Act 1990 considerable weight in my comments.

I consider that, the proposal would meet the statutory test 'to preserve', causing no discernible harm to the contribution made by the setting to the significance of the nearby Grade II Listed buildings and park. Therefore, no balancing exercise is required as per NPPF P.202. As such, the proposal meets the objectives of Chapter 16 of the NPPF and accords with the policies of the Local Plan.

6.8 Ecology

No comments offered. It should be noted that all ecological matters were considered at outline application stage.

6.9 United Utilities

No comments offered. It should be noted that all drainage / flood risk matters were considered at outline application stage.

6.10 Public Consultation

44 letters were posted to the local community on 28th October 2022. Site notices were also displayed and a press notice published. In response, 31 objections were received - see Summary of Representations (Section 9.0).

7.0 CONTACT OFFICER: Nick Blackledge – [Principal Planner].

8.0 DATE PREPARED: 6th February 2023.

9.0 SUMMARY OF REPRESENTATIONS:

Objection – Mr & Mrs Alker, Heatherfield Cottage, Whitehall Road, Darwen. Received: 11/11/2022.

Good Morning

Re: Planning Application 10/18/1153 and Letter reference 10/22/1002

We have received the above mentioned letter in regards to planning application 10/18/1153. Having looked at the map of the planned erection of 9 dwellings we would like to oppose the application for the following reasons:-

- * It would increase traffic on an already busy area of road which has cars regularly parked by walkers and visitors to the local park.
- * The noise and disturbance not only from the building of the dwellings but once built the increase in volume due to the new occupants.
- * The destruction of the woodland would have a huge impact on the wildlife, we are aware there are badgers setts in this area which are protected by the 'Protection of Badgers Act 1992' there are bats (also protected) deer and other wildlife that this would destroy the homes of.
- * Once work commences the risk of neighbouring houses being infested with rats/mice finding new homes would be a concern.
- * The loss of tree's in the area would be of a large scale and detrimental to the environment.

We hope our concerns are looked into accordingly.

Objection – Mr & Mrs Perricone, Werneth Brae, Whitehall Road, Darwen. Received: 14/11/2022.

Dear Sir/Madam

We would like to register our objection to the above application, on several points.

1 The proposed site layout far exceeds what was in the original Local Development Plan adopted in 2015, which describes the potential use under Policy 28 as *“a very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland”*.

In fact, the above plan clearly indicates that over 40 trees will be impacted, of which many are native trees protected by a woodland TPO.

2 This woodland is a heaven for protected wildlife. The enclosed photograph was taken on 12/10/22 and document the unexpected visit of a badger on our land, which is directly adjacent to the woodland. This proves that the sett is “live”.

According to the Protection of badgers act 1992, in addition to direct injury to the animal, it is an offense to intentionally or recklessly destroy or damage access to a badger sett. In other words, the act clearly stipulates that interference with the animal habitat is against the law.

3 The above woodland is also home of many other wild animals, including deer, bats, hedgehogs, owls, and many other species of birds.

4 The proposed building site hosts carpets of bluebells, which are on display only during the spring season, as documented in the enclosed photo taken on 16/05/22. Bluebells are also protected under the wildlife and countryside Act 1981. To destroy the wild plant or the space attached to the plant itself is prohibited and it is unlawful.

5 Access onto and off the main straight driveway leading to Moorthorpe Cottage comes off a sharp corner from Ross Street. This corner represents a rather congested road, serving both Ashleigh school and parking for Aurora school. The main driveway has two stone gateposts, in front of which lies an area of protected trees.

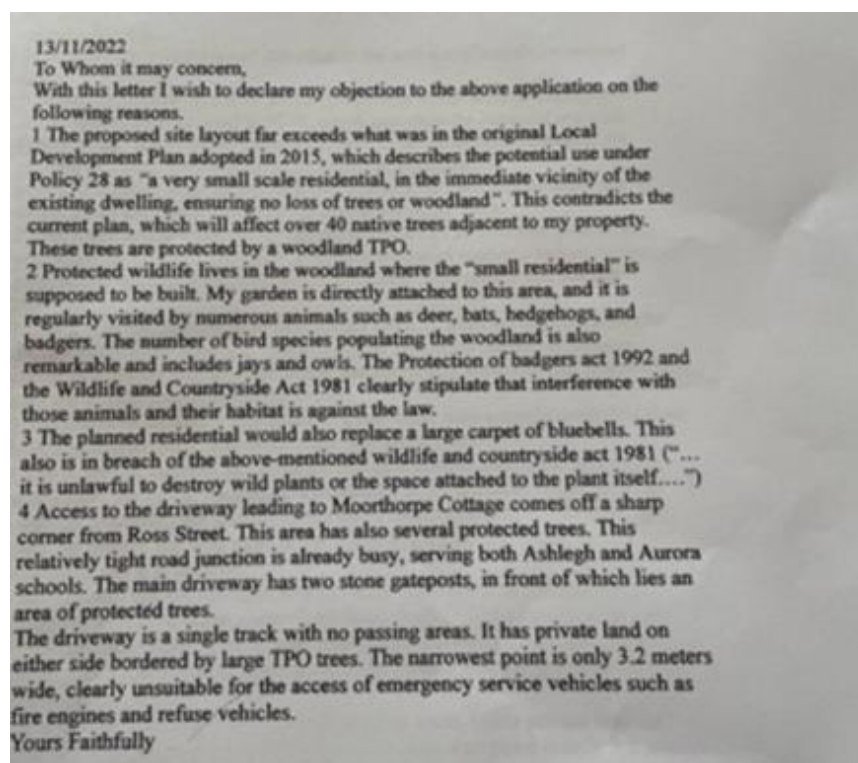
The driveway is a single track with no passing areas. It has private land on either side bordered by large TPO trees. The narrowest point is only 3.2 meters wide, clearly unsuitable for the access of emergency service vehicles such as fire engines and refuse vehicles.



Objection – Caroline Hodson, The Hollies, Whitehall Road, Darwen. Received: 14/11/2022.

I am writing to you to object to the above planning application. I am objecting because I am of the opinion that the application is of a disproportionately large scale for the area involved. I am concerned about the ecological impact of such a large development in that area. I am sure that the local wildlife will be negatively impacted upon. Moreover the loss of trees in a tree preservation area is of concern. Overall I am of the opinion that such a development will have a negative impact on the local area.

Objection – Dr D Duxbury, Inglewood, Whitehall Road, Darwen. Received: 15/11/2022.



13/11/2022
To Whom it may concern,
With this letter I wish to declare my objection to the above application on the following reasons.
1 The proposed site layout far exceeds what was in the original Local Development Plan adopted in 2015, which describes the potential use under Policy 28 as "a very small scale residential, in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland". This contradicts the current plan, which will affect over 40 native trees adjacent to my property. These trees are protected by a woodland TPO.
2 Protected wildlife lives in the woodland where the "small residential" is supposed to be built. My garden is directly attached to this area, and it is regularly visited by numerous animals such as deer, bats, hedgehogs, and badgers. The number of bird species populating the woodland is also remarkable and includes jays and owls. The Protection of badgers act 1992 and the Wildlife and Countryside Act 1981 clearly stipulate that interference with those animals and their habitat is against the law.
3 The planned residential would also replace a large carpet of bluebells. This also is in breach of the above-mentioned wildlife and countryside act 1981 ("... it is unlawful to destroy wild plants or the space attached to the plant itself....")
4 Access to the driveway leading to Moorthorpe Cottage comes off a sharp corner from Ross Street. This area has also several protected trees. This relatively tight road junction is already busy, serving both Ashlegh and Aurora schools. The main driveway has two stone gateposts, in front of which lies an area of protected trees.
The driveway is a single track with no passing areas. It has private land on either side bordered by large TPO trees. The narrowest point is only 3.2 meters wide, clearly unsuitable for the access of emergency service vehicles such as fire engines and refuse vehicles.
Yours Faithfully

Objection – Chris Royle, Lee Hall, St Peters Avenue, Haslingden. Received: 15/11/2022.

I strongly object to this application for the following reasons.

Firstly the application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development plan adopted in 2015 which describes the potential use under policy 28 as a "Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland " Yet according to the submitted landscaping plans over 40 trees will be removed ,most are mature trees and protected by a Woodland TPO. As far as I understand a tree preservation order is an order made by a local planning authority in England to protect specific trees ,groups of trees or Wood land in the Interest of the amenity .An order prohibits cutting down, topping, lopping, uprooting, willful damage ,willful destruction. Why then are you allowing this development to go ahead when all the trees including saplings, small bushes are all under a TPO.

I question why the local authority made the TPO in the first place because it appeared to you then to be expedient in the interest of amenity to make provision for the preservation of trees or woodland in the area and now you are happy to have 40 trees taken down in the woodland Whitehall Field. Orders should be used to protect woodlands if their removal would have a significant impact on the local environment and its enjoyment of the public. You assessed the amenity value when putting on the blanket TPO but now you are totally ignoring this Why ????. There are many other matters that refer to TPO and how they are applied and for what reason and I expect you are fully aware of these so I will move on.

