

**Proposed development: Minor Material Amendment for: Variation of Condition 30 "approved drawings" pursuant to planning application 10/21/1164 to allow for change of house types on plots 51 - 52 and 56 – 59, resulting in an increase in total unit numbers from 69 to 71.**

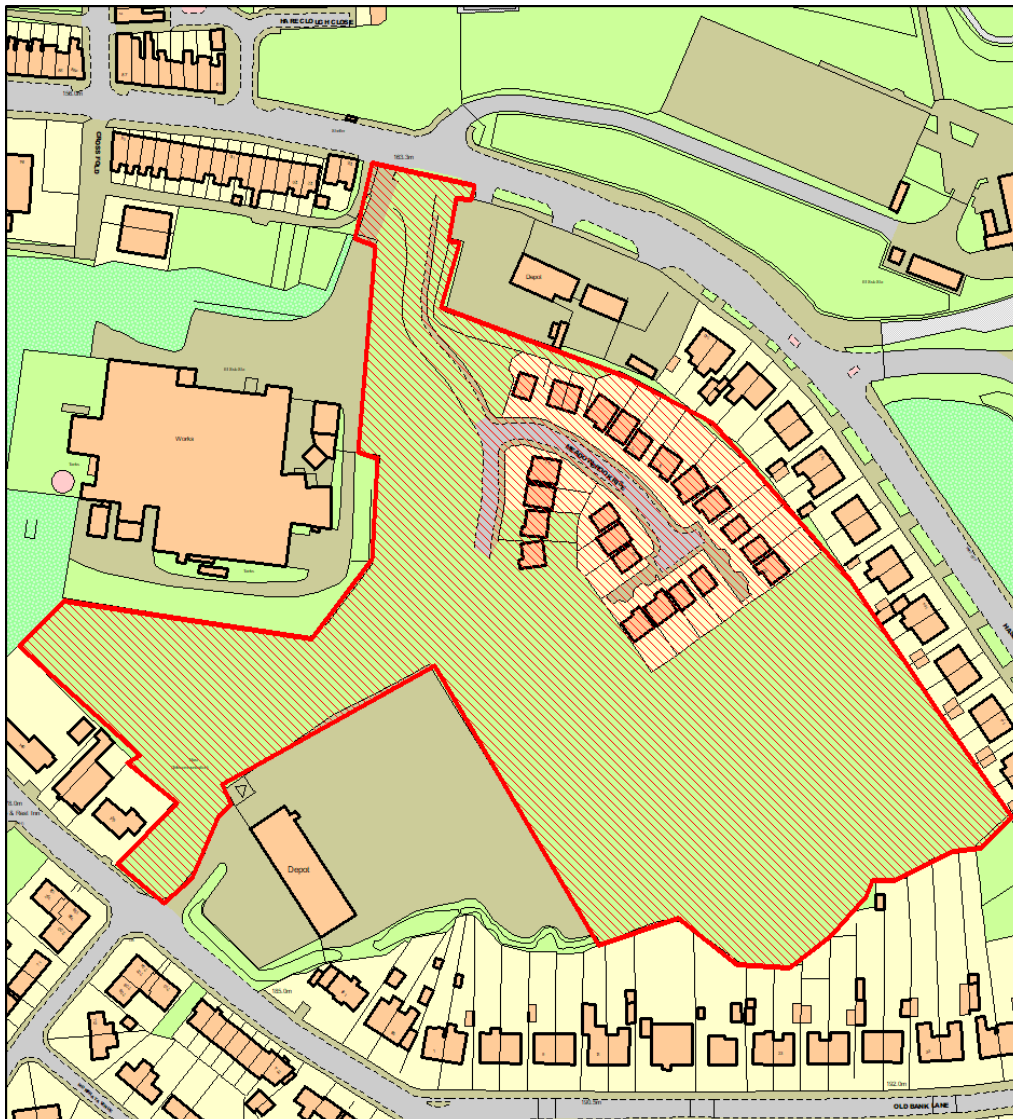
**Site Address:**

**Land between Haslingden Road/Brandy House Brow & Old Bank Lane (Queens Park Gardens)  
Blackburn**

**Applicant: Opulwood Developments**

**Ward: Blackburn Central**

**Councillor Samim Desai  
Councillor Mahfooz Hussain  
Councillor Zamir Khan**



## **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 APPROVE – Subject to varying condition 30 and reproduction of all other conditions attached to the previous minor material amendment permission – ref. 10/21/1164 and to the original planning permission - ref. 10/09/0414.**

