

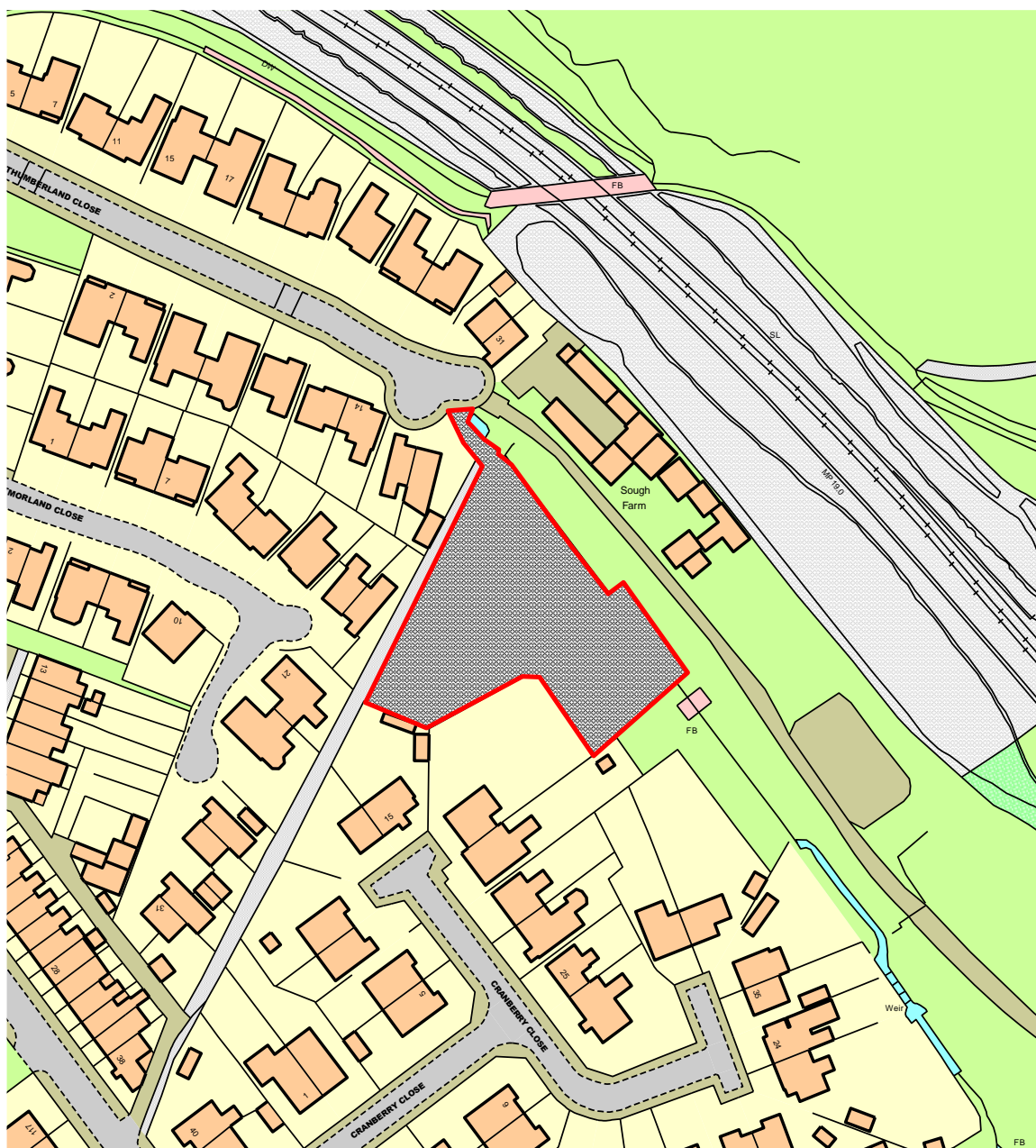
**Proposed Development: Approval of reserved matters for the appearance, landscaping, layout and scale for the erection of 3 No. dwellings pursuant to planning application 10/20/0806**

**Site Address: Land adjacent 18 Northumberland Close, Darwen, BB3 2TN**

**Applicant: Mr Leary**

**Ward: Darwen South**

**Councillor Kevin Connor  
Councillor Matthew Jackson  
Councillor Anthony Shaw**



## **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 The proposed development is recommended to be granted planning permission, subject to the conditions detailed below in Section 5.

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

- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Council's Constitution, and given that a large number of public representations have been received.
- 2.2 The proposed development has been publicised through letters to residents of the nearest 21 adjacent properties on 20<sup>th</sup> April 2023. A site notice was displayed at the access point on 3<sup>rd</sup> May 2023. In addition, all 21 residents were reconsulted on 12<sup>th</sup> June 2023 given the receipt of amended information. 7 public objections have been received for the application so far. A summary of those comments is provided below in Section 7.10. Should any further comments be received ahead of the committee meeting they will be presented as part of a committee update report.
- 2.3 The Council's development plan supports new residential development and associated works, provided they constitute sustainable development and accord with the development plan when taken as a whole.
- 2.4 This application seeks approval of reserved matters for the appearance, landscaping, layout and scale of a development involving the erection of 3 detached dwellings, pursuant to the outline planning application 10/20/0806. Each dwelling would have 4 bedrooms, an integral garage, driveways and garden areas.
- 2.5 On balance, the proposals would be satisfactory from a technical point of view, with all issues having been addressed during the course of the application process, or capable of being controlled or mitigated through appropriately worded planning conditions.
- 2.6 The key issues to be assessed in determining this application are as follows;
- Assessing the appearance of the proposals
  - Assessing the landscaping of the proposals
  - Assessing the layout of the proposals
  - Assessing the scale of the proposals
  - Assessing any wider technical matters raised through consultations

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

- 3.1.1 The application site is a private garden area located within the settlement of Darwen. It covers an area of circa 0.6 acres including the access point from Northumberland Close. The site benefits from outline residential planning

permission, which was approved under application 10/20/0806, under delegated powers on the 8<sup>th</sup> January 2021, in accordance with the Chair Referral Process of the Council's Constitution. Neighbouring dwellings surround to two sides. A cluster of outbuildings known as 'Sough Farm' is positioned to the northeast with fields to the southeast. The site currently houses domestic paraphernalia and is bound by mature trees and timber fencing to all sides.