The number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 Oak, 10 Hazel ,9 Cheery and 9 Rowan trees and several varieties of hedge.

In 2019 BwD planning voted to refuse the application and you concluded that “it was considered to represent a scale disproportionately large ,taking into account the local context and transition with the countryside area and contrary to the requirements set out in the Local plan part 2. I vehemently object to the scale of this development -9 four and five bedroom houses all with garages is not small scale and this will result in not only losing mature trees which are vital for giving oxygen, storing carbon, stabilising soil and give life to the worlds wildlife. Whitehall field is home to Bats ,Badger sets that are over fifty years old and other forms of wild life.

Also the houses appear to have Dorma’s across the rear of the properties which will be looking directly into the houses/gardens on White hall Road as well as the house at the top of Park Road Belthorpe which will be overlooked by one of the plots. Surely this is invasion of privacy .

I also approve of a more detailed set of objections to be sent out by the Whitehall Residents Against Green field Development Community group.

Objection – Derrick & Gillian Smethurst, Tudor Court, Whitehall Road, Darwen. Received: 15/11/2022.

Reference 10/22/1002

Reserved Matters Application

Proposal: Approval of Reserved Matters “Appearance, landscaping and scale” pursuant to outline planning application 10/18/1153 “the erection of 9 dwellings”

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

I wish to object to this application on the following grounds.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as “ Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland”.

According to the submitted landscaping plans over 40 trees will be felled, most are mature trees (100 year old +) and protected by a Woodland TPO. The tree removal and retention plan will be devastating for the immediate environment that provide a haven for badgers, deer, bats, hedgehogs, owls and many other species. The number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 oak, 10 hazel, 9 cherry and 9 rowan trees and several varieties of hedge – all of which stated to be less than 1.5m at the point of planting.

The BwD Planning Committee voted to refuse the application in 2019 and concluded that “it was considered to represent a scale disproportionately large, taking into account the local context, and

transition with the countryside area and contrary to the requirements set out in the Local Plan part 2.”

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group

Objection – K.B Ainsworth & J.A Wright, Whitehall Road, Darwen. Received: 15/11/2022.

Dear Mr Blackledge,

I wish to lodge a strong objection to the above application on several grounds.

The application(10/18/1153) for 9 dwellings far exceeds the scale stated in the previous Local Development Plan adopted in 2015 describing the potential use under policy 28 as “very small scale residential in the immediate vicinity of the existing dwelling,ensuring no loss of trees or woodland”. According to submitted landscaping plans,over 40 trees will be felled,most being over 100 years old and under a Woodland TPO.Indeed,field evidence suggests an ancient woodland site; a characteristic indicator is abundant native Common Bluebell,not hybridised with aggressive Spanish Bluebell. This flower enjoys a degree of protection under strategy planning policy.The tree removal plan would be devastating for the immediate environment which provides a haven for badgers,deer,bats,hedgehogs,tawny owls,jays,a resident pair of crows,redpolls,song thrush,woodpeckers to name but a few.They would not survive major disturbance,noise and human activity.The proposed replanting of slow growing oak,hazel,cherry and rowan is no compensation at all.It is worth noting that the government’s National Planning Policy Framework asks that any development should “ deliver measurable improvement for wildlife”.

In 2019 the BwD Planning Committee voted to refuse the application,concluding that “it was considered to represent a scale disproportionately large,taking into account the local context,and transition with the countryside area contrary to the requirements set out in the Local Plan part 2. I object to the scale of this development of extremely large 4/5 bedroom houses with large detached garages.” Very small scale”? I think not.

It would result in the loss of so many mature trees and inevitable suffering to wildlife because of habitat loss.Surely that is something that we all should do our utmost to avoid.

Objection – Mark Taylor, Dunkeld House, Whitehall Road, Darwen. Received: 15/11/2022.

Reference 10/22/1002

Reserved Matters Application

Proposal: Approval of Reserved Matters “Appearance, landscaping and scale” pursuant to outline planning application 10/18/1153 “the erection of 9 dwellings”

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

I wish to object to this application on the following grounds.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as “ Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland”.

According to the submitted landscaping plans over 40 trees will be felled, most are mature trees (100 year old +) and protected by a Woodland TPO. The tree removal and retention plan will be devastating for the immediate environment that provide a haven for badgers, deer, bats, hedgehogs, owls and many other species. The number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 oak, 10 hazel, 9 cherry and 9 rowan trees and several varieties of hedge – all of which stated to be less than 1.5m at the point of planting.

The BwD Planning Committee voted to refuse the application in 2019 and concluded that "it was considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2."

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

Objection – Elizabeth Jane Glynn & Brian Glynn, Montrose, Whitehall Road, Darwen. Received: 15/11/2022.

Proposal: Approval of Reserved Matters "Appearance, landscaping and scale" pursuant to outline planning application 10/18/1153 "the erection of 9 dwellings"

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

I wish to object to this application on the following grounds.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as

"Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland".

According to the submitted landscaping plans over 40 trees will be felled, most are mature trees (100 year old +) and protected by a Woodland TPO. The tree removal and retention plan will be devastating for the immediate environment that provide a haven for badgers, deer, bats, hedgehogs, owls and many other species. The number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 oak, 10 hazel, 9 cherry and 9 rowan trees and several varieties of hedge – all of which stated to be less than 1.5m at the point of planting.

The BwD Planning Committee voted to refuse the application in 2019 and concluded that "it was considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2."

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

Objection – J & G Ashton, 12 Chestnut Grove, Darwen. Received: 15/11/2022.

Reference 10/22/1002

Reserved Matters Application

Proposal: Approval of Reserved Matters “Appearance, landscaping and scale” pursuant to outline planning application 10/18/1153 “the erection of 9 dwellings”

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

I wish to object to this application on the following grounds.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as “ Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland”.

According to the submitted landscaping plans over 40 trees will be felled, most are mature trees (100 year old +) and protected by a Woodland TPO. The tree removal and retention plan will be devastating for the immediate environment that provide a haven for badgers, deer, bats, hedgehogs, owls and many other species. The number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 oak, 10 hazel, 9 cherry and 9 rowan trees and several varieties of hedge – all of which stated to be less than 1.5m at the point of planting.

The BwD Planning Committee voted to refuse the application in 2019 and concluded that “it was considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2.”

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

Objection – Colin Bolton, 2 Chestnut Grove, Darwen. Received: 15/11/2022.

Reference 10/22/1002

Reserved Matters Application

Proposal: Approval of Reserved Matters “Appearance, landscaping and scale” pursuant to outline planning application 10/18/1153 “the erection of 9 dwellings”

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

I wish to object to this application on the following grounds.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as “ Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland”.

According to the submitted landscaping plans over 40 trees will be felled, most are mature trees (100 year old +) and protected by a Woodland TPO. The tree removal and retention plan will be devastating for the immediate environment that provide a haven for badgers, deer, bats, hedgehogs, owls and many other species. The number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 oak, 10 hazel, 9 cherry and 9 rowan trees and several varieties of hedge – all of which stated to be less than 1.5m at the point of planting.

The BwD Planning Committee voted to refuse the application in 2019 and concluded that "it was considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2."

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

Objection – Michael Burke, 1 Astley House, Whitehall Road, Darwen. Received: 15/11/2022.

Reference 10/22/1002

Reserved Matters Application

Proposal: Approval of Reserved Matters "Appearance, landscaping and scale" pursuant to outline planning application 10/18/1153 "the erection of 9 dwellings"

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

I wish to object to this application on the following grounds.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as "Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland".

According to the submitted landscaping plans over 40 trees will be felled, most are mature trees (100 year old +) and protected by a Woodland TPO. The tree removal and retention plan will be devastating for the immediate environment that provide a haven for badgers, deer, bats, hedgehogs, owls and many other species. The number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 oak, 10 hazel, 9 cherry and 9 rowan trees and several varieties of hedge – all of which stated to be less than 1.5m at the point of planting.

It would be fair to assume the proposed 9 houses with 4/5 bedrooms will have an average of three or even four vehicles each, add to these the other traffic you would get with this amount of houses makes the proposed development even more preposterous not only in the initial stages but the long term ones

The BwD Planning Committee voted to refuse the application in 2019 and concluded that "it was considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2."

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents against Greenfield Development community group.

Objection – Robert Gordon Helliwell, The Beeches, 9 Queens Road, Darwen. Received: 15/11/2022.

RE:-

Reserved Matters Application

Proposal: Approval of Reserved Matters “Appearance, landscaping and scale” pursuant to outline planning application 10/18/1153 “erection of 9 dwellings”

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen, BB3 2LQ

I wish to object in the strongest possible terms to the above Application as the land in question is one of the few “green lungs” of the Park Road Area. The trees thereon are protected by your own imposed. Woodland TPO. The TPO is there for a reason and should be sacred and untouchable. It may have escaped your notice that there are something like 40 trees in that area, most of which are 100+ year old Beech and it would be totally inappropriate to destroy even one of them. The area has become a refuge for wildlife in general and to sweep it all away by building 9 large houses would be rural vandalism. At a time when our World Leaders are meeting to try to tackle Climate Change you should be pulling out all the stops to enhance our green belt land and should not be destroying it for the private greed of Developers. I am fully aware of the need for Social Housing and also Starter Homes and the building of those should be the focus of your attention, not the destruction of the countryside for the type of housing that does nothing to address this countries housing needs.