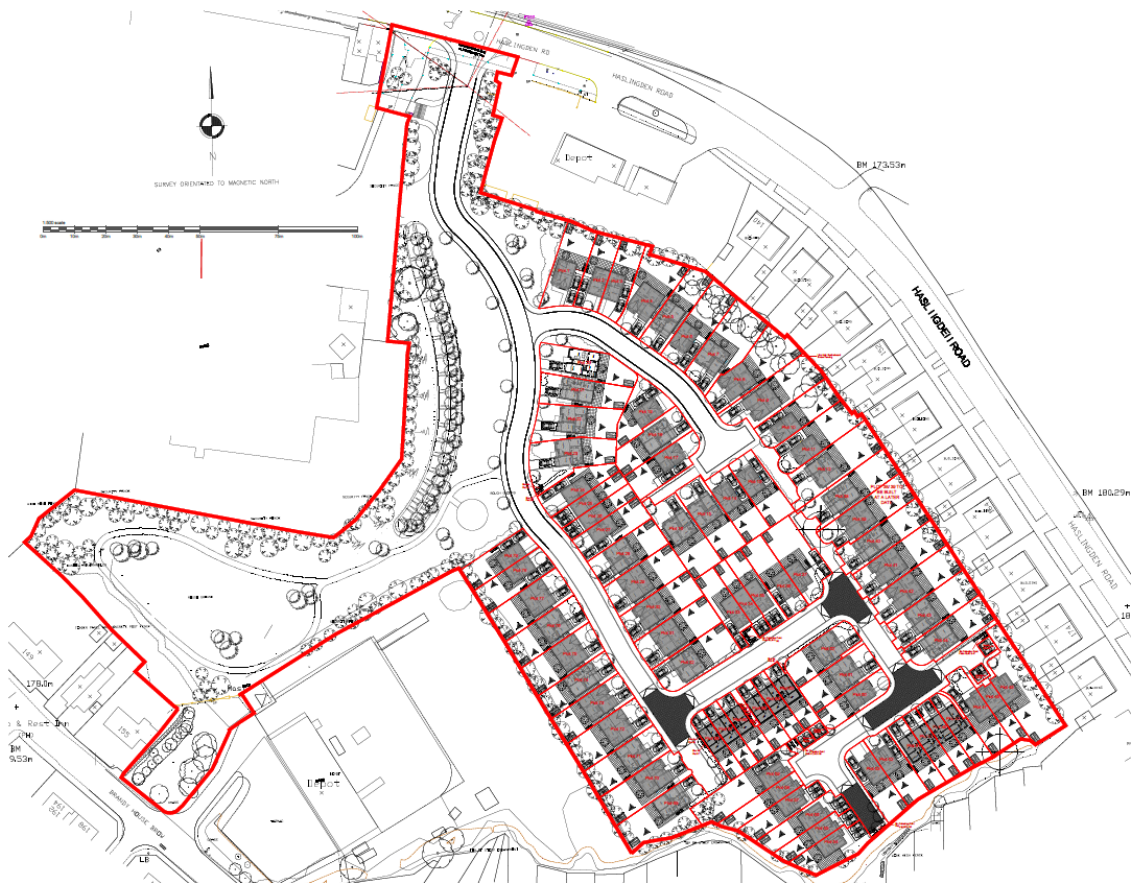
## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