Figure One – Satellite image of the site



### 3.2 Proposed Development

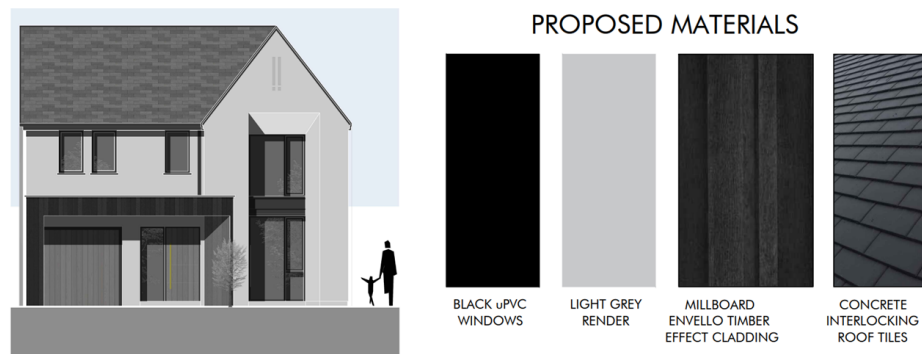
- 3.2.1 As detailed above, this application seeks approval of reserved matters for the appearance, landscaping, layout and scale of a development involving the erection of 3 detached dwellings, pursuant to planning application 10/20/0806. The dwellings would stagger a small cul-de-sac, which would extend from the turning head at the bottom of Northumberland Close. Each dwelling would be afforded a front and rear garden alongside parking provisions for 3 vehicles.

Figure Two – Proposed Site Plan (amended)



3.2.2 The proposed dwellings would be two-stories in height. They would have maximum lengths of 11m, widths of 9m and dual-pitched roofs up to 7.7m in height. A garage, kitchen and living areas would be formed on the ground floor with 4 bedrooms and bathrooms on the first floor. Pale grey render, timber effect cladding and grey concrete tiles would be used to externally finish the dwellings and they would be fitted with black uPVC doors and windows.

Figure Three – Proposed Front Elevations and Materials Palette



### 3.3 Case Officer Site Photos



### 3.4 Development Plan

- Local Plan Part 2 (2015):
  - Policy 8: Development and People
  - Policy 9: Development and the Environment
  - Policy 10: Accessibility and Transport
  - Policy 11: Design
  - Policy 18: Housing Mix



- Residential Design Guide Supplementary Planning Document (SPD) (2012)
- BwD Parking Standards (2014)
  - 4+ bedrooms: 3 car spaces and 2 secure cycle spaces per dwelling

## 4.0 ASSESSMENT

### 4.1 Preliminary Matters

- 4.1.1 Public comments have been received regarding the extent of neighbour notifications. All of the adjacent neighbours were notified by letter, as shown below in Figure Four. A site notice was also displayed at the access point advertising the development. Such measures are sufficient to ensure the application has been adequately publicised, in accordance with the relevant requirements of the nationally applied Development Management Procedure Order.

Figure Four – Neighbour Notification Plan



### 4.2 Scope of Assessment

- 4.2.1 Assessment of this Reserved Matters application is broadly limited to the following criteria;
- **Appearance** – Aspects of a building or place which affect the way it looks, including the exterior of the development;
  - **Landscaping** – The improvement or protection of the amenities of the site and the surrounding area; this could include planting trees or hedges as a screen;
  - **Layout** – Includes buildings, routes and open spaces within the development and the way they are laid out in relation to buildings, routes and open space outside the development, and;
  - **Scale** – Includes information on the size of the development, including the height, width and length of each proposed building.

- 4.2.2 Policy 8 requires development to contribute positively to the overall physical, social, environmental and economic character of the area, as well as securing satisfactory levels of amenity and safety for surrounding uses and for occupants or users of the development itself; with reference to light, privacy/overlooking and the general relationship between buildings.
- 4.2.3 Policy 9 states that development will be permitted where, following implementation of any required mitigation, there is no unacceptable impact on environmental assets or interests, including but not limited to climate change (including flood risk), green infrastructure, habitats, species, water quality and resources, trees, and the efficient use of land.
- 4.2.4 Policy 10 states that development will be permitted provided it has been demonstrated that road safety and the safe, efficient and convenient movement of all highway users (including bus passengers, refuse collection vehicles, the emergency services, cyclists and pedestrians) is not prejudiced. Appropriate provision must also be made for vehicular access, off-street servicing and parking in accordance with the Council's adopted standards.
- 4.2.5 Policy 11 requires a good standard of design. All development proposals are expected to enhance and reinforce the established character of the locality through demonstrating an understanding of the site's wider context and making a positive contribution to the local area. This includes enhancing and reinforcing the established character of a locality. Key aspects of character which must be taken into account are the following:
- a) Existing topography, buildings and landscape features and their integration into the development;
  - b) Layout and building orientation to make best use of existing connections, landmarks and views;
  - c) Building shapes, plot and block sizes, styles colours and materials that contribute to the character of streets and use these to complement character;
  - d) Height and building line of the established area;
  - e) Relationship of the buildings to the street; and
  - f) Frontage treatment such as boundary walls.
- 4.2.6 With reference to materials and colour; all new development must make considered use of materials and colour to reflect local distinctiveness and character. Materials and colour should integrate a building into the immediate streetscene, unless an alternate approach can be justified.
- 4.2.7 Policy 18 requires detached and semidetached 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 local character.