I also object on the grounds of increased traffic on streets that are busy enough already. Access from the A666 to the proposed development would be by way of Queens Road, Park Road or Ashleigh Street. These are streets of terraced houses that lack garaging for vehicles so residents park their cars outside their houses, sometimes on both sides, making access difficult. The building of more houses would add to the problem and increase pollution and reduce air quality.

I sincerely hope that common sense will prevail and that you will refuse permission for any Development whatsoever on this site.

Objection – Mr & Mrs A Molloy, Whinfield, Whitehall Road, Darwen. Received: 16/11/2022.

I wish to object to this application on the following grounds.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as "Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland".

According to the submitted landscaping plans over 40 trees will be felled, most are mature trees (100 year old+) and protected by a Woodland TPO. The tree removal and retention plan will be devastating for the immediate environment that provide a haven for badgers, deer, bats, hedgehogs, owls and many other species. The number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 oak, 10 hazel, 9 cherry and 9 rowan trees and several varieties of hedge – all of which stated to be less than 1.5m at the point of planting.

The BwD Planning Committee voted to refuse the application in 2019 and concluded that "it considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2."

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of the habitat.

The road from the proposed development emerges onto an area that is very restricted by an island with trees and a grassed section facing directly in front and close to the gate (5 yards).

There is also the danger especially in the mornings and early evening when the school (approx. 50 yards away) starts and finishes. There is a constant battle with traffic dropping and picking up children with many incidents of children being subject to near misses. I would suggest that the increase in traffic resulting from this development will escalate the chances of a major injury or even death of a child.

Objection – Mr & Mrs M Molloy, Eden Lee, Park Road, Darwen. Received: 16/11/2022.

Re: 10/22/1002 –

Reserved Matters Application

Proposal: Approval of Reserved Matters "Appearance, landscaping and scale" pursuant to outline planning application 10/18/1153 "the erection of 9 dwellings"

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

I wish to object to this application on the following grounds:

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as "Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland".

According to the submitted landscaping plans over 40 trees will be felled, most are mature trees (100 year old+) and protected by a Woodland TPO. The tree removal and retention plan will be devastating for the immediate environment that provide a haven for badgers, deer, bats, hedgehogs, owls, and many other species. The number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 oak, 10 hazel, 9

cherry and 9 rowan trees and several varieties of hedge – all of which stated to be less than 1.5m at the point of planting.

The BwD Planning Committee voted to refuse the application in 2019 and concluded that “it considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2.”

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of the habitat.

The road from the proposed development emerges onto an area that is very restricted by an island with trees and a grassed section facing directly in front and close to the gate (5 yards).

There is also the danger especially in the mornings and early evening when the school (approx. 50 yards away) starts and finishes. There is a constant battle with traffic dropping and picking up children with many incidents of children being subject to near misses. I would suggest that the increase in traffic resulting from this development will escalate the chances of a major injury or even death of a child.

Objection – Mrs Lynda Ahmed, 14 Chestnut Grove, Darwen. Received: 16/11/2022.

Planning application 10/22/1002

Approval of Reserved matters...Appearance ,landscaping and scale Pursuant to outline planning application 10/18/1153 erection of 9 dwellings on land adjoining Moorthorpe Cottage Park Rd Bb32LQ

I wish to object in the strongest form to this application for the following reasons

Landscaping...9 large detached houses plus garages will be detrimental to the wildlife especially the badgers whom roam around the area freely under the cover of trees and bushes ...the set is only meters away from a newly built house, and go across onto Whitehall rd and chestnut grove regularly ...this set has been active for over 40yrs and is regularly checked on and photographed. The loss of the many mature trees and bushes will lead to loss of their habits and habitat .

In 2019 this was considered to be ,by the planning committee,disproportionately large scale and was refused ...the scale of this development appears to be contrary to the requirements set out in the local plan part 2 The appearance of the proposed houses are certainly not in keeping with the older houses in the vicinity...the stone is of a grey appearance no slate roof and no additional decorated stonework as the older houses have ...this is certainly not in the character of the area .It would appear on the plans the some of the houses are “3 story’s “ leading inevitably to loss of privacy to already established dwellings

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group .

Objection – Immy Deshmukh, Whitehall, Park Road, Darwen. Received: 16/11/2022.

Reserved Matters Application

Proposal: Approval of Reserved Matters “Appearance, landscaping and scale” pursuant to outline planning application 10/18/1153 “the erection of 9 dwellings”

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

I wish to object to this application on the following grounds.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as

“ Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland” .

According to the submitted landscaping plans over 40 trees will be felled, most are mature trees (100 year old +) and protected by a Woodland TPO. The tree removal and retention plan will be devastating for the immediate environment that provide a haven for badgers, deer, bats, hedgehogs, owls and many other species. The number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 oak, 10 hazel, 9 cherry and 9 rowan trees and several varieties of hedge – all of which stated to be less than 1.5m at the point of planting.

The BwD Planning Committee voted to refuse the application in 2019 and concluded that “it was considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2.”

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

Objection – James Wilson, Woodlands Lodge, Park Road, Darwen. Received: 16/11/2022.

Reference 10/22/1002

Reserved Matters Application

Proposal: Approval of Reserved Matters “Appearance, landscaping and scale” pursuant to outline planning application 10/18/1153 “the erection of 9 dwellings”

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

I wish to object to this application on the following grounds.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as

“ Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland”.

According to the submitted landscaping plans over 40 trees will be felled, most are mature trees (100 year old +) and protected by a Woodland TPO. The tree removal and retention plan will be devastating for the immediate environment that provide a haven for badgers, deer, bats, hedgehogs, owls and many other species. The number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 oak, 10 hazel, 9 cherry and 9 rowan trees and several varieties of hedge – all of which stated to be less than 1.5m at the point of planting.

The BwD Planning Committee voted to refuse the application in 2019 and concluded that “it was considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2.”

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat. Furthermore, this development, if approved, will lead to increased traffic, noise levels and vibration due to heavy vehicle movement on Moorthorpe Drive (private road) to the side of our own property.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

Objection – Adam Starbuck, Belthorpe, Park Road, Darwen. Received: 17/11/2022.

Reference 10/22/1002

Reserved Matters Application

Proposal: Approval of Reserved Matters “Appearance, landscaping and scale” pursuant to outline planning application 10/18/1153 “the erection of 9 dwellings”

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

I wish to object to this application on the following grounds.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as

“ Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland”.

According to the submitted landscaping plans over 40 trees will be felled, most are mature trees (100 year old +) and protected by a Woodland TPO. The tree removal and retention plan will be devastating for the immediate environment that provide a haven for badgers, deer, bats, hedgehogs, owls and many other species. The number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 oak, 10 hazel, 9

cherry and 9 rowan trees and several varieties of hedge – all of which stated to be less than 1.5m at the point of planting.

The BWD Planning Committee voted to refuse the application in 2019 and concluded that "it was considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2."

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

Objection – Dean & Jennifer Squalch, 1 Queens Road, Darwen. Received: 17/11/2022.

Reserved Matters Application

Proposal: Approval of Reserved Matters "Appearance landscaping and scale" pursuant to outline planning application 10/18/1153 "the erection of 9 dwellings"

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

I wish to object to this application on the following grounds.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as "Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland".

According to the submitted landscaping plans over 40 trees will be felled, most are mature trees (100 years old +) and protected by a Woodland TPO. The tree removal and retention plan will be devastating for the immediate environment that provide a haven for badgers, deer, bats, hedgehogs, owls and many other creatures. The number of trees and hedgerows to be removed to make way for this development will not be replaced by the proposed planting of 8 oak, 10 hazel, 9 cherry and 9 rowan trees and several varieties of hedge- all of which stated to be less than 1.5m at the point of planting.

The BWD Planning Committee voted to refuse the application in 2019 and concluded that "it was considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in in the Local Plan part 2."

I object to the scale of this development-9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

Access is also a problem, the roads are not big enough for construction traffic and there is also already an issue with cars parking on the bend at the top of Park Road (outside the vicarage) which is an accident waiting to happen .

Objection – Robert & Victoria Eyre, Parkland, Whitehall Road, Darwen. Received: 17/11/2022.

Reserved Matters Application

Proposal: Approval of Reserved Matters "Appearance, landscaping and scale" pursuant to outline planning application 10/18/1153 "the erection of 9 dwellings"

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

I wish to object once again to this application on the following grounds.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as "Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland".

We purchased the property Parkland on Whitehall Road in October 2016, this purchase was based on the comfort that we would never be overlooked due to Whitehall park being in front of us to the south and the woodland at the back of us to the north. There was no information on the return of searches from our solicitors which suggested this land to the rear of us could be built on. The development provisional plan completely breaks up what is a natural habitat for all kinds of wildlife species.