- 2.1 This application is reported to Committee as it represents a minor material amendment to a major residential planning application, originally determined at Committee level. This is in accordance with the Council's adopted Scheme of Delegation.
- 2.2 The application is submitted under the provisions of Section 73 of the Town and Country Planning Act 1990 (as amended), as a proposal to vary details previously secured via a condition attached to the previous grant of planning permission. Those details relate specifically to a change of house types on plots 51 - 52 and 56 - 59.
- 2.3 The amended houses are accepted as a type that correspond to the defining character of the approved development, which will continue to widen the choice of family housing in the Borough, consistent with the planning strategy for housing growth as set out in the Core Strategy and Local Plan Part 2.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

- 3.1.1 The application site (the site) is an ongoing housing led development known as Meadowbrook Rise, located to the rear of properties which front on to Haslingden Road and Old Bank Lane, Blackburn. Access is taken from Haslingden Road.
- 3.1.2 The site is located within Blackburn's Inner Urban Area. It measures 3.45 hectares in area.
- 3.1.3 The site is defined by the submitted red edged location plan (Southworth Construction, 2018) extracted below.

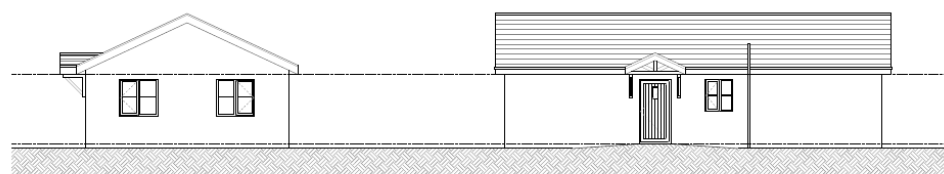


## 3.2 Proposed Development

3.2.1 The amendment proposes a change of house types on plots 51 - 52 and 56 – 59. Replacement houses are marketed as ‘The Hatfield’ and ‘The Avon’. The Hatfield is a 3 bedroom terraced / town house set within rows of three at plots 56 – 59, 59a & 59b which would replace 4 no. detached houses. The Avon is a two bedroom detached bungalow which would replace two storey dwellings at plots 51 and 52; resulting in an increase in total unit numbers from 69 to 71. Full details are set out in the submitted drawings and as extracted below:

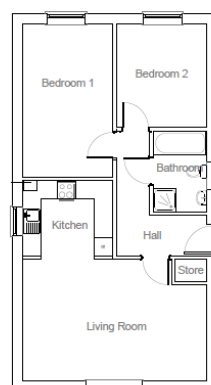
Meadowbrook Rise : PHASE 2

### HATFIELD



SIDE ELEVATION

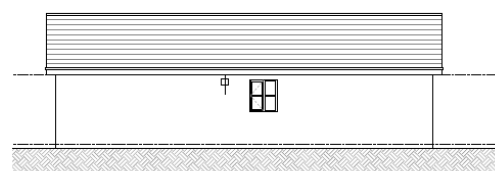
FRONT ELEVATION



GROUND FLOOR PLAN



SIDE ELEVATION



REAR ELEVATION

# AVON



## 3.3 Development Plan

3.3.1 The Development Plan comprises the Core Strategy and adopted Local Plan Part 2 – Site Allocations and Development Management Policies. In determining the current proposal the following are considered to be the most relevant policies:

### 3.3.2 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS5 – Locations for New Housing
- CS6 – Housing Targets
- CS7 – Types of Housing
- CS16 – Form and Design of New Development

### 3.3.3 Local Plan Part 2

- Policy 8. Development & People
- Policy 9. Development and the Environment
- Policy 10. Accessibility & Transport
- Policy 11. Design
- Policy 10: Accessibility and Transport
- Policy 18: Housing Mix

## 3.4 Other Material Planning Considerations

### 3.4.1 BwD Residential Design Guide SPD.

### 3.4.2 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.

### 3.4.3 National Planning Policy Framework (The Framework) (2021).

### 3.4.4 National Planning Policy Guidance (NPPG).

## 3.5 **Assessment**

3.5.1 Assessment is limited to impacts arising from the proposed change of house types and the increase in the number of dwellings from 69 to 71. The principle of housing led development is already established via the original grant of planning permission.