### 4.3 Appearance

- 4.3.1 The proposed dwellings would be arranged staggering a small cul-de-sac. They would be built in a contemporary style when compared with the surrounding dwellings owing to the use of modern construction materials/colour schemes, recessed window panels and flat-roofed canopy features.
- 4.3.2 Whilst some of those features would not align with the defining architectural characteristics of the local area, mature planting on the south boundary, which would all be retained, would result in the proposed dwellings largely being viewed separately to the streetscene of the surrounding residential cul-de-sacs. New planting on the northwest boundary would also assist with that outcome.

Figure Five – CGI image of Plots 1 and 2



- 4.3.3 The proposed dwellings would be viewed as a modern addition to the housing stocks of the local area with the use of pitched roofs and front gardens separating the dwellings from the highway ensuring a certain level of visual integration is achieved. Acceptable external construction materials details have been submitted during the course of the application. A condition is recommended to control the quality and finish of those materials so that a satisfactory form of development is achieved.
- 4.3.4 A further condition is advised to remove certain permitted development rights so as to safeguard the appearance of the development. Subject to compliance with those conditions, the proposed development would be acceptable with reference to appearance.

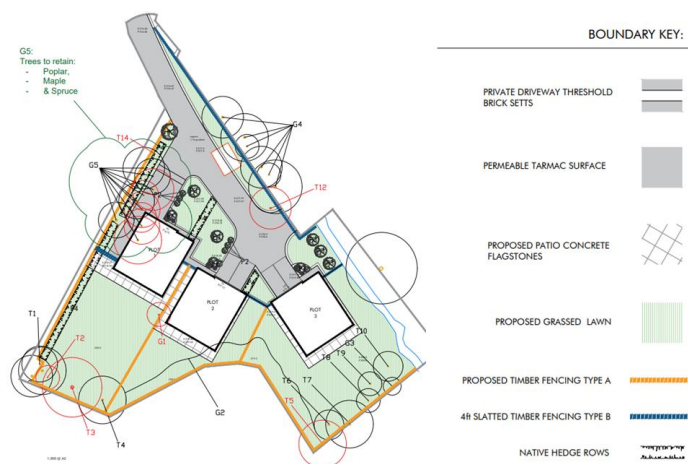
### 4.4 Landscaping

- 4.4.1 A comprehensive Landscaping Scheme has been submitted in support of the development, which is shown below in Figure Six. Concerns have been raised in public comments regarding the presence of a number of mature trees within the site and the loss of habitat. Reservations were identified by the BwD Arboricultural Advisor regarding the scheme initially submitted. An amended

scheme has subsequently been provided that adequately addresses those concerns.

- 4.4.2 The amended scheme involves the retention of a larger number of trees, which accords with the recommendations set out in the submitted Arboricultural Report and Impact Statement. A condition is recommended to ensure adequate tree protection measures are provided during the construction phase of the development in order to minimise damage to retained trees during that phase.
- 4.4.3 Supplementary soft landscaping would be provided around the site as part of communal areas and gardens. The planting mix would comprise of ornamental specimens alongside a new deciduous hedgerow along the northwest site boundary. Hard landscaping would be limited to permeable tarmac for the access road and driveways with concrete flagstones used for the walkways and patios. Appropriate boundary fencing of two styles is also proposed. A condition is recommended to ensure the fencing is provided in support of the development to minimise overlooking for the immediate neighbours and between the adjacent plots.

Figure Six – Proposed Landscaping Scheme (amended)



- 4.4.4 Conclusively, the amended landscaping proposals would be acceptable in the context of this development and site. A condition is recommended to ensure the development is landscaped in accordance with the submitted details. A further condition is recommended to ensure the landscaping scheme is maintained in accordance the submitted programme. Subject to compliance with those conditions, the proposed development would be acceptable with reference to landscaping.

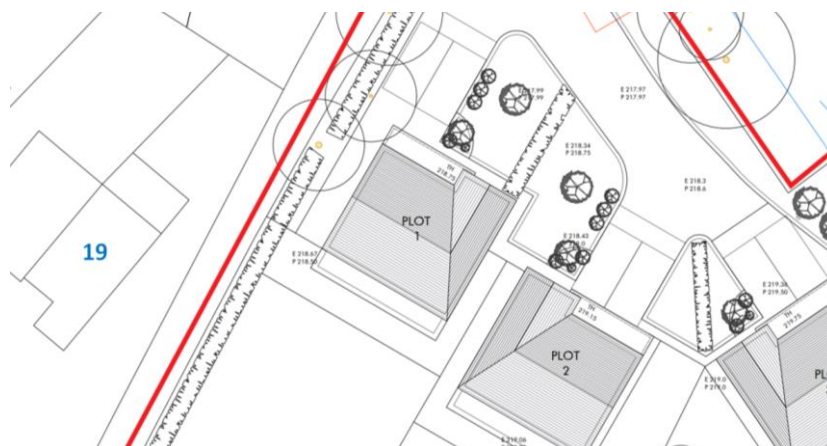
#### 4.5 Layout

- 4.5.1 Dwellings surround to two sides and safeguarding the amenities of the immediate neighbours is an important material planning consideration. The layouts of residential developments must also appropriately correspond with the local area. Concerns have been raised in public comments regarding the potential for losses of light and inadequate bin storage arrangements.



- 4.5.2 The proposed dwellings would be arranged in a staggered formation, which would broadly align with the urban grain of the immediate locality. The contained nature of the site and landscaping measures would also assist the development to assimilate as part of the wider townscape.
- 4.5.3 An amended layout has been submitted during the course of the application and Plot 1 has been shifted further away from a rear conservatory at 19 Westmorland Close to reduce its dominance. The levels of separation involved would ensure the proposed dwellings do not appear overbearing, or cause any unacceptable losses of light for the immediate neighbours.
- 4.5.4 The same outcome is applicable to privacy distances and main habitable room windows are limited to the front and rear elevations alone. A condition is recommended to ensure the side windows in Plots 1 and 2 are obscurely glazed so as to minimise overlooking. The previously recommended condition removing certain permitted development rights would also ensure the amenities of neighbours are adequately safeguarded from future development.