This proposed development will clearly cause loss of privacy as the proposed houses will be in line with the end of our back garden and in the winter months when the leaves are shed visibility to our back garden and vice versa will be present.

Light pollution to the rear of our property may also be an issue throughout the winter months

It appears for the character of the area at present that the developer is trying to maximise the number of houses on the land without any thought for appearance, disturbance and the wildlife which lives there.

The development looks completely out of keeping when compared to the existing houses on Whitehall Road and Chesnut Grove.

The woodland is awash with bats, owls and deer to name but a few, to put a housing development in the middle of this will only have a negative effect on this wildlife, it will take the shelter away from the deer in Winter, it will create more artificial light at night which will have a negative effect on owls and bats and it will no doubt take the roosting areas away from bats which are ever present in woods.

Reading through the, 'Moorthorpe Cottage Tree Survey and Constraints report' it clearly states in section 3.8 that all trees are subject to a Tree Preservation order within the proposed development, yet further down in the document in section 5.17 it states the area of trees Group G5 could be a candidate for removal, how is this when these trees are clearly covered by a TPO?

There is a fear that the narrow woodland (W3 and G5 Drawing 1 Tree Constraints plan) between the rear of our property and the open grass land in the proposed development will be compromised and possible trees felled which shouldn't be as they are covered by a TPO. This will have a negative effect on the general surroundings of Whitehall road and the surrounding existing properties as it is the trees and park which make the area so beautiful.

In summary the objection to the proposed development is;

- Out of keeping with surrounding land, buildings and properties
- It will have an adverse effect on all sorts of wildlife and plant life
- It will affect the privacy and will overlook residents on Whitehall road
- The developer will inevitably remove trees which are protected under the TPO in areas around the perimeter of the proposed development
- It will cause light and noise pollution to the area

We believe a housing development in the middle of a wood on the edge of Darwen Moors is not something which should be approved and would be irresponsible to do so, due to the points made above,

The BwD Planning Committee voted to refuse the application in 2019 and concluded that "it was considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2."

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

Objection – Joyce Dunderdale, Balcary, Whitehall Road, Darwen. Received: 17/11/2022.

Reference 10/22/1002

Reserved Matters Application

Proposal: Approval of Reserved Matters "Appearance, landscaping and scale" pursuant to outline planning application 10/18/1153 "the erection of 9 dwellings"

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

I wish to object to this application on the following grounds.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as

"Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland".

According to the submitted landscaping plans over 40 trees will be felled, most are mature trees (100 year old +) and protected by a Woodland TPO. The tree removal and retention plan will be devastating for the immediate environment that provide a haven for badgers, deer, bats, hedgehogs, owls and many other species. The number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 oak, 10 hazel, 9 cherry and 9 rowan trees and several varieties of hedge – all of which stated to be less than 1.5m at the point of planting.

The BwD Planning Committee voted to refuse the application in 2019 and concluded that "it was considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2."

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

Objection – Diane Hartley & Martin Neild, 8 Chestnut Grove, Darwen. Received: 18/11/2022.

Reference 10/22/1002

Reserved Matters Application

Proposal: Approval of Reserved Matters "Appearance, landscaping and scale" pursuant to outline planning application 10/18/1153 "the erection of 9 dwellings"

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

Dear Mr Prescott,

I wish to object to this application on the following grounds.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as

"Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland".

According to the submitted landscaping plans over 40 trees will be felled, most are mature trees (100 year old +) and protected by a Woodland TPO. The tree removal and retention plan will be devastating for the immediate environment that provide a haven for badgers, deer, bats, hedgehogs, owls and many other species. The number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 oak, 10 hazel, 9 cherry and 9 rowan trees and several varieties of hedge – all of which stated to be less than 1.5m at the point of planting.

The BwD Planning Committee voted to refuse the application in 2019 and concluded that "it was considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2."

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

Objection – Robert Royle. Received: 18/11/2022.

Re Planning Application 10/22/1002 Reserved Matters

I strongly object to this application for the following reasons.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development plan adopted in 2015 which describes the potential use under policy 28 as a “Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland “ Yet according to the submitted landscaping plans over 40 trees will be removed ,most are mature trees and protected by a Woodland TPO.

The landscaping plans show that over 40 trees will be felled, most are mature trees yet the number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 Oak, 10 Hazel ,9 Cheery and 9 Rowan trees and several varieties of hedge. The removal of these trees and retention plan will be a terrible loss for the immediate environment that now provides a haven for badgers, deer, bats ,hedgehogs, owls and many other species and the loss of trees which are vital for giving oxygen, and storing carbon comes at a time when keeping trees is vital to the climate .

In 2019 BwD planning voted to refuse the application and you concluded that “it was considered to represent a scale disproportionately large ,taking into account the local context and transition with the countryside area and contrary to the requirements set out in the Local plan part 2. I vehemently object to the scale of this development -9 four and five bedroom houses all with garages is not small scale.

I also approve of a more detailed set of objections to be sent out by the Whitehall Residents Against Green field Development Community group.

Objection – Michael Kelly, Woodbine Cottage, Queens Road, Darwen. Received: 18/11/2022.

Reference 10/22/1002

Reserved Matters Application

Proposal: Approval of Reserved Matters “Appearance, landscaping and scale” pursuant to outline planning application 10/18/1153 “the erection of 9 dwellings”

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

I wish to object to this application on the following grounds.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as “ Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland” .

According to the submitted landscaping plans over 40 trees will be felled, most are mature trees (100 year old +) and protected by a Woodland TPO. The tree removal and retention plan will be devastating for the immediate environment that provide a haven for badgers, deer, bats, hedgehogs, owls and many other species. The number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 oak, 10 hazel, 9 cherry and 9 rowan trees and several varieties of hedge – all of which stated to be less than 1.5m at the point of planting.

The BwD Planning Committee voted to refuse the application in 2019 and concluded that “it was considered to represent a scale disproportionately large, taking into account the local context, and

transition with the countryside area and contrary to the requirements set out in the Local Plan part 2.”

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

Objection – Tim & Sarah Squelch, 1b Queens Road, Darwen. Received: 18/11/2022.

Reserved Matters Application

Proposal: Approval of Reserved Matters “Appearance, landscaping and scale” pursuant to outline planning application 10/18/1153 “the erection of 9 dwellings”

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I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

Objection – Mr S.C. Starbuck, Belthorpe, Park Road, Darwen. Received: 18/11/2022.

Reference 10/22/1002

Reserved Matters Application

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I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

Objection – Tom Keetch, Moorthorpe House, Park Road, Darwen. Received: 18/11/2022.

Reserved Matters Application

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I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

Objection – Kathryn Tormay, Rothburgh, Whitehall Road, Darwen. Received: 18/11/2022.

Reserved Matters Application

Proposal: Approval of Reserved Matters “Appearance, landscaping and scale” pursuant to outline planning application 10/18/1153 “the erection of 9 dwellings”

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The BwD Planning Committee voted to refuse the application in 2019 and concluded that "it was considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2."

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

Objection – Clare Starbuck, 32 Cyprus Street, Darwen. Received: 18/11/2022.

Objection to Planning Application Ref 10/22/1002

1 Summary

1.1 This objection is on behalf of Whitehall Residents Against Greenfield Development, an unincorporated residents group of over 60 members in the areas immediately surrounding the development site and access route.

1.2 We wish to register our objection to application 10/22/1002 on the reserved matters of scale, landscaping, and appearance, but also a failure of the application to abide by the schedule of conditions set out in the appeal decision (APP/M2372/W/19/3243411).

1.3 There is a separate map and photo supplement to support these objections: "10_22_1002-WRAGD_Supplement.pdf".

2 Breach of Appeal Conditions

2.1 In the schedule of conditions set at appeal, condition #4 states (emphasis in bold added):

"The development hereby permitted shall be carried out in accordance with the following approved plans: Nos. C3697-1 Site Plan; LP-01 Rev B Location Plan; 17-116 SK01(t)-B Sketch Layout; 17-116 SK01(T)-C Curtilages; D6647.002 Tree Removal and Retention Plan; 18167 Measurements and SCP/18167/ATR01 Rev A General Arrangement and Swept Path Analysis but only in respect of those matters not reserved for later approval."

2.2 However, layout is not a reserved matter for this application, and therefore an attempt to change the layout conflicts with the conditions of the appeal and the matter should be dealt with by a full planning application instead of a reserved matters application.

2.3 The layout has clearly changed, the C3697-1 Site Plan is no longer included in this application and is replaced by Proposed Site Plan (MC-001). The new layout is materially different in the following ways:

- 4 of the 8 garages are attached instead of detached
- Orientation and position of the houses have changed
- Footprint shape of houses has changed
- Garages have increased in size
- Distances between properties within the development site have changed
- Distances from properties outside the development site have changed.
- Plot numbering has changed
- Plots 3 & 7 on the original site plan (C3697-1) do not have garages, but one of these plots now has a garage on the new layout (MC-001)

2.4 A 9th Garage is not shown on the site plan (MC-001) despite the outline planning approval for 9 detached garages. This is an inconsistency that should be clarified.