3.5.2 With reference to the proposed increase in the total number of dwellings proposed; a previous minor material amendment, in 2022, approved a reduction in the total number from 79 originally approved in 2010, to 69. The proposed increase in the total number to 71, is accepted in principle.

3.5.3 Policy 18 requires require detached and semi-detached housing to be the principal element of the dwelling mix on any site that is capable of accommodating such housing and where such housing would make a positive contribution to the character of the local area.

3.5.4 Some town / terraced dwellings are previously approved. The proposed introduction of houses of the same type are acceptable, on account of the principle element of housing mix remaining that of detached and semi-detached.

3.5.5 Turning to the proposed bungalows; there is currently an evident demand within the borough. Moreover, the site is bounded by existing bungalows to the east. Accordingly, introduction of the bungalows are accepted as an alternative house type.

3.5.6 Accordingly, the amendment is found to be in accordance with the requirements of Policy 18 of the Local Plan Part 2.

3.5.7 The requisite separation distances and in-curtilage parking are maintained, in accordance with the Council's adopted standards and the requirements of Policies 8 and 10 of the Local Plan Part 2, respectively and The Framework.

3.5.8 Policy 11 requires a good standard of design which will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area.

3.5.9 Proposed house types are well articulated, are proportionate to plot sizes, and are appropriate in appearance when assessed against the wider street scape.

#### 3.5.10 Summary

This report assess the minor material amendment for a variation to condition 30 (approved drawings), attached to the host planning permission granted under application no. 10/21/1164, as described above. The relevant material matters have been assessed and this report finds that the proposal meets the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, Supplementary Planning Documents and the National Planning Policy Framework and the National Planning Policy Guidance.

## 4.0 RECOMMENDATION

### 4.1 Approve subject to:

**Delegated authority is given to the Strategic Director of Growth & Development to approve planning permission, subject condition 30 (approved drawings), as varied and application of all other conditions that are attached to the host planning permission:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of the original planning permission - ie. 23/03/2013.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Before any development takes place, samples of all external walling, roofing materials, and their colour to be used in the construction of the building work shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To ensure that the external appearance of the development is satisfactory in accordance with Policy H4 of the Blackburn with Darwen Borough Local Plan, and the adopted Blackburn with Darwen Borough Local Plan and SPD: Residential Design Guide.

3. Before any development takes place, the developer must submit to the Local Planning Authority for written approval:

(i) Two copies of 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) Two copies of the 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.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site in accordance with Policy ENV3 of the adopted Blackburn with Darwen Borough Local Plan.

**4.** Before any development takes place, a foul and surface water drainage and surface water regulation scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the occupation of the approved development.

REASON: To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health in accordance with Policy ENV1 of the Blackburn With Darwen Borough Local Plan and SPD: Residential Design Guide.

**5.** Before any development takes place, a ventilation scheme; complying with the performance specification given in Part 6 of Schedule 1 of the Noise Insulation Regulations 1975, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure:

1. Ventilation to all habitable rooms of Plots 1, 20-24 and 79 which overlook the Blackburn Yarn Dyers site to the east.
2. Ventilation to all habitable rooms of Plots 69-79 which overlook the B & W Plant Hire site to the South West.

The approved scheme shall be implemented prior to occupation of plots 1, 20-24 and 69-79, and thereafter retained.

REASON: To provide an alternative source of ventilation, other than opening windows, whilst still providing a commensurate level of protection against noise intrusion, in accordance with Policy ENV4 of the Blackburn with Darwen Borough Local Plan of the adopted Blackburn with Darwen Borough Local Plan and SPD: Residential Design Guide.

**6.** Before any development takes place, a scheme for the detailed design of the acoustic earth bund and acoustic fence shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of Plots 1, 20-24 and 79 and thereafter retained.