Figure Seven – Plot 1 and 19 Westmoreland Close



- 4.5.5 The approved access point is not wide enough to enable the development to be adopted by the Highways Authority and bins would be presented on Northumberland Close for collections. That said, the temporary storage of 3 additional bins on the highway would not adversely impinge upon visual amenity and such arrangements are very commonplace on housing estates. It is recognised that each dwelling will have up to 4 bins (12no in total), with only 3 bins being collected for emptying at any one time. As such, a condition is recommended to control storage arrangements outside of collection days to ensure bins are stored in a concealed location.
- 4.5.6 Appropriate off-street vehicle parking provisions would be built in the form of two driveway spaces and an integral garage, both of which accord with the minimum dimensions set out in the adopted Parking Standards. Conditions are recommended to ensure the proposed driveways are built and the garages are used for parking alone to prevent vehicles being displaced onto the cul-de-sac and Northumberland Close. Cycle storage can be provided within the garages.

4.5.7 Manoeuvring arrangements are adequate for Plots 1 and 2. A review of the proposals has been undertaken by BwD Highways and some initial reservations were identified regarding the manoeuvring arrangements for Plot 3. In response to that, the Agent has submitted an amended site layout during the course of the application, which includes a turning head adjacent to the driveway of Plot 3. The manoeuvring arrangements are now adequate. Subject to compliance with the above conditions, the proposed development would be acceptable with reference to layout.

#### 4.6 Scale

4.6.1 The proposed two-storey, family sized detached dwellings are consistent with the Council's aspirations for sites to accommodate such housing, where possible. Their height would be broadly consistent with the dwellings within the immediate locality, as shown below in Figure Eight. Moreover, the overall scale of the development would be proportionate to the application site. For those reasons, the proposed development is acceptable with reference to scale.

Figure Eight – Proposed Site Sections



#### 4.7 Technical Matters

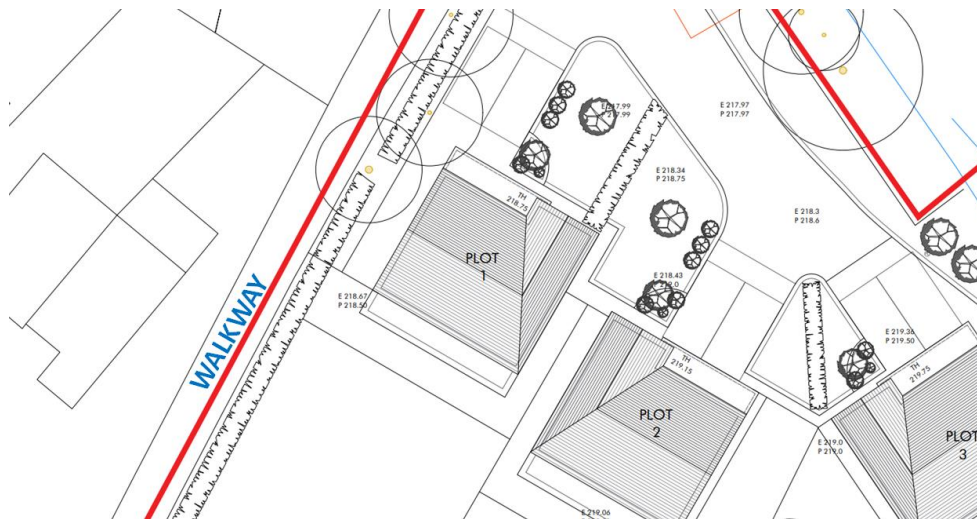
4.7.1 Concerns have been raised in public comments regarding the potential for disruptions to be caused during the construction phase, the potential for vibrations from construction works to damage nearby properties, highway safety, access arrangements, the need to move a lighting column, the presence of a public footpath nearby, damage to the surface of roads, surface water flooding, potential blockage of the adjacent culvert and the potential presence of bats.

4.7.2 Regarding potential impacts from the construction phase, Condition 8 was imposed on the outline consent to agree the scope of a Construction Method Statement. The requirements of that condition include controls for noise and vibrations and measures to mitigate against impacts on the wider highways network. Such an approach is broadly consistent with the comments provided

by BwD Public Protection for the outline application alongside this current application. The access arrangements have been approved at outline stage and they are acceptable for a 3 dwelling development. They cannot be reassessed at this stage. Furthermore, Condition 11 was imposed on the outline consent to agree the scope of any required works to the highways network, including the repositioning of a lighting column.

- 4.7.3 The PROW that runs to the northeast of the site would not be effected by the development. The informal walkway that connects Northumberland Close with Cranberry Lane would also not be effected, as shown below in Figure Nine. Furthermore, a development of this size would not degrade the surface of public roads to a level that would warrant additional controls in the way of condition surveys and subsequent repair works.

Figure Nine – Retained Walkway



- 4.7.4 A review of the proposals has been undertaken by a number of statutory consultees regarding the technical reports submitted. Their comments are detailed below in Section 7. No current objections are applicable based on the information provided during the course of the application. Conditions were imposed on application 10/20/0806 to mitigate matters in the way of land contamination (4, 5 and 6), drainage systems and flood risk (7) and historic coal mining features (10). Such measures are sufficient to ensure the development is delivered in a safe and sustainable way and the Agent has confirmed that an application to discharge those conditions would shortly follow this application were it to be successful.
- 4.7.5 Regarding ecology, no objections have been raised by the BwD Ecological Advisor. The proposals include the demolition of a summerhouse and an updated Bat Survey has been provided in support of that aspect of the proposals. A number of mitigation measures are contained within the report. A condition is recommended to ensure the development is implemented in accordance with those measures so as to minimise its negative impacts on bat populations.

4.7.6 Condition 13 was imposed on the outline consent in order to ensure the development is implemented with the mitigation measures detailed within the Preliminary Ecological Appraisal. The majority of those measures can be complied with. However, certain measures were contained within the appraisal to prevent contamination of the adjacent stream during construction works that now cannot be achieved given the proposed layout. Therefore, a further condition is recommended to minimise soil pollution of the adjacent stream. Subject to compliance with those conditions, the proposed development would be acceptable with reference to technical matters.

