

Appendix D

REPORT OF THE DIRECTOR

Plan No: 10/18/0895

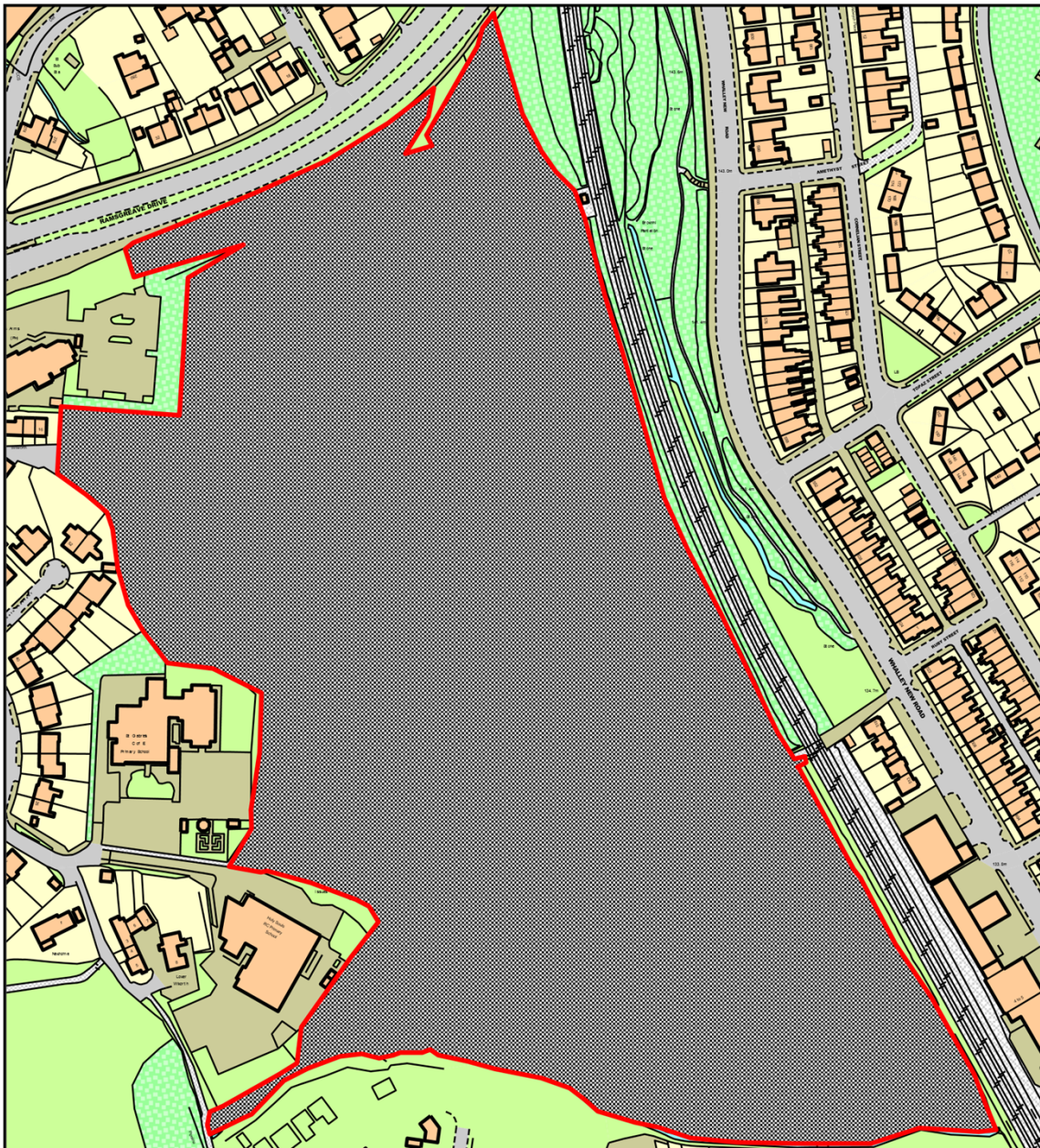
Proposed development: Full Planning Application (Regulation 3) for Development of 155 dwellings and associated landscaping and highways works

Site address: Land at Roe Lee, Off Ramsgreave Drive, Blackburn

Applicant: Persimmon Homes Lancashire

Ward: Roe Lee

**Councillor Phil Riley Councillor
Sylvia Liddle
Councillor Ron Whittle**



1.0 SUMMARY OF RECOMMENDATION

- 1.1 APPROVE – subject to the recommended conditions set out in section 4.0 of this report; and the applicant entering in to a Section 106 Agreement relating to contributions towards off-site highway works to facilitate the development, off-site provision of affordable housing and primary school education provision in the North Blackburn locality.**

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 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, it delivers housing at a site which is allocated for housing development in the Local Plan Part 2 and it meets the objectives identified within the Roe Lee Masterplan. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site forms the northern section of housing land allocation 16/3: which is referred to as the Roe Lee Development Site. The site measures 9.13 hectares and comprises land situated to the south of Ramsgreave Drive, west of Whalley New Road and north of Campbell Street / Campbell Court. The area has an undulating form, rising to the north, and is predominantly covered by rough grassland with some tree coverage towards the northern edge. The land is traversed by PROW's 25, 26, 27, 28 and 31 that provide connectivity from Whalley New Road to the primary schools on the western edge of the site. The periphery of the site has a mix of 19th century terrace properties, inter and post-war semi-detached houses and a variety of modern properties on the southern edge. The eastern boundary is formed by a railway line and an A3 restaurant also lies in close proximity to the site's north west corner.

3.2 Proposed Development

- 3.2.1 The proposal is a full planning application for 155 dwellings and associated landscaping and highways works.
- 3.2.2 The proposed development provides a net density of approximately 17 units per hectare. The 155 units comprise of; 5 x 2 bedroom properties (3%), 88 x 3 bedroom (57%), 50 x four bedroom (32%) and 12 x five bedroom (8%). The new dwellings provide a mix of terrace, semi-detached and detached house types, with the majority falling in to the latter two categories. The properties have a modern appearance, incorporating a mix of red brick and render

finishes, with stone header and cill detailing. All units will have grey concrete tile roofing.

3.2.3 The development will be served by a new vehicular and pedestrian access on to Ramsgreave Drive, which is to be positioned circa 100m to the east of the existing 'Ego' restaurant. In addition, pedestrian links are retained and added to allow for movement to the facilities and residential areas on the periphery of the site. The development includes landscaping throughout and provides for a minimum 30m buffer zone between the railway line on the eastern boundary and the nearest dwellings. The standard garden treatment will be 1.8 close boarded fencing, though gardens fronting the internal roads or in prominent locations will be constructed with brick dwarf walls and piers with timber panel infill. Gabion walling and 1.2m high wire mesh and timber post fencing will be used on the periphery of the eastern section of public open space, due to differing land levels.

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 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 40 – Integrating Green Infrastructure and Ecological Networks with New Development

3.4 Other Material Planning Considerations

3.4.1 Roe Lee Masterplan

The site is within the Roe Lee Masterplan area, occupying the 'Wilworth' character area of the document. The Masterplan was the subject of public

consultation and was prepared in consultation with the land owners and/or promoters. It was adopted by the Council on the 28th November 2016, and as such is a material consideration when considering this and future proposals for the area.

3.4.2 The development vision set out in the masterplan is identified as;

“Development will create an attractive place to live with a strong local identity. It will be characterised by attractive, well-designed buildings and spaces and will comprise of a number of distinctive areas with their own unique character. Development will include a permeable layout and provide safe and attractive connections to the surrounding area and local services and facilities. This will encourage walking and cycling as an alternative to travelling by car and provide improved access to public transport services. All key points of access will be retained and enhanced with connecting routes configured within a high quality public realm. The development will incorporate a network of linked multi-functional green spaces that provide opportunities for creating/enhancing ecological networks, pedestrian/ cycle routes, informal recreation and sustainable drainage measures (SuDs)”.

3.4.3 In order to achieve this vision the development objectives are to:

- Provide a balanced mix of high quality housing mostly family housing;
- Create a varied and distinctive environment in new housing, landscape and public realm;
- Create distinctive character areas across the site;
- Create well-connected movement corridors based on a legible network of streets and pedestrian and cycle routes: both within the site and to surrounding facilities;
- Protect and enhance the watercourses and any sensitive habitats on the site to enhance biodiversity;

3.4.4 The masterplan identifies 3 distinct character areas across the housing allocation. The current proposal is contained entirely within the ‘Wilworth’ character area, which is characterised as follows;

“Wilworth forms the northern part of the site covering all of the Council owned land. It will include larger family homes and have a significant landscape structure. It is expected buildings will in the main be two storey detached or semi-detached with front and rear gardens with a low/medium density (15-25 dph). Garages are to be setback behind frontages or included within the dwelling and parking should be integrated so as not to dominate the street. The southern boundary of this area is defined by Seven Acre Brook. The brook will form an integral component of the proposed green corridor across the site alongside footpaths and integrated cycleways connecting the site to the surrounding area”.

3.4.4 Residential Design Guide Supplementary Planning Document

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

3.4.5 National Planning Policy Framework (NPPF)

The National Planning Policy Framework (Framework) is a material consideration in planning decisions. The Framework sets out a presumption in favour of sustainable development, which is the “golden thread” running through both plan-making and decision-taking. Paragraph 11 of the Framework explains that for decision taking, this means approving development proposals that accord with the development plan without delay. Section 5 of the Framework relates to delivering a wide choice of high quality homes, and Section 8 relates to promoting healthy communities.

3.5 Assessment

3.5.1 When assessing this application there are a number of important material considerations that need to be taken into account. They are as follows:

- Principle and compliance with Masterplan objectives;
- Highways and access;
- Drainage;
- Design and Layout;
- Amenity impact; □ Ecology; and
- Affordable housing.

3.5.2 Principle and Compliance with Masterplan Objectives

The principle of the development is considered under the Blackburn with Darwen Local Plan Part 2: Site Allocations and Development Management Policies (particularly Policy 16 – Housing Land Allocations); and the Core Strategy (particularly Policies CS1 and CS5).

Policy 1 of the Local Plan states that the defined Urban Area is to be the preferred location for new development. Development in the Urban Area will be granted planning permission where it complies with the other policies of this Local Plan and the Core Strategy. The site is located within the urban area boundary defined on the proposals map.

Policy 7 on Sustainable and Viable Development echoes the presumption in favour of sustainable development set out in the NPPF. Thus, applications that accord with policies in the Local Plan will be approved without delay unless material considerations indicate otherwise.

3.5.3 Local Plan Policy 16 allocates land for development within the 15 year life of the Plan, subject to key development principles. This proposal represents residential development on the northern section of site 16/3 – the Roe Lee Development Site, Blackburn. Key development considerations identified in the Local Plan Part 2 include the following;

- This site is to be brought forward in line with a masterplan to be produced covering the whole of the allocation. The masterplan must be agreed by the Council prior to the granting of planning permission for any part of the site.
- The Level 2 SFRA indicates that parts of the site are susceptible to surface water flooding, requiring implementation of appropriate measures to control surface water run-off. There is a 1500mm culvert that runs through the eastern section of the site.
- The southern section of the site has existing access on to Campbell Street. The northern section of the site would require an additional signalised junction off Ramsgreave Drive.
- A programme of archaeological recording will be required before the remaining mills are demolished.
- Contribution towards necessary local highways improvements.
- Completion of appropriate ground investigation works to establish the extent of any ground contamination and whether any mitigation measures are required.
- The site largely contains a number of mature trees and the impact of any development on the biodiversity value of this area would need to be assessed.
- The proximity to the railway line to the east of the site could raise some amenity issues to sections of the site – need for appropriate attenuation measures.
- A contribution will be required towards the establishment of a new primary school in north Blackburn.
- A buffer zone will be required to minimise the impact of the railway line on residents' amenity.
- Any development proposal should conserve the setting and significance of the nearby listed cottages at Further Wilworth.
- Retention and enhancement of public rights of way, to provide connectivity across the whole site.

3.5.4 Core Strategy Policy CS1 sets out the principle that development will be concentrated within the urban area, in which the site is located according to Policy 1 of the Local Plan Part 2.

3.5.5 As an allocated housing site, the principle of the form of development set out in the application is considered to be acceptable and in accordance with the provisions of the development plan in terms of delivering a high quality residential site within the urban area. This position is subject to the more detailed considerations also being in accordance with adopted development plan policy and national guidance.

3.5.6 Highways and Access

Core Strategy Policy 22: *Accessibility Strategy* and Local Plan Policy 10: *Accessibility and Transport*, aim to ensure that new developments provide appropriate provision for access, car parking and servicing so as to ensure the safe, efficient and convenient movement of all highway users is not prejudiced.

3.5.7 Vehicular access into the site will be provided from the A6119 Ramsgreave Drive, approximately 150m east of the A6119 Ramsgreave Drive / Pleckgate Road signalised junction. The design of this access has been prepared by BwDBC as part of wider highway works in the vicinity of the site, in particular the proposed North Blackburn Growth Deal 3 scheme and associated dependent highways improvements at Brownhill Roundabout. Pedestrian access will be provided in the same location as the vehicular access off the A6119 Ramsgreave Drive. Also, pedestrian / cyclist access is currently available via PROWs which run in a north-south and east-west direction through the site.

3.5.8 Parking provision for the development in accordance with the Council's adopted parking standards; 2 spaces for 2/3 bed units and 3 spaces for 4+ bedroom properties. Furthermore the driveway parking spaces are all compliant with the adopted space requirements of 5.5m x 2.4m. A number of the detached garages fail to meet the adopted internal parking standard of 3m x 6m; though that issue can be satisfactorily addressed via planning condition.

3.5.9 A Transport Statement (TS) was submitted in support of the application which evaluated the existing transport and highways context of the site, access, parking and servicing conditions, trip generation and junction capacity. This allows an assessment as to whether the highways network has the capacity to accommodate the potential increases in traffic as a result of significant new residential development; and whether there would be any detriment to highway safety. The TS concluded that;

- The most recently available five-year road safety record of the local area around the site has been examined and does not represent a material concern in the context of the development.
- The accessibility of the site has been assessed by foot, cycle, bus and train modes. Overall, the site is considered to be well located in terms of its accessibility by all these major non-car modes of transport.
- BwDBC have confirmed that no further junction mitigation, beyond that contained within the North Blackburn Growth Deal 3 scheme, is required to accommodate a residential development of up to 200 dwellings on the proposed development site, and therefore no detailed off-site capacity assessments are required as part of this TA.
- The impact of the additional trips generated by the proposed development on the operation of the local highway network has been assessed. The

proposed development traffic equates to only a 1.4% impact when compared to the 2019 base flows at the A6119 / A666 / Pleckgate Road junction. At the A6119 / Pleckgate Road junction the proposed development traffic will equate to only a 1.6% - 2.1% impact when compared to the 2019 base flows.

- Having regard to the analysis presented in this TA, it is considered that there should be no highway related reason to withhold planning permission and the scheme is therefore commended to BwDBC for approval.

3.5.10 Highways Colleagues appraised the submission and whilst no objection is offered in principle the following matters have warranted further attention and/or comment from the applicant;

- The submitted layout should, ideally, have influences from Manual for Streets. The applicant has sought to address this via reference to the number of site constraints (utility easements, PROW routes and topography) that restrict the layout options.
- The scheme includes a number of private drives that exceed the Council's preferred threshold of 3 units; in turn this affects the maximum bin carry threshold, with a number of properties being more than 20 from the nearest collection point. The applicant has indicated that the private drives would be wider than regular at their mid-point to enable bins to be left within 20m of the adopted highway.
- Initial concerns with swept paths provided within the Transport Assessment, though the amended details provided 1st November 2018 satisfactorily address those concerns.
- The scheme proposes pedestrian connectivity through the site to adjacent fields, schools etc. This is welcomed; all paths should be a minimum of 3m wide to allow for both pedestrian and cycle passage simultaneously.

3.5.11 The Council's Highway Team have also set out a series of conditions required in order to support the proposal;

(1) A construction management plan will be required through application of a condition, setting out how the construction process will be managed to ensure that consideration is given to highway safety and residential amenity during the construction phase. The plan will include the following:

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials;
- Erection and maintenance of security hoardings, including decorative displays for public viewing;
- Wheel washing type and location;
- Control of dust and dirt;
- Recycling and disposing of waste.
- Phasing of the development

(2) Prior to the occupation of any of the dwellings hereby approved, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

(3) Prior to the construction of any of the streets referred to in the previous condition full engineering, drainage, street lighting and constructional details of the streets shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.

(4) Sightlines at vehicular access points to be safeguarded in perpetuity

3.5.12 The Council have received a number of objections (note section 9.0 of this report for full details) that relate to the development affecting access to the PROW's within the site, as well as the proposal harming the ability of adjacent homeowners to maintain their existing garden boundaries. The following statement has been compiled in conjunction with the Council's Growth team, PROW officer and Legal section to address these matters;

"The Council has secured the sale of its Roe Lee Housing site off Ramsgreave Drive to Persimmon Homes. As a result of a site inspection/boundary check it was noted that a couple of homeowners on Wilworth Crescent had installed gates in their rear fence which forms a boundary between their property and the Council's land. These gates provide unauthorised entry onto the Council's land for the purposes of maintaining their boundary and for accessing the public right of way to the rear.

The Council as the owner of the land has never been approached by any of the residents seeking permission to cross their land to gain access to the public right of way. There are a number of authorised entrances near to Wilworth Crescent which allow access to the public right of way on the Roe Lee site.

On 30th August 2018 the Council sent letters to each occupier advising them that the gates were providing an illegal/unauthorised means of access and in similar situations residents are requested to remove their gates and to reinstate their boundaries.

The letter also advised that the Council will be erecting their own boundary fence so in this instance they are not required to take any further action. They were also advised that once the new fence had been erected they would no longer be in a position to use the rear gate.

One resident suggested that they had used their gate for around 9 years but have been unable to provide any evidence. However, the minimum time period for claiming a prescriptive right is 20 years. Residents are also advised that

maintenance of their rear fence is allowed under the 'Access to Neighbouring Land Act 1992' and not by means of an access gate giving unauthorised entry to an adjoining owners land.

The Council's Highways team has been consulted on the illegal / unauthorised access and advice as follows:

"The right to pass and repass over a Public Right of Way is granted along the route. It could be joined at any point as long as it is done so legally.

Trespassing to gain access to a PROW is still trespassing.

Section 153 of the highways act 1980 prevents gates and doors from opening onto a Highway."

Residents are advised to seek independent legal advice on their personal situation regarding their rear gates and are invited to make representation to the Council if they feel they have any legal right".

- 3.5.13 In addition to the site specific commentary offered above, the following comments from the Council's Strategic Transport Manager are also pertinent to the assessment of the proposal;

"The consultation process regarding Planning Applications for housing developments in the North Blackburn area has raised a number of concerns regarding Highways and Transport – which are being jointly addressed on a strategic level by the Growth Deal 3 North Blackburn Project, focussed on the upgrade of the Brownhill Roundabout junction alongside localised improvements negotiated through the planning process and to be delivered by the Section 106/278 process.

A significant Section 106 and 278 contribution is expected from the development which will contribute to the following:

- New access from the Roe Lee Development onto Ramsgreave Drive*
- Additional toucan crossing points and amendments to the dual carriageway central reservation*
- Changes to the speed limit, reducing from 40mph to 30mph*
- Additional road safety and highways improvements*
- Contribution to associated corridor works being delivered through the Growth Deal 3 Major Transport Project*

The Growth Deal 3 North Blackburn package of transport improvements will improve a key gateway to the borough at Brownhill Roundabout and nearby junctions. Major transport improvements will support new housing and commercial development, contributing to the delivery of the Council's adopted Local Plan targets for new housing, businesses and jobs. The Roe Lee project is dependent on receiving both Section 106 /278 infrastructure investment and the parallel improvement of highways being delivered through the Growth Deal project.

The Growth Deal 3 package of improvements is focussed on the following:

- *Brownhill roundabout – this forms a key intersection between the Ribble Valley, Blackburn Town Centre and Blackburn's major employment zones at Whitebirk, bringing wider connectivity to the M6/M65/M66 motorways. A number of designated housing sites are close to the junction, hence the need to upgrade this and adjacent junctions on the highway network. Work will include intelligent traffic signal equipment, resurfacing and Whalley New Road parking amendments and bus stop formalisation.*
- *Pleckgate Road / Ramsgreave Drive (Knowles Arms) junction improvement, including new traffic signal equipment.*
- *Whalley Old Road / Whitebirk Drive junction capacity upgrade, increases to the northbound "stacking" lane on Whitebirk Drive and new traffic signal equipment.*

Work at these sites will also include sustainable transport improvements for walking and cycling, highways signage, street lighting, drainage, surfacing, lining and soft and hard landscaping. There will be smart, intelligent signals to reduce congestion and queuing time for users of the highway”.