REASON: To protect the neighbouring premises from any adverse noise levels in accordance with Policy ENV4 of the Blackburn with Darwen Borough Local Plan of the adopted Blackburn with Darwen Borough Local Plan and SPD: Residential Design Guide.

**7.** Before any development takes place, a written scheme of archaeological investigation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme of building recording and analysis. The scheme shall be implemented in accordance with the approved details.

REASON: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site in accordance with Policy HD18 of the Blackburn with Darwen Borough Local Plan and SPD: Residential Design Guide.

**8.** Before any development takes place, a detailed scheme for the equipped play area as annotated on amended drawing number 1000/S (received on 12th February 2010) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include type of equipment, seating and bin provision, surfacing and boundary treatment. The approved scheme shall be implemented within 1 month of completion of the development and thereafter retained.

REASON: To provide recreational facilities for children living on the development in accordance with Policies H4 and H5 of the Blackburn with Darwen Borough Local Plan of the adopted Blackburn with Darwen Borough Local Plan and SPD: Residential Design Guide.

**9.** Before any development takes place, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Trees and shrubs shall be planted on the site in accordance with the landscaping scheme during the first available planting season. The scheme shall include details of materials to be used for hard surfaces, and details of species to be planted, with their siting and planting distances, and shall be implemented during the first available planting season after the commencement of 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.

REASON: To ensure that there is a well laid scheme in the interests of amenity in accordance with Policy HD9 of the Blackburn With Darwen Borough Local Plan of the adopted Blackburn with Darwen Borough Local Plan and SPD: Residential Design Guide.

**10.** Before any development takes place, a scheme of boundary treatment for the site curtilage and individual plots shall be submitted to and approved in writing by the Local Planning Authority. The scheme must detail the size, design and material for all boundary treatments. The development shall be completed in accordance with the approved scheme.



REASON: To ensure a satisfactory appearance to the development, in accordance with Policy H4 of the adopted Blackburn with Darwen Borough Local Plan and SPD: Residential Design Guide.

**11.** Before any development takes place, a detailed design for the construction of the newly created Haslingden Road, Blackburn Yarn Dyers and back street access points and off-site works of highway improvements shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved scheme.

REASON: To provide for the safety and convenience of users of the highway, for the free flow of traffic, in accordance with Policies H4 and T9 of the Blackburn with Darwen Borough Local Plan of the adopted Blackburn with Darwen Borough Local Plan and SPD: Residential Design Guide.

**12.** Before any development takes place, a scheme of traffic calming within the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within 3 months of completion of the development.

REASON: To provide for the safety of all users of the highway, in accordance with Policies H4 and T9 of the Blackburn with Darwen Borough Local Plan of the adopted Blackburn with Darwen Borough Local Plan and SPD: Residential Design Guide.

**13.** Before any development takes place, a scheme detailing the closure of the existing accesses shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the existing accesses being physically and permanently closed; and the existing verge and/or footway and kerbing of the former crossing being reinstated. The development shall be implemented in accordance with the approved details within 1 month of the formation of the new access.

REASON: To ensure the safe, efficient and convenient movement of all highway users in accordance with Policy T9 of the Blackburn with Darwen Borough Local Plan and SPD: Residential Design Guide.

**14.** Before any development takes place, full details of a wheel washing facility by which wheels of vehicles shall be cleaned before joining the public highway shall be submitted to and approved in writing by the Local Planning Authority. These details will include a method statement outlining how the developer intends to use and manage the facility. The approved wheel wash/es will be put in place at all vehicle access points onto the public highway when work commences and shall remain operational throughout the period of development.

REASON: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policy T9 of

the Blackburn with Darwen Borough Local Plan and SPD: Residential Design Guide.

**15.** Before any development takes place, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- I) the movement of construction vehicles to and from the site
- II) parking of vehicles of site operatives and visitors
- II) loading and unloading of plant and materials
- IV) storage of plant and materials

**REASON:** In order to avoid the possibility of the public highway being affected by the deposit of mud/or loose materials which could create a potential hazard to road users, in order to protect the amenity of the occupiers of the adjacent properties, in order to protect the visual amenities of the locality and to comply with Policy T9 of the Blackburn with Darwen Borough Local Plan and SPD: Residential Design Guide.