#### 4.8 Wider Considerations

4.8.1 Further concerns have been raised in public comments regarding the upkeep arrangements of the adjacent culvert. However, such matters are controlled at a civil level and they are immaterial to the assessment of this application. Finally, BwD Public Protection have requested that air quality mitigation measures should be provided in support of the development through providing electric vehicle charging points and installing efficient gas boilers. Condition 14 was imposed on the outline consent to control those matters. It should also be noted that the provision of electric vehicle charging points is now controlled at the Building Regulations stage for residential developments.

#### 4.9 Summary

4.9.1 This application seeks the approval of reserved matters for the appearance, landscaping, layout and scale for the erection of 3 dwellings pursuant to planning application 10/20/0806. Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies and guidance notes detailed above in Section 3.4.

4.9.2 Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Subject to appropriate conditions, the proposal would be acceptable in terms of appearance, landscaping, layout, scale and technical matters. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

#### 5.0 **RECOMMENDATION:**

**Delegated authority is given to the Strategic Director of Growth and Development and Deputy Chief Executive to approve, subject to the following conditions;**

5.1 Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: Location Plan (23000 (PL) 001 A), 23000 (PL) 100 E, 23000 (PL) 201, 23000 (PL) 203, 23000 (PL) 204 A, 23000 (PL) 400 C, 23000 (PL) 201 A and 23000 (PL) 202.



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

- 5.2 No above ground works shall commence site unless and until, details confirming the exact type of all the external materials to be used in the construction of the development hereby approved, together with details confirming the colours and finishes of any windows and doors to be installed, have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the approved materials and details.

REASON: In order to ensure a satisfactory form of development is achieved, in the interests of visual amenity, and to comply with the requirements of Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.3 Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), and following the issuing of this decision, no development as specified in Classes A – F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of that Order shall be carried out on any part of the site, without planning permission first being obtained from the Local Planning Authority.

REASON: In order to control certain forms of future development on site, in the interests of residential amenity and visual amenity, and to comply with the requirements of Policies 8 and 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.4 No development shall commence on site unless and until, tree protection fencing has been erected around all trees to be retained within and adjacent to the site, which accords with the Root Protection Plan detailed within the submitted Arboricultural Report & Impact Statement, prepared by D Slater, and dated 31<sup>st</sup> March 2023. The measures provided shall thereafter be retained throughout the construction phase of the development and they shall not be removed until all the external works have been substantially completed.

REASON: In order to minimise damage to trees during construction works, in the interests of visual amenity and biodiversity, and to comply with the requirements of Policies 9 and 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.5 None of the dwellings hereby approved shall be occupied unless and until, the boundary treatments as shown on the approved plan '23000 (PL) 400 C' have been implemented in their entirety. The boundary treatments installed shall thereafter remain in perpetuity with the development and any replacement fencing shall be of an equal height.

REASON: In order to minimise overlooking, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.6 None of the dwellings hereby approved shall be occupied unless and until, the landscaping measures as shown on the approved plan '23000 (PL) 400 C' have been implemented in their entirety. Any tree/shrub or other planting that is lost, felled, removed, uprooted, dead, dying or diseased or is substantially damaged within a period of 10 years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

REASON: In order to ensure the development is adequately landscaped, in the interests of biodiversity and visual amenity, and to comply with the requirements of Policies 9 and 11 of the Blackburn with Darwen Borough Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.7 The landscape scheme implemented shall be managed and maintained in strict accordance with the measures detailed within the submitted Landscape Maintenance Programme.

REASON: In order to ensure landscaped areas are adequately managed and maintained, in the interests of biodiversity and visual amenity, and to comply with the requirements of Policies 9 and 11 of the Blackburn with Darwen Borough Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.8 The side windows to be installed within Plots 1 and 2 hereby approved shall be fitted with obscured glazing with a minimum level of obscurity of Level 3. Any replacement glazing shall be of an equal degree of obscurity and the effects of obscurity must not be negated by way of opening.

REASON: In order to minimise overlooking associated with the development, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.9 None of the dwellings hereby approved shall be occupied unless and until, a scheme clarifying bin storage arrangements has first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in strict accordance with the approved scheme.

REASON: In order to ensure adequate bin storage arrangements are provided in support of the development, in the interests of visual amenity, and to comply with the requirements of Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.10 None of the dwellings hereby approved shall be occupied unless and until, the driveways as detailed on the approved plan '23000 (PL) 100 E' have been provided in their entirety. The driveways shall thereafter remain in perpetuity with the development and be permanently available for the parking of vehicles associated with the occupants of the development.

REASON: In order to ensure adequate parking facilities are provided in support of the development, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.11 The integral garages to be constructed as part of the development hereby approved must be permanently available for the parking of one vehicle and no other uses shall take place within the garages that would preclude their use for vehicle parking.

REASON: In order to ensure adequate parking facilities are provided in support of the development, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.12 The development hereby approved must be implemented in strict accordance with the mitigation measures detailed within the submitted Reasonable Avoidance Method Statement for Bats, prepared by Collington Winter Environmental, and dated 29<sup>th</sup> March 2023.

REASON: In order to minimise negative impacts on bats, in the interests of biodiversity, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.13 No development shall commence on site unless and until, a scheme to protect the adjacent the watercourse from contamination during the construction phase has first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved scheme.

REASON: In order to minimise soil contamination of the watercourse, in the interests of achieving sustainable development, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen Borough Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

## **6.0 RELEVANT PLANNING HISTORY**

- 6.1 10/20/0806 – Outline planning application with all matters reserved except for access for 3 No. dwellings – Approved, with conditions – January 2021.

- 6.2 10/09/1030 – Change of use of plot of land into domestic garden – Refused – January 2009.
- 6.3 10/10/0154 – Change of use of plot of land into domestic garden (Resubmission of 10/09/1030) – Approved, with conditions – May 2010.
- 6.4 10/11/0974 – Erection of a summerhouse – Approved, with conditions – November 2011.
- 6.5 10/16/0706 – Erection of one dwelling house – Approved, with conditions – September 2016.