3.5.14 Drainage

Policy 9 sets out that development will be required to demonstrate that it will not be at an unacceptable risk of flooding and impact on environmental assets or interests, including habitats, species and trees.

3.5.15 The application has been supplemented with a Flood Risk Assessment and outline drainage assessment that advises/concludes;

- The site has been previously undeveloped and can be classified as ‘green field’. Site topography generally falls towards the south eastern area of the site.
- The majority of the site and all the proposed development areas lie within flood zone 1 with a less than 0.1% probability of annual flooding. The risk of flooding from fluvial, surface water, groundwater and other sources is considered low.
- Ground conditions are expected to be unsuitable for infiltration techniques to be employed.
- A number of public combined sewers are present within the site boundary although only one which passes across the site from west to east is deemed to be a site constraint.
- There are a number of open and culverted watercourses within the site boundary although none are deemed to be a site constraint.

- The preferred means of discharge is by infiltration. Initial site investigation suggests that ground conditions are likely to preclude this. The most likely means of discharge of surface water will be to watercourse.
- Based on the development master plan surface water discharge is to be restricted to the existing mean annual flood flow (Q_{bar}) for events up to and including the 1 in 100 year plus 40% climate change and the 1 in 1 year flow is not to exceed the existing 1 in 1 year green field run of rate. Based on the indicative site master plan the total allowable discharge from the developed areas of the site will be restricted to approximately 24.1 l/sec.
- To accommodate the run-off from the 1 in 100 year plus 40% climate change allowance event approximately 2400 m³ of storage is required assuming an impermeable area of the development parcels of approximately 60%.
- Sustainable Urban Drainage Techniques (SUDS) are the preferred means of storage, and wherever feasible, the conveyance of surface water. It is envisaged that attenuation ponds, detention basins, or constructed wetlands are the most cost effective solution to accommodate the necessary storage volume with conveyance to these features by swales, infiltration strips or trenches, and channels or rills. Source control techniques utilising water butts, permeable paving and rainwater harvesting should also be considered.
- It is anticipated that Blackburn with Darwen Borough Council are likely to be responsible for adopting and maintaining new the open surface water storage structures.
- It is proposed that foul water flows will be connected to the existing adopted sewers within the site boundary. The total foul flow from the development is calculated as 7 l/sec.
- Foul drainage will be designed and constructed in accordance with Sewers for Adoption and United Utilities standards under a Section 104 Agreement.

3.5.16 The Lead Local Flood Authority have scrutinised the proposed drainage details, and have confirmed that the drainage design, in principle, is acceptable, subject to the application of suitably worded conditions to ensure their effective construction and future management. Specifically those conditions will need to address;

- a) Full details of the detention basin/ pond, showing how the required storage volume will be achieved.
- b) Details showing that the side slopes to the basin/ pond will be a minimum of 1 in 3 with together with sufficient room for maintenance around the edge. c) Details showing the path of exceedance flows from the basin/pond.
- d) Land Drainage Consent for the discharge to the watercourse will be required and the applicant is to contact the Lead Local Flood Authority to

apply for the consent Reasons To ensure that the basin/ pond is designed in accordance with current best practice and does not increase the risk of flooding.

e) Maintenance/management of the sustainable drainage system to be secured. No dwelling shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the agreed details.

3.5.17 Subject to adherence to the principles within the drainage strategy and compliance with the aforementioned conditions, the development is considered acceptable, in accordance with the requirements of the Masterplan and Policy 9 of the Local Plan Part 2.

3.5.18 Design and Layout

Policy 11 of the Local Plan requires development to present a good standard of design, demonstrating an understanding of the wider context and make a positive contribution to the local area. The policy sets out a list of detailed design requirements relating to character, townscape, public realm, movement, sustainability, diversity, materials, colour and viability. This underpins the