**16.** Before any development takes place, a scheme for the suppression of dust control during the demolition and construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme must include provision for all heavy good vehicles carrying materials into and out of the site to be sheeted. The approved measures shall be implemented and retained for the demolition and construction period.

**REASON:** To minimise disturbance of adjacent residents during construction of the development, in accordance with Policy H4 of the adopted Blackburn with Darwen Local Plan and SPD: Residential Design Guide.

**17.** Before any development takes place, a tree-planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include tree size, species, location, method and aftercare. The agreed scheme shall be implemented in full within the first planting season (October to March) following the commencement of the development.

**REASON:** Trees represent a public benefit by way of visual amenity and should therefore be planted within new developments in accordance with Council Policy HD9 of the Blackburn with Darwen Borough Local Plan and SPD: Residential Design Guide.

**18.** Before any development takes place, 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 tree(s) to be retained on site and overhanging the site will be protected during demolition and/or construction works. The

agreed method statement shall be implemented in full prior to the undertaking of any on site works.

REASON: Trees represent a public benefit by way of visual amenity and should therefore be protected at all times in accordance with Council Policy HD8 of the Blackburn with Darwen Borough Local Plan and SPD: Residential Design Guide.

**19.** Before any development takes place, a habitat creation, enhancement and management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall incorporate recommendations made in PENNINE Ecological's report 'Habitat Creation & Retention: Queens Park Gardens, Haslingden Road, Blackburn' dated December 2009. The approved scheme shall be implemented within the first available planting season following commencement of development.

REASON: To protect the ecological value of the site, in accordance with Planning Policy Statement 9: Biodiversity and Geological Conservation.

**20.** Prior to the occupation of the development hereby approved, two copies of 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 CSM. 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.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, that the risks it presents have been appropriately assessed, and that the site can be made 'suitable for use', as such, does not pose a risk to future users of the site or the wider environment in accordance with Policy ENV3 of the adopted Blackburn with Darwen Borough Local Plan.

**21.** Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment No.2) (England) Order 2008, no development on Plots 4-45 of the type specified in Classes A, B, C, D, E and F of Part 1 of that Schedule shall be carried out unless planning permission has been granted first.

REASON: Due to the restricted nature of the site, whilst the dwelling as approved is acceptable, any further extensions or alterations normally permitted under the above provisions may in this case conflict with the interests of adjacent properties or the amenity of the area generally in accordance with Policy H8 of the Blackburn with Darwen Borough Local Plan of the adopted Blackburn with Darwen Borough Local Plan and SPD: Residential Design Guide.

**22.** All garages within the development hereby approved shall be retained and not converted.

REASON: To ensure the availability of off-street car parking in accordance with Policies H4 and T9 of the Blackburn with Darwen Borough Local Plan of the adopted Blackburn with Darwen Borough Local Plan and SPD: Residential Design Guide.

**23.** All habitable room windows shall have a weighted sound reduction index  $R_w$  of no less than 33dB.

REASON: To protect prospective occupants from any adverse noise levels from adjacent premises in accordance with Policy ENV4 of the Blackburn with Darwen Borough Local Plan of the adopted Blackburn with Darwen Borough Local Plan and SPD: Residential Design Guide.

**24.** Visibility splays shall not at any time be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

REASON: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policy T9 of the Blackburn with Darwen Borough Local Plan of the adopted Blackburn with Darwen Borough Local Plan and SPD: Residential Design Guide.

**25.** Construction of the development hereby approved shall only take place between the hours of:  
8am and 6pm Monday to Friday  
9am and 1pm on Saturdays  
and not on Sundays or Bank Holidays.

REASON: To safeguard the amenities of the adjoining premises and the area generally in accordance with Policy ENV4 of the Blackburn with Darwen Borough Local Plan.