## 7.0 CONSULTATIONS

- 7.1 BwD Arboricultural Advisor – The landscaping proposals have not been integrated with the recommended works in the Arboricultural Report & Impact Statement. For instance, planting proposals would conflict with proposed retentions of Larch trees in G4 and trees G5 of the survey data recommendations. It is important to establish those trees to be retained with the integration of landscape planting proposals. There is a lack of tree and shrub planting numbers, sizes, planting specifications. Also there is no landscape maintenance programme.

Tree works should be undertaken before the commencement of construction activities, including erection of tree protective fencing. The location and standard of fencing should be provided in accordance with BS 5837:2012 Trees in Relation to Construction – Recommendations. The erection of fencing should be in accordance with the root protection areas identified in the tree survey data.

(Conclusion) The submitted landscape documents do not provide sufficient information to ensure appropriate landscaping provision is secured, protected and maintained. A sequence programme of works should be established for approval and seek further information to meet the above requirements.

(Update) I have inspected the site and considered the landscape proposals including the revised, amended landscape plan. The revised, amended landscape plan allows for the retention of three trees on the boundary with plot 1. The site has a good structure of semi-mature trees which provide good screening and valuable amenity along the boundaries. The proposed planting will provide suitable landscape structure for the housing layout. The landscape maintenance program document is suitable and the implementation of the specified maintenance should ensure establishment of planting material. To conclude, the revised, amended landscape plan and landscape maintenance program documents are suitable to approve.

- 7.2 BwD Highways – No objections. (Parking) The parking should be in accordance with adopted parking standards, which sets a requirement of 3 spaces for a 4+ bedroom dwelling. All properties are 4beds and would therefore require 3 parking spaces each. The drawings received depict 2 spaces on each



drive, with the third space within an integral garages. All dimensions for the car parking spaces and garages should conform to the Local Authorities standard bays sizes. 5.5m for drives and 3m x 6m for garages. The garages appear to be substandard, please and request amendment.

The car parking bays for Plot 3, will in our opinion be very difficult to enter and leave. We would suggest the kerb is realigned to follow the circumference of the tree root, allowing a turning area to assist the vehicles to enter and leave the parking bays.

(Access) The access to the site was established and approved at outline stage. Prior to any works commencing, contact is to be made with the highway authority to ensure that the highway does not sustain any damage. Subsequently if it is damaged then repairs are made to the satisfaction of the Local Highways Authority. There is an existing lighting column, in the location of the proposed altered drive, this would need to be removed and relocated at the applicant's expense. Contact is to be made with the highway authority for consent and agreement on revised location.

(Other) New and renewed footways surrounding the site, all costs to be borne by the developer. Any street furniture affected by development should be removed and relocated where necessary at location to be agreed by highways officer - all costs to be borne by the developer. Prior to the commencement of any works that affect or adjoin the adopted highway – contact is to be made with the Local Highway Authority.

- 7.3 BwD Public Protection – Contaminated land report(s) has been submitted with this application and will be peer reviewed by the Environmental Protection Service - recommendations will be provided as soon as possible.

Should this application be approved, conditions should be imposed to control sources of external lighting, dust emissions from construction works, any required pile-driving operations (or similar), construction floodlighting, construction working hours, and to ensure air quality mitigation measures are provided in support of the development.

(Contamination) I refer to the report entitled 'Remediation Statement & Proposal Sheets for Proposed Residential Development adjacent to Northumberland Close, Darwen, BB3 2TN. The report has been prepared by Arc Environmental Ltd in April 2023.

As part of a previous application for the site (ref: 10/20/0806) a Phase 1 Desk Top Study dated June 2018 has been submitted. A Phase 2 Ground Investigation Report dated June 2018 and a Hazardous Ground Gas Risk Assessment Addendum Report dated December 2020. It was concluded there was therefore no need for a pre-commencement condition and the proposed gas protection measures could be regulated by the submission of a Verification Report showing photographic evidence of the agreed CS2 gas protection measures.

The Remediation Statement & Proposals Sheet includes options dependent on the type of foundation chosen. Confirmation regarding the chosen foundation type and design details to achieve the required gas protection score. Any Waste transfer notes should be provided as appropriate for the movement of waste from and to the site.

In order to address condition 8 in full, validation of the remedial gas protection measures in the plots should be provided when available.

- 7.4 BwD Drainage – No objections. Should the application be approved, a condition should be imposed to control foul and surface water drainage provisions. The condition is necessary in order to ensure that the development is not at risk of flooding, does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface waters.

- 7.5 BwD Ecological Advisor – Updated information on bats and Himalayan balsam has been provided. Other ecological issue were resolved at outline stage.

(Bats) It is now confirmed that the Summer House will be demolished. An updated bat assessment has therefore been provided. As previously, potential roost features were identified, but only two. This indicates the building is very low risk. In line with best practice for very low risk buildings, reasonable avoidance measures have been recommended. Based on the photographs of the building I have no reason to disagree. I therefore recommend that the Reasonable Avoidance Method Statement for Bats by Colington Winter is conditioned.

(Himalayan Balsam) Condition 12 of the outline permission, requires a method statement for removal of Himalayan balsam. Whilst not required until prior to development a method statement has been provided with an updated plan of the extent of the infestation and the proposal to hand pull the plants. I am satisfied that for this site manual pulling would suffice. The method statement can be conditioned and condition 12 of the outline permission discharged.

(Other Ecological Issues) Condition 13 of the outline permission provides a “catch all” for a number of potential ecological issues including nesting birds, various protected species, protection of tree and protection of the watercourse. No additional information is required at this stage.

(Landscape Proposals) I have no objections to the planting proposals. A good proportion of native trees and hedge is proposed.

- 7.6 Coal Authority – We have reviewed the site location plan, the proposals and the supporting information submitted and available to view on the LPA website. I can confirm that the site partially falls within the defined Development High Risk Area.