2.5 These changes are so significant as to being in our opinion worthy of a new full planning application. A side-by-side comparison of the site plans is included in Part A of the supplement.

3 Reserved Matter: Landscaping

3.1 The development site is a locally important habitat that should be protected by Core Strategy policies CS13 and CS15. This is reflected in the 2015 Local Development Plan which states that development must be *"in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland"*.

3.2 The development site is also covered by a Woodland TPO (Whitehall TPO, 2003). A decision to allow the felling of protected trees for a housing development may set a precedent to allow additional trees to be felled in the area significantly impacting the amenity value of trees in the area. Any replacement trees will take decades before they can match some of the felled trees in terms of habitat value, size and appearance.

3.3 The current landscaping proposal (D6647.002) is based upon an outdated tree survey produced in September 2018, over four years ago and more than the 12 months such a survey is normally valid for. Since the tree survey was conducted, a number of trees on and adjacent to the site have fallen due to storm damage, been felled or permission for felling given. For example:

- 3 trees in group W3, in the vicinity of T30.
- A large Ash tree at Belthorpe, close to groups G5 and G6 which was affected by Ash dieback.
- 3 trees at Moorthorpe House, 1 of which has been removed, 2 of which are awaiting removal, as approved by (10/22/0302).

3.4 Whilst not necessarily an issue of planning, the tree removal plan appears to include the removal of hedgerows on the verges of the access road which belong to Moorthorpe Grange, Belthorpe and Moorthorpe House, for which consent has not been granted. The landscaping plan should clarify which landscaping is expected of land not owned by the applicant or exclude it from the application.

3.5 In addition, the landscaping plan does not show or account for Moorthorpe Grange (Planning Application 10/16/1349) or the trees removed as part of that development. Since Moorthorpe Grange contributes towards the allocation in the 2015 Local Development Plan, it must be considered alongside this application.

3.6 We recommend that this application be deferred until such time as an updated tree survey and accurate landscaping proposal can be submitted.

3.6 The current proposal for replacement trees is both inadequate and unsuitable. The following tree species are included in the plan:

- Oak ([*Quercus Robet*](#))
- Wild Cherry ([*Prunus Avium*](#))
- Rowan ([*Sorbus Aucuparia*](#))
- Hazel ([*Corylus Avellana*](#))

Except for Oak, none of the other trees are present in the existing woodland and would therefore change the character of the woodland intended to be protected by TPO.

3.7 Hedges and shrubs are not protected by the TPO which would allow for their subsequent removal without permission and therefore should not be considered as a replacement for the lost trees.

3.7 The planting of saplings between 0.6m and 1.5m in height are very vulnerable to damage by deer and rabbits, both of which are active in the area. Without the installing of suitable guards around the trees, a high attrition rate of trees can be expected from bark damage.

3.8 Such small saplings will take decades to mature, assuming they survive. Given the size and age of the removed trees, more mature trees should be planted when appropriate to the species and this should set out in the landscaping proposal.

3.9 Oak trees are best suited to open spaces without competition from faster growing trees. The recommended spacing of such is around 20-25 ft. However, the site plan places Oak trees in close proximity to hedges, existing mature trees, and newly planted Rowan and Hazel saplings which are expected to out-compete the Oaks.

3.10 Trees towards the northern edge of the site will block the southern aspect of existing properties such as Belthorpe and Moorthorpe Grange.

3.11 The site allocation in the 2015 Local Development Plan was on the basis of "*no loss of trees or woodland*", but over 70 trees will directly be removed, 65 in group W3 alone (a combination of mature lime trees, self-seeded beech trees and other saplings). In the best case of no attrition, only 36 trees will be added, a net loss of at least 34 trees, assuming no attrition or removal.

3.12 The removal of tree T31, a Grey Willow in the middle of the site in middle age and fair condition is unnecessary, for a tree that would otherwise be in the garden of 'Plot 4'. This tree should be retained.

3.13 Similarly, the removal of trees T32, T33, T34 & T35, two of which are native Sycamores in good condition should be retained if they do not conflict with the proposed layout.

3.14 The distance between the houses, garages and expected outbuildings (e.g., garden sheds) and the retained trees, makes it likely that there will be further removal of trees to protect the properties from damage and as a result of trees losing shelter provided by felled trees. Therefore, the plan should account for the likely future removal of trees that will become necessary because of the current landscaping plan.

3.15 The landscaping plans also result in a loss of woodland as distinct from the loss of individual trees. Woodland is lost via the removal of groups G5 and G6, but there is no corresponding increase in woodland cover to offset this.

3.16 Tree group W3 is identified as "High Quality", but due to ongoing mismanagement of the woodland by the landowner, this status is in some doubt and should be re-assessed. The group has a high amenity value in providing a screen between the development site and the properties on Whitehall Road, as well as being visible from the public highway, but due to the recent removal of trees and the planned removal of tree group G5, its amenity value as a screen will be greatly diminished.

Supplement Part C contains photos taken from the proposed tree line of W3 from which the houses along Whitehall Road are clearly visible.

3.17 Tree group W3 also contains private rights of way for the benefit of land along Whitehall Road with easements currently in the process of being registered with the Land Registry. The landscaping plan should respect such rights of way along footpaths have existed for hundreds of years since the formation of the original Moorthorpe Estate in the 1800's of which the development site was once part.

Supplement Part H shows previous OS Maps of the area which clearly show the footpath through W3. There is no suggestion of a public right of way.

3.18 The landowner of the development site commissioned the felling of 3 damaged trees in tree group W3. This was reported to the Blackburn w Darwen council on 21/01/2022 who confirmed that no consent had been given and passed it to a tree officer who visited the site on 27/01/2022 after which the officer informed local residents that a TPO consent was not required because the trees were already diseased and damaged, which is inconsistent with the "Country Planning (Tree Preservation) (England) Regulations 2012". Regulation 14 in the act contains exceptions for dead trees, but not damaged or diseased trees. In our opinion, the landowner committed a criminal act in removing the trees without the proper consent. Whilst the council is free not to pursue a criminal prosecution, a tree replacement order should have been served and still should be in order to maintain the amenity value of group W3 as a screen from the properties on Whitehall Road.

3.19 Hybrid Japanese Knotweed is present at the boundary of the Moorthorpe Cottage Plot at public footpath #122 to the south of the site connected to Whitehall Road. The survey of for invasive plant species is expected to be limited to the development site boundary, not the whole land plot and therefore this would most likely not to be included. A management plan for Japanese Knotweed across the whole plot should be a condition of planning consent should it be granted.

Supplement Part I includes pictures of invasive plant species within the allocated development plot.

3.20 The landowner has allowed invasive Himalayan Balsam to form thick stands across much of the open grassland areas within the site which has in-turn allowed spread from their property to neighbouring ones. Irrespective of whether planning consent is granted or not, the landowner must be reminded of their legal obligations under the Wildlife and Countryside Act 1981 to prevent the spread of Himalayan Balsam to adjacent land.

Supplement Part I includes pictures of invasive plant species within the allocated development plot.

3.21 In order for construction not to spread Himalayan Balsam to the properties adjacent to the shared private access road, a wheel wash at the point of leaving the development site is required, not at the point of joining public roads (Park Road) as per a similar condition attached to the approval for 4 dwellings instead of 9 (10/20/0106):

"v) 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"

3.22 The seed bank of Himalayan Balsam can persist for around 3 years after plant removal. Therefore, any soil removed from site should be considered as contaminated waste. A condition of approval should be for a funded management plan to be in already place prior to consent being granted in acknowledgement of the landowners existing obligations.

3.23 The removal of trees, compaction of soil, addition of a wide (non-permeable) tarmac road and large amounts of (permeable) block paving will significantly increase surface water run-off from the site downhill towards Belthorpe, Moorthorpe Grange, Moorthorpe House, 14 Chestnut Grove and potentially other properties. A suitable mitigation must be included as a condition of approval.

3.24 The landscaping plan must account for the easement for the benefit of the Whitehall Hotel which has the right of repair to a spring water pipe that crosses the development land at an

unspecified point. Identification of the location of the pipe and a mitigation plan to avoid damage to it should be a condition of approval.

3.25 A private water main serving Moorthorpe Cottage, Belthorpe and Moorthorpe House crosses the development site from Whitehall Road to Moorthorpe Cottage. To protect the legitimate rights and interests of those landowners, the landscaping plan and Construction Method Statement must ensure the water pipe is either replaced with a more suitable public water main, or the existing private water main is not damaged during construction and it must be accounted for in the sewerage plan to be approved by the council. The garage of Plot 1 as per the revised layout and the addition of trees in the landscaping proposal may conflict with future maintenance of this water main.

3.26 Management Plans imposed as a condition of approval such as for Woodland Management and Invasive Plant Species which are likely to extend beyond the construction period should have their full funding secured as a condition of approval.