**26.** Protective fencing shall be installed in accordance with the approved method statement and in accordance with British Standard 5837: Guide for trees in relation to construction. This fencing should be installed prior to the commencement of any building works, ground works, demolition works or storage of any machinery, equipment or materials on site. This fencing should remain intact and in place until all works are completed on the site. This fencing should be considered sacrosanct and no soil levels should be altered within the perimeter of this fence and no building materials or waste products should be stored inside the fence line. Any variation to this condition must be in line with British Standards 5837 trees in relation to construction and agreed in writing with the Councils Arboricultural Officer prior to implementation of any such variation.

REASON: The existing trees represent a public benefit by way of visual amenity and should therefore be protected at all times in accordance with

Council Policy HD8 of the Blackburn with Darwen Borough Local Plan and SPD: Residential Design Guide.

**27.** No existing trees or hedges within or overhanging the development site shall be lopped, topped, felled, uprooted, pruned, or sustain root severance, without prior written consent from the Local Planning Authority. Any tree works undertaken with written consent should be in line with British Standards 3998 & 5837. All existing trees that are not shown to be removed on the approved plan and all newly planted trees becoming diseased, severely damaged, removed or dying within the development period or within five years of the completion of the development shall be replaced with a tree of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

REASON: Trees represent a public benefit by way of visual amenity and should therefore be protected at all times and replaced when necessary in accordance with Council Policy HD8 and HD9 of the Blackburn with Darwen Borough Local Plan and SPD: Residential Design Guide.

**28.** Construction work shall not be carried out during the bird nesting season (between March and July), unless the absence of nesting birds has been confirmed to the Local Planning Authority by further survey work or on site inspections.

REASON: To ensure the protection of nesting birds on site, in accordance with Planning Policy Statement 9: Biodiversity and Geological Conservation.

**29.** Protected species mitigation measures as identified in paragraphs 8.1 and 8.2 of the Bat and Owl Survey undertaken by Stan Irwin Ecology Consultant (dated 15th June 2009) shall be implemented.

REASON: To ensure the protection of Protected Species, in accordance with Planning Policy Statement 9: Biodiversity and Geological Conservation.

**30.** This consent relates to the location plan and drawing numbers TG-WHI-PL1, WHI-OAK-PL01, MARL-PL01A, LANC-PL01A, GART-PL01A, FENT-PL01A, ELWI-PL01, DELA-PL01A, CHU-PL01A, BLE-PL01 received on 15th June 2009 and WHI-WIN-PL01 received on 15th February 2010 and amended site layout drawing number 1000/S received on 12th February 2010; and

Amended proposal received 14th October 2021, as detailed on drawings numbered: DP-00, 1980.LOC01, 1980-P-01 Rev A, 1980-P-02, 1980-P-03, 1980-P-04, 1980-P-05, 1980-P-06 and 1980-P-07; and

Amended proposal received 22<sup>nd</sup> November 2022, as detailed on drawings numbered: 1980-P-08, 1980-P-06, and 1980-P-01 Rev E;

any subsequent amendments approved in writing by the Local Planning Authority.

REASON: To clarify the terms of this consent.

## **5.0 RELEVANT PLANNING HISTORY**

10/09/0414: Residential Development of 79 dwellings. Approved 23/03/2010.

10/21/1164: Variation of Condition No. 30 "approved drawings" pursuant to planning application 10/09/0414 " Residential Development of 79 dwellings" - revision of site plan relating to Phase 2 - reduction of number of dwellings to 69 dwellings (total) - Phase 2 (46 dwellings) and revision to house types. Approved 05/01/2022.

## **6.0 CONSULTATIONS**

6.1 Consultation was limited to public consultation by letter, to 10 neighbouring properties, display of site notices and publication of a press notice. No comments were received.

## **7.0 CONTACT OFFICER: Nick Blackledge, Planning Officer**

## **8.0 DATE PREPARED: 5<sup>th</sup> April 2022.**