The Coal Authority records indicate that a conjectured coal outcrop is present within the site dipping in a north westerly direction, which may have been subject to unrecorded mining activity at shallow depth beneath the eastern

portion of the site. If workings are present within the outcrop these may pose a potential risk to surface stability and public safety.

We note that in addition to seeking approval of reserved matters details relating to the appearance, landscaping, layout and scale of development at the site, the applicant is also seeking to discharge several conditions attached to outline planning permission 10/20/0806, including Condition 10 which relates to coal mining legacy matters.

The application is accompanied by a Coal Mining Risk Assessment report (HYG301) prepared by Hydrogeo, dated August 2016. Whilst prepared to support a proposal for the erection of single dwelling within the western part of the application site, we note that the report was also submitted in support of outline application 10/20/0806 and was reviewed by the Coal Authority's Planning Team at that time.

The report concludes that shallow coal mining legacy poses a potential risk to the proposed development and recommends that intrusive site investigations are carried out on site. However, it does not appear that the applicant has submitted the technical report detailing additional intrusive site investigations as specifically required by Condition 10.

Given the absence of any recorded coal mining features which could influence the spatial layout of development at the site, the Coal Authority's Planning & Development Team has no objection to the specific reserved matters details for which approval is sought. However, due to the absence of the required technical report to demonstrate that the whole site is safe and stable in terms of coal mining legacy, we do not consider that the requirements of Condition 10 of the outline consent have been satisfactorily addressed. As such, we must object to this application.

(update) The Coal Authority previously commented on this application in a letter to the LPA dated 11<sup>th</sup> May 2023. In this letter, we noted that in addition to seeking approval of reserved matters details, the applicant is also seeking to discharge Condition 10 attached to the outline consent, which relates to coal mining legacy matters. We raised an objection to application due to the absence of a technical report to demonstrate that the required intrusive investigations had been carried out and any necessary remedial works identified, to ensure that the site is, or can be safe and stable in terms of coal mining legacy.

We note that this application is accompanied by an Amended Mining Report and Assessment (18-167.03L) prepared by Arc Environmental Ltd, dated 30<sup>th</sup> May 2023.

The report highlights that there is a potential risk to the site from shallow coal workings in the Cannel and Upper Mountain coal seams. Given the identified risk, 2 boreholes were undertaken on site to depths of c.25m as part of previous intrusive investigations undertaken on site and presented in a Ground Investigation Report, dated 22<sup>nd</sup> May 2023 and prepared by Arc Environmental

Ltd. From these boreholes, they confirm no evidence of intact coal was recorded and no broken ground or voids were encountered.

The Amended Mining Report and Assessment report then goes on to take into account the difference in planning proposal for 3 dwellings instead of 1 in relation to the previous Ground Investigation report and considers the ground conditions encountered are “felt to be representative of the site as defined by the redline boundary rather than the site of the former proposed dwelling.” The report author then concludes that the site is not felt to be at risk from shallow coal workings and that no further assessment or additional intrusive investigation works should be required.

Based on the professional opinions of the report author that the whole site is safe and stable and no further site investigations are necessary, the Coal Authority’s Planning & Development Team would have no objection to the LPA discharging Condition 10 of the issued outline consent in terms of coal mining legacy related land instability matters, should they be minded to do so, and we are therefore able to withdraw our objection to this application.

7.7 Network Rail – If there are any vibro impact works on site the applicant is to submit details to our Asset Protection team.

7.8 Darwen Town Council

7.9 Ward Cllrs

7.10 Summary of Public Representations

- Some neighbours did not receive a letter
- Mature trees are located within the site
- Losses of habitat may be caused
- Losses of light may be caused by the dwellings
- The storage of additional bins will be an eyesore
- Vibrations from construction works may damage adjacent properties
- Disruptions may be caused during the construction phase
- Highway safety issues may be caused during the construction phase
- The vehicle access point is not suitable for the development and construction works
- A lamp post would need to be removed
- A public footpath runs close to the site
- Damage may be caused to the surfaces of road
- Increased flood risk may be caused
- Additional surface water runoff may be caused
- The adjacent culvert may be blocked from construction debris
- Bats may roost within the site
- Upkeep of the adjacent culvert is funded by local residents

**8.0 CONTACT OFFICER:** Christian Barton – Planning Officer



**9.0 DATE PREPARED:** 4<sup>th</sup> August 2023

## **10.0 SUMMARY OF REPRESENTATIONS**

### **Objection – Mrs Jacqueline Meadowcroft, 16 Northumberland Close, Darwen. Received: 27/04/2023.**

Further to the recent letter reference 10/23/0274 for planning of erection for 3no. dwellings on the land adjacent to 18 Northumberland Close, Darwen, BB3 2TN, I live next door at number 16 and would like to please object to this.

There are numerous reasons as to why would like to object to the planning. The lamp post at the bottom of 18 does give light into my property and number 18 so this would make it quite dark if this is moved. This area with being at the end of the cul-de-sac is very quiet and safe, especially for children to play out. There are stables next to this land with horses coming in and out so more traffic and heavy loaded vehicles would be dangerous. All the houses up here pay towards a culvert which runs next this land and number 18 so if this gets blocked in anyway it will cause flooding which has happened on a few occasions.

The access isn't suitable to get to this land especially through a part driveway which was sold diabolical. There is a public footpath that runs at the side of number 18 in between the property and the land that is also used quite a lot, so if cars run over this footpath, it can be danger to public. Cars coming off the land reversing would be a hazard also to the general public as the latts on the driveway to number 18 will be a blind spot.

The access is also unsuitable for heavy loaded vehicles going through over the public footpath and the convent. This is going to cause more bins in the cul-de-sac area which will be an eyesore and will be in the way of access. The building work will cause a lot of mess around the cul-de-sac and noise, which will cause disruption and especially to the horses.

There are trees on the land that have birds and bats which are a protective species.

Hope my concerns will be taken into consideration and the planning will be rejected.