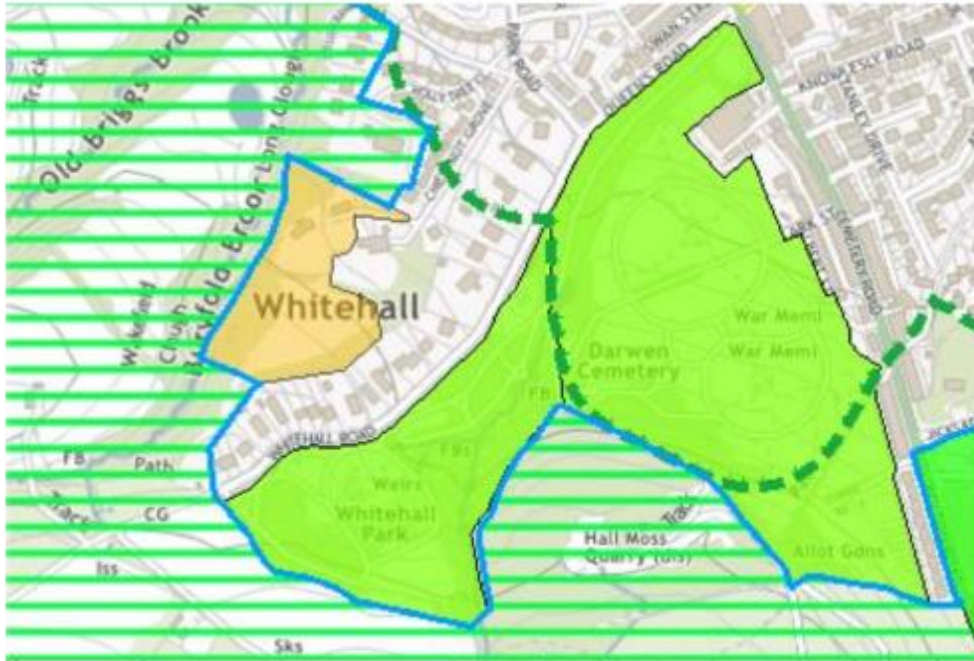
3.27 As previously noted, the landscaping will have an adverse effect on badgers, deer, hedgehogs, rabbits, a wide variety of birds, and many wild flowers including Orchids.

Part J of the Supplement includes pictures of some affected species taken in the immediate vicinity of the development site.

Objection to Planning Application Ref 10/22/1002 – Supplement

A - Comparison of 2015 and 2021 Local Development Plans

2015:



2021:



B - Comparison of Layout Fixed as a Condition of the Appeal Decision

C3697-1 (Outline Planning Application 10/18/1153):





C - Current Views from the proposed tree line of W3 To Whitehall Road





D - View of Moorthorpe House Partially Blocked by Rhododendrons to be Removed



E - View Towards G6 Towards Belthorpe Understory & Bushes to be Removed



F - View From Behind T35, To Be Removed, Of Moorthorpe Cottage, Moorthorpe Grange & Belthorpe

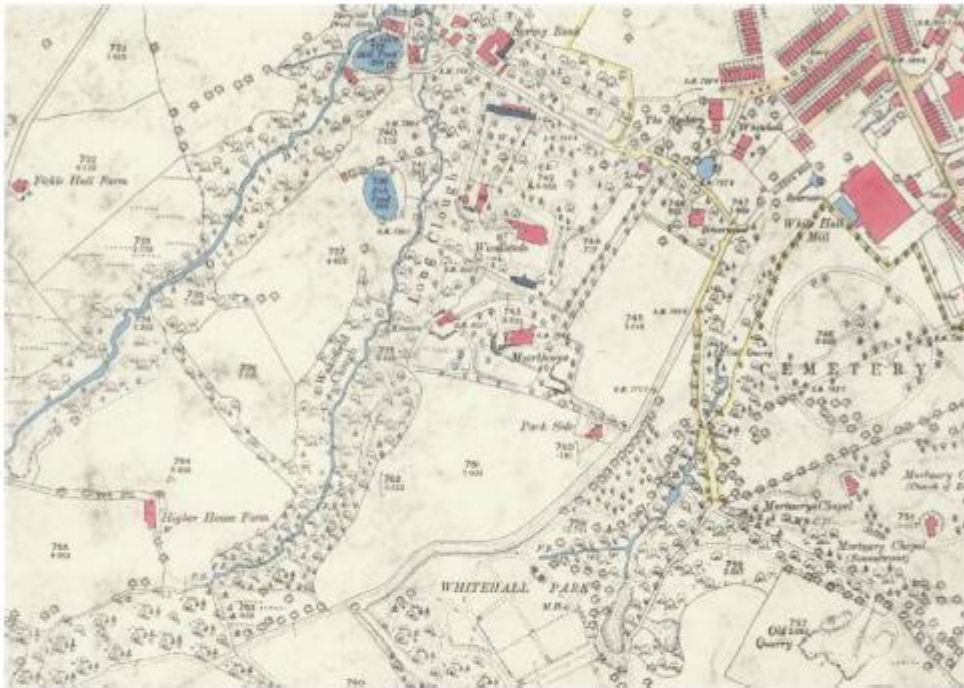


G - Memorial Gravestone & Tree T32 In Path of Proposed Driveway

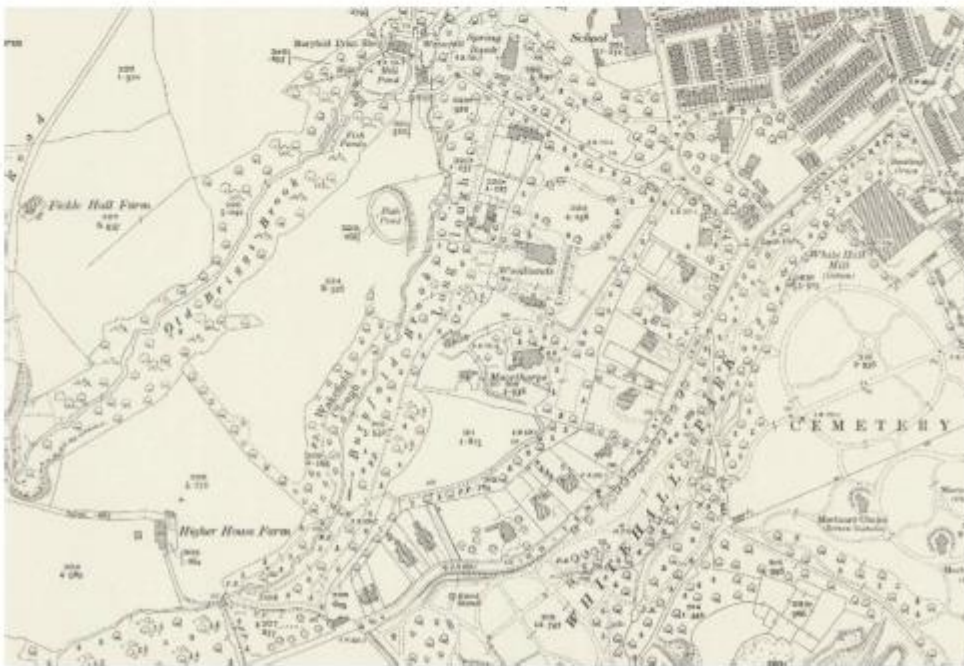


H - Historic OS Maps

1894:



1929:



1966:



I – Invasive Species

Himalayan Balsam:



Hybrid Japanese Knotweed:



J – Other Plant Species and Wildlife

Orchids:



Deer:



Rabbits:



Badgers and hedgehogs (not pictures) are also active in the area.

Objection – Mrs B.A Starbuck, Belthorpe Road, Darwen. Received: 18/11/2022.

Reserved Matters Application

Proposal: Approval of Reserved Matters “Appearance, landscaping and scale” pursuant to outline planning application 10/18/1153 “the erection of 9 dwellings”

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

I wish to object to this application on the following grounds.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as

“ Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland”.

According to the submitted landscaping plans over 40 trees will be felled, most are mature trees (100 year old +) and protected by a Woodland TPO. The tree removal and retention plan will be devastating for the immediate environment that provide a haven for badgers, deer, bats, hedgehogs, owls and many other species. The number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 oak, 10 hazel, 9 cherry and 9 rowan trees and several varieties of hedge – all of which stated to be less than 1.5m at the point of planting.

The BwD Planning Committee voted to refuse the application in 2019 and concluded that “it was considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2.”

I object to the scale of this development – 9 four and five bedroom houses, some with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also object to the Appearance. The majority of the house have 3 storeys, which is not in keeping with the area which are mostly 2 storey. The addition of a third storey increases the likelihood of over looking neighbouring properties outside the development site.

There is a high ratio of tarmac and block paving to grass which is at odds with the woodland setting and increases the risk of surface water travelling down hill and flooding Belthorpe, Moorthorpe Grange , Moorthorpe House and homes on Chestnut Grove.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

Objection – Tom Keetch, Moorthorpe House, Park Road, Rec 16.01.2023

Dear Nick Blackledge,

I would like to ask some questions and also raise some concerns about this reserved matters application.

1) Given the submissions on scale, should this development now be classed as a major development? The NPPF gives priority to the statutory definition in the The Town and Country Planning (Development Management Procedure) Order 2015, which says that all developments over 1000 m.sq qualify as Major Developments. Floorspace could not have been considered at the outline stage. My understanding is that the NPPF is purely advisory and cannot override a statutory instrument, also the NPPF is subservient to the BwD Local Plans (2015 & 2021).

2) I request that the issue of overlooking is reassessed given the submissions on scale, appearance and changes to layout. The orientation of some plots has changed and the size, height and number of windows has now also been specified under appearance. The landscaping plan and the removal of trees since the plan was submitted will also have an impact. I am particularly concerned about Belthorpe and Moorthorpe House which are closest to the development and at a lower elevation. The removal of two large trees affected by Ash Dieback and the removal of understory vegetation will remove much of the screen from the construction site and from the houses once built.

3) There is a lack of detail about which trees are to be removed. In the event that construction removed more TPO protected trees than expected, how could the council possibly enforce the TPO? The exact number of trees to be removed should be included alongside an up to date tree removal plan. This was also the recommendation of your arboricultural officer who it appears from the report did a desk study without visiting the site in person.

4) Which plan Identifiers refer to the current layout and current site area? Both of these appear to have changed multiple times and there are inconsistencies even within the latest amendments.

5) Must the tree removal and border treatments lie fully within the site area? My concern would be that the border treatments have been excluded because they would extend the effective site area beyond the threshold of 1 hectare which would once again qualify the plans as a major development. There is only 100.m.sq difference from 0.99 ha The site area should be confirmed by a RICS land surveyor using a standard methodology after full landscaping proposal is specified.

Finally, I am concerned that the focus on the potential costs of an appeal is having undue influence and that as a result factors against the development are not being given sufficient weight. For example, the new 2021 Local Plan.

Kind Regards,

Tom Keetch

Moorthorpe House

Park Road

Darwen. BB3 2LQ

Objection – J Ashton & G Ashton, 12 Chestnut Grove, Darwen, Rec 01.02.2023

Reference 10/18/1153

Reserved Matters Application

Proposal: Approval of Reserved Matters “Appearance, landscaping and scale” pursuant to outline planning application 10/18/1153 “the erection of 9 dwellings”

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I wish to object to this application on the following grounds.

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“ Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland”.

According to the submitted landscaping plans over 40 trees will be felled, most are mature trees (100 year old +) and protected by a Woodland TPO. The tree removal and retention plan will be devastating for the immediate environment that provide a haven for badgers, deer, bats, hedgehogs, owls and many other species. The number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 oak, 10 hazel, 9 cherry and 9 rowan trees and several varieties of hedge – all of which stated to be less than 1.5m at the point of planting.

The BwD Planning Committee voted to refuse the application in 2019 and concluded that “it was considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2.”

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

Signed: J Ashton and G Ashton

Address: 12 Chestnut Grove, Darwen BB3 2NQ Sent from my iPhone

Appeal Decision

Site visit made on 24 February 2020

by S R G Baird BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th June 2020

Appeal Ref: APP/M2372/W/19/3243411

**Land adjoining Moorthorpe Cottage, Park Road, Darwen, Lancashire
BB3 2LQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ms G Lomax against the decision of Blackburn with Darwen Borough Council.
 - The application Ref 10/18/1153, dated 15 January 2019, was refused by notice dated 20 June 2019.
 - The development proposed is the erection of 9 dwellings with detached garages.
-

Preliminary Matter

1. The application was submitted in outline with all matters other than access and layout reserved for a subsequent application.
2. An application for costs was made by Ms G Lomax against Blackburn with Darwen Borough Council. This application is the subject of a separate decision.
3. The issuing this decision on what is a straightforward planning dispute has been substantially delayed. The Planning Officer's report to the Planning Committee sought financial contributions to the provision of affordable housing and green infrastructure. However, the appeal as submitted was not accompanied by a completed S106 Obligation and the Council's subsequent statement made no reference to the need for an Obligation. Following a request for clarification, the Council acknowledged¹ that the absence of a reference to a S106 Obligation was an oversight and that financial contributions to the provision of affordable housing and green infrastructure were necessary to make the development acceptable in planning terms. Due to the impact of the Coronavirus on the appellant's and Council's ability to provide an executed S106 Agreement, I agreed to the appellant's request to a 2-month extension until the 5 June 2020 to allow for an Agreement to be submitted. On the 4 June, the Council confirmed that it no longer required a S106 Obligation to provide financial contributions toward the provision of affordable housing and green infrastructure. The proposal has been assessed on this basis.

Decision

4. The appeal is allowed and outline planning permission is granted for the erection of 9 dwellings with detached garages on land adjoining Moorthorpe Cottage, Park Road, Darwen, Lancashire BB3 2LQ in accordance with the

¹ 26 March 2020.

terms of the application, Ref 10/18/1153, dated 15 January 2019, subject to the conditions contained in the attached Schedule of Conditions.

Main Issue

5. The effect on the character and appearance of the area.

Reasons

6. The development plan for the area includes the Core Strategy (CS) adopted January 2011 and the Local Plan Part 2 (LP) Site Allocations and Development Management Policies adopted December 2015. The site forms part of a larger area identified by LP Policy 28 as a development opportunity where planning permission will be granted for, "...very small-scale residential development in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland". The existing dwelling is Moorthorpe Cottage located immediately to the north of the application site and within the LP allocation. In October 2017 planning permission was granted on appeal² for a dwelling, currently under construction, immediately to the north-east of Moorthorpe Cottage.
7. The Council acknowledges that the principle of residential development is acceptable, and the proposal would comply with CS and LP policies that relate to amenity, the environment, design, accessibility and transport. However, the Council indicate that, notwithstanding a lack of objection from the Council's specialist arboricultural advisors, the loss of trees and the scale of development would be disproportionately large such that the proposal would conflict with LP Policy 28.
8. Neither the development plan nor national planning policy and guidance³ defines "very small-scale". One of the key principles that underpins the planning and development management process is the application of a consistent approach to development proposals and decisions. The appellant draws attention to a site at Eilerslie House, Darwen. This is a similar sized site identified by LP Policy 28 as a development opportunity for "small-scale residential" development. Here, the Council has granted outline planning permission for 22 dwellings at a density of some 9.56 dwellings per hectare (dph). On the appeal site, the development and the one allowed on appeal would produce a density of some 4.41dph. In this context, the development of 9 dwellings on the appeal site would be consistent with the policy reference to very small-scale.
9. The appeal site and surrounding land is covered by a blanket Tree Preservation Order (TPO). This appears to have been imposed because of the value and contribution the woodland makes to the sylvan character and appearance of the area. The scheme would involve the loss of several freestanding trees and 2 groups of trees/shrubs and this loss would conflict with LP Policy 28. That said, the area of woodland covered by the TPO is extensive and in comparison, the number of trees lost would be minor. The individual trees proposed for removal appear to have once formed part of a larger group. That said, they are multi-stemmed, exhibit various defects and are generally poor specimens. Moreover, these trees are not visible from any public vantage point and are detached from the more extensive and valuable areas of woodland. In my view, their loss would not diminish the contribution

² APP/M2372/W/17/3179112.

³ National Planning Policy Framework (Framework) & Planning Practice Guidance.

the wider woodland makes to the sylvan character and appearance of the area. Similarly, 2 groups of vegetation/trees would be removed. These are adjacent to 2 substantial areas of Category A and B woodland. Tree Group 5 is a linear group of common trees covered by dense ivy. The dense ivy and the proximity to the more mature woodland group (W3) appears to be suppressing their growth. Along with the margin to Group 6, the loss of these trees/shrubbery would not diminish the contribution of the wider woodland area to the character and appearance of the area.

10. Whilst the whole area is covered by a TPO, which prevents unauthorised felling, it does not require the woodland to be maintained. It is evident that the woodland has lacked active management over many years. The lack of management has allowed the spread of ivy and trees to self-seed; both of which have introduced undesirable competition, particularly for light, which has resulted in poor quality growth. The development would provide the opportunity to obtain a comprehensive woodland management programme. Such a programme would ensure the continued and enhanced contribution the woodland makes to the character and appearance of the area. This is a significant benefit, which I attach substantial weight to.

Other Considerations

11. Access to the site would be from Park Road, via a long private track. The Highway Authority do not object to the scheme and I have no reason to conclude that the proposal would result in unacceptable vehicle/pedestrian conflict. As such, the proposal would not conflict with LP Policy 10. Rights of access and covenants are private matters between landowners and are not for me to consider as part of a planning appeal. In terms of the impact on neighbours from the use of the access road, there is adequate separation to ensure there would be no material impacts on neighbours from comings and goings. Impact on ecology could be appropriately managed through the imposition of relevant conditions and as such there would be no conflict with LP Policy 9.

Conclusions

12. Whilst the Council may be able to demonstrate a housing supply in excess of 5 years, that does not weigh against the development. The site is allocated in the development plan for residential development and the Government's objective is to significantly boost the supply of homes. Here, whilst the proposal is in outline, the detail supplied indicates that the house typology presented is consistent with the aims and objectives of Policy CS7 and LP Policy 18 to widen the choice of house types in the Borough. Whilst the proposed development would be consistent with LP Policy 28 in terms of the scale of development, it would result in the loss of several trees. However, the proposed loss of trees would not materially affect the contribution of the wider woodland to the character and appearance of the area and would be outweighed by the benefits in terms of replacement planting and the management of what is otherwise a deteriorating environmental asset. Taken in the round, the proposal would not unacceptably affect the character and appearance of the area or conflict with the development plan when read as a whole. For these reasons and having taken all other matters into considerations, the appeal is allowed.

Conditions

13. A condition specifying the relevant drawings has been imposed as this provides certainty. In the interests of the appearance of the area, conditions requiring the submission of samples of finishing materials and details of boundary treatments have been imposed. In the interests of ecology conditions relating to the submission of measures to protect badgers, otters and great crested newts, bats and reptiles, to protect the site from invasive plant species, the avoidance of construction during the bird nesting season, the submission, if necessary, of an updated Ecological Impact Assessment, the protection of trees, and a woodland management plan have been imposed.
14. In the interests of residents' living conditions, conditions relating to hours of construction, construction management, dust suppression, ground conditions and remediation are imposed. To ensure adequate drainage, conditions relating to the provision of foul and surface water drainage and a sustainable surface water drainage scheme have been imposed. In the interests of sustainable development, a condition requiring the installation of electric vehicle charging points is imposed. In the interests of highway safety, a condition relating to visibility splays at the access and all driveways is imposed. Where necessary and in the interests of precision and enforceability I have reworded the suggested conditions.
15. Landscaping is a reserved matter and as such I have not imposed a separate condition requiring details of landscaping to be submitted. Planning Practice Guidance highlights that the blanket removal of freedoms to carry out small scale domestic alterations is unlikely to meet the test of reasonableness and necessity. Here, I consider the Council's suggested condition removing permitted development rights specified in Classes A-G of Part 1 of that Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, has not been justified and is unreasonable.

George Baird

Inspector

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Nos. C3697-1 Site Plan; LP-01 Rev B Location Plan; 17-116 SK01(t)-B Sketch Layout; 17-116 SK01(T)-C Curtilages; D6647.002 Tree Removal and Retention Plan; 18167 Measurements and SCP/18167/ATR01 Rev A General Arrangement and Swept Path Analysis but only in respect of those matters not reserved for later approval.
- 5) 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.
- 6) Prior to the commencement of any works on site, a Badger Activity Survey shall be carried out to determine the presence of badgers in the area. The survey shall be carried out by a suitably competent ecologist, during the time of year when badgers are active. The results of this survey and any recommendations or mitigation measures shall be submitted to and approved in writing by the local planning authority. Any recommended mitigation measures shall be carried out in accordance with the approved badger activity survey.
- 7) Prior to the commencement of any works on site, an Otter Activity Survey shall be carried out by a suitably qualified ecologist; in accordance with national survey guidance. The results of this survey and any recommendations or mitigation measures shall be submitted to and approved in writing by the local planning authority. Any recommended mitigation measures shall be carried out in accordance with the approved Otter Activity Survey.
- 8) Prior to the commencement of any works on site, a Great Crested Newt presence/absence survey of the 2 ponds identified in Section 3.25 of the Bowland Ecology "Ecological Impact Assessment" shall be carried out by a suitably qualified ecologist in accordance with Great Crested Newt survey guidelines (Natural England 2001). The results of this survey and any recommendations or mitigation measures shall be submitted to and approved in writing by the local planning authority. Any recommended mitigation measures shall be carried out in accordance with the approved Great Crested Newt presence/activity survey.
- 9) Prior to the commencement of any works on site, a Reasonable Avoidance Measures (RAMs) mitigation plan shall be produced, in order to

mitigate the threat of light spill on bats. The RAMs mitigation plan shall be submitted to and approved in writing by the local planning authority. Any recommended mitigation measures shall be carried out in accordance with the approved plan.

- 10) Prior to the commencement of any works on site, a Reasonable Avoidance Measures (RAMs) mitigation plan shall be produced, in order to mitigate risk to reptiles. The RAMs mitigation plan shall be submitted to and approved in writing by the local planning authority. Any recommended mitigation measures shall be carried out in accordance with the approved plan.
- 11) Prior to the commencement of any works on site, a detailed Invasive Plant Species Survey of the site shall be carried out by a remediation/invasive species specialist. The results of this survey and any recommendations or mitigation measures shall be submitted to and approved in writing by the local planning authority. Any recommended mitigation measures shall be carried out strictly in accordance with the approved details.
- 12) No site clearance or construction works on site shall be carried out during the bird nesting season (1 March to 31 July), unless the absence of nesting birds has been confirmed by further survey work or on-site inspections.
- 13) Prior to the commencement of any works on site, a Woodland Management and Access Plan shall be produced to safeguard retained woodland (Long Clough) at the site. This plan should consider the following issues during the clearance, construction and operational phases of the development;
 - i) formalising access/egress into the woodland and pathways to prevent desire lines dissecting the habitat;
 - ii) zoning of natural habitat to ensure an appropriately restricted and undisturbed area for wildlife;
 - iii) non-native species management to prevent spread to gardens of new residential properties;
 - iv) implementation of traditional woodland management techniques such as felling, coppicing and pollarding, where appropriate;
 - v) retention of standing and fallen dead wood;
 - vi) creation of artificial habitats such as bird/bat boxes, hedgehog hotels and felled log piles for invertebrates;
 - vii) provision of education packs for homeowners about the value of the surrounding habitat and rationale for habitat protection measures;
 - viii) creation of a buffer zone (in accordance with BS5837:2012) during the construction phase and adoption of working practices when carrying out any works near trees or woodland; in accordance with BS5837:2012 guidelines, in order to reduce negative impact on biodiversity.

The Woodland Management and Access Plan shall be submitted to and approved in writing by the local planning authority. All recommended mitigation measures shall be carried out in accordance with the approved plan.

- 14) Should no clearance or construction works be carried out on site within 2 years of the date of the Bowland Ecology "Ecological Impact Assessment" (EIA) an updated EIA shall be produced. The updated EIA shall be submitted to and approved in writing by the local planning authority. Any recommended mitigation measures shall be carried out strictly in accordance with the approved assessment.
- 15) Prior to commencement of the development hereby approved, a Construction Method Statement (CMS) shall be submitted to and approved in writing by the local planning authority. The approved CMS shall be adhered to throughout the construction period. The CMS shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) 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;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 16) Visibility splays at the site access/egress and all driveways 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.
- 17) Foul and surface water shall be drained on separate systems.
- 18) Prior to the commencement of the development hereby approved, a sustainable surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The drainage scheme must include:
 - i) an investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
 - ii) a restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
 - iii) a timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development

hereby permitted shall be carried out only in accordance with the approved drainage scheme.

- 19) Prior to commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum;
 - i) arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a residents' management company; and
 - ii) arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime. The development shall subsequently be completed, maintained and managed in accordance with the approved plan.
- 20) Prior to the implementation of the development hereby approved, a scheme shall be submitted to and approved in writing by the local planning authority detailing provision of an electrical vehicle charging point for each dwelling. The approved scheme shall be implemented prior to first occupation of the development.
- 21) Prior to the commencement of development hereby approved, the developer must submit to the local planning authority for written approval:
 - i) a comprehensive desk study report, including a preliminary Conceptual Site Model (CSM) in text, plan and cross-section form. Where necessary, detailed proposals for subsequent site investigation should also be included, clearly based on the CSM;
 - ii) findings of the approved site investigation work (where necessary), including an appropriate assessment of risks to both human health and the wider environment, from contaminants in, on or under the land (including ground gas). If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, along with an updated CSM. No deviation shall be made from this scheme without the written agreement from the local planning authority.
- 22) Prior to the occupation of the development hereby approved, a comprehensive Validation Report shall be submitted to and approved in writing by the local planning authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and updated Conceptual Site Model. All the installed remediation must be retained for the duration of the approved use, and where necessary, the local planning authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.
- 23) Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the local planning authority should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented and agreed in writing by the local planning authority.

No deviation shall be made from this scheme without the written express agreement of the local planning authority.

- 24) Prior to commencement of the development hereby approved, a scheme of boundary treatment(s) shall be submitted to and approved in writing by the local planning authority. The scheme shall provide for the precise location, height and construction materials of all boundaries. The approved scheme of boundary treatment(s) shall be implemented prior to first occupation of the development and retained thereafter.
- 25) Prior to commencement of any works at the site, an arboricultural method statement and tree protection plan shall be submitted to and agreed in writing by the local planning authority. The method statement shall clearly state how the trees to be retained on site will be protected during construction works. The agreed method statement shall be implemented in full prior to the undertaking of any on site works and retained for duration of the demolition and construction works.
- 26) Prior to commencement of the development hereby approved, a scheme for the suppression of dust during the period of construction shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be used throughout the construction process.
- 27) The construction of the development hereby permitted shall only take place between the following hours: Monday to Friday - 08:00 to 18:00; Saturday - 09:00 to 13:00; Sundays or Bank Holidays - No site operations.