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### **Objection – Anonymous, 14 Northumberland Close, Darwen. Received: 03/05/2023**

I would like to raise my concerns about the application for 3 dwellings on the land adjacent to 18 Northumberland Close, Darwen BB3 2TN. I live at 14 Northumberland Close and I am extremely concerned about the noise made whilst the properties are being built. This is not just for myself but also my neighbours and family. We also have horses living nearby which may be stressful for them. This is a quiet residential area which I only moved into a few years ago. Had I known that even more houses were being built, I would not have chose to move house. I'm concerned about the young children in the area and how the additional traffic delivering building material will affect them playing in this area. My biggest concern is the damage done to our roads. Darwen's roads are an absolute disgrace and all the building going on has clearly contributed to this problem.

Can I also ask whether any building work would need to be done within a timeframe? I would be so upset if I ended up living next to a building site for years on end.

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**Objection – Mrs Irene McIntock, 29 Northumberland Close, Darwen. Received: 15/05/2023**

My property is: 29 Northumberland Close, Darwen, Lancs. BB3 2TN

I email with reference to the above proposed plans and am raising my objections against these plans as follow:

Having lived here for 19 years, this close is a quiet cul-de-sac. At the top of the cul-de-sac where my property is, the cul-de-sac ends and many children play around here and vehicles are parked on the road as well as drives. The outlined plans would mean increased traffic of large goods vehicles (LGVs) delivering excavation machinery to the site, vehicles removing ground materials and spoils from the site once the groundwork commences together with vehicles delivering building materials to the site. These vehicles will be heavy good vehicles and as far as I can see from the plans the access to the site is via the driveway of number 18 Northumberland Close. It is my understanding that an access road to a housing development has to be sufficient to allow side by side entry and exit. The movement of these LGV's will cause considerable amount of wear and tear onto the road and dirt from the site will wash down towards my property, which in turn will get walked into my house.

Footpath - there used to be a public footpath through this land which was accessed originally through the farm - this was blocked off by the previous owner of 18 Northumberland Close and access was then through the driveway. This public footpath is through to Cranberry Lane and is utilised to walk to Cranberry Lane and back - due consideration needs to be given to this or is it the intention pto close or re-route this footpath?

Wildlife - There is considerable wildlife which have the green space as their natural habitat including bats - bats are visibly seen at dusk.

Light - The erection of three additional dwellings could reduce the amount of natural light to my property.

Culvert - At the top of Northumberland Close, close to the proposed site entrance there is a culvert. The residents of Northumberland Close pay a proportionate fee towards the upkeep and maintenance of this culvert and also the non-existent play area at the bottom - Due consideration needs to be given to this. If the proposed plans are passed; will the additional residents within the new properties be included within these charges? There will be mud, stones etc from the proposed site - if the culvert is damaged in anyway and/or needs additional maintenance the charges to the residents will be increased. Due consideration needs to be given to how any additional charges would be met?

Outside of these objections I feel it must be noted that over the past couple of weeks or so there are already pick-up / builders type vehicles entering this proposed site via the bottom of the drive-way of 18 Northumberland Close - one of which was observed to have had a large amount of scaffolding on the vehicle.

I hope that the objections to the proposals outlined within this email be given serious consideration when your determinations to approve or reject the proposed plans are discussed.

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**Objection – Alexandra Kirwan, 27 Northumberland Close, Darwen. Received: 15/05/2023**

I wish to contest the proposals for dwellings on the site due to numerous issues;

-disruption during building

-access

-safety of the road

-safety of children playing in the area

-blockages to the water system

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**Objection – Stevan Snaith, 19 Northumberland Close, Darwen. Received: 15/05/2023**

Good evening,

I am writing to offer my comments on the above application which must be rejected for the following reasons:

1. **Flood Risk** – There is a stream that enters a culvert on the corner of 18 Northumberland Close and proceeds under the street to come out near the railway embankment. The application also states that there is no history of flooding when, in fact, houses on one side of Northumberland Close (nearest the railway embankment) flooded in recent years. Building on this site will increase the amount of water that runs off into this stream where it was once absorbed into the soil.
2. **Culvert** - The entire housing estate contributes financially towards the upkeep of the culvert (mentioned above) which recently collapsed. From the plans submitted, it is difficult to see how the necessary plant will gain access to the site without damaging the culvert resulting in further financial loss to residents on the estate.
3. **Wildlife** – We have an abundance of birds and wildlife living in the trees and hedges on the site. This includes; tits (all varieties), Bull Finches, Jays, Robins, Starlings, Jack Daws and Blackbirds. Building on this site will destroy this habitat forever in a time when we need to start looking after our planet.
4. **Disruption** – Living adjacent to the site, the noise and vibrations we anticipate don't bear thinking about. We are anxious about damage caused to our property as a result of these vibrations.
5. **Footpath** – The footpath that runs adjacent to the site provides access to many walkers from Cranberry Lane to Northumberland Close. We, ourselves regularly use this footpath to access the countryside. During the construction phase, would this path still be accessible and safe to use? With reference to the flood risk, the path sits below the land at either side of it. Building on the site will create extra run-off and flood the path making it unsafe to walk on.

I appreciate that in the current climate, building houses is a priority for many councils. But what we are talking about is **three** dwellings which will make very little difference to the housing stock but a huge difference to our estate and wildlife. We already have two large housing developments in progress up Cranberry Lane and Spring Meadows providing 100s of new homes.

Does the council really need these three extra houses at such a significant cost to its residents and the environment?

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**Objection – Eileen Walsh, 13 Cranberry Close, Darwen. Received: 13/06/2023.**

Dear Sir Madam

I don't agree with this application going forward, there is no proper access to the site and the site is not large enough for these houses. There is stream near these houses and it could flood.

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**Comment – Jackie Meadowcroft. Received: 17/05/2023**

Thankyou for getting back to me there are people who have had no letters which should have all on Northumberland Westmorland and the back of the land so no one can object if people have no letters . Hope they do know and can put there views forward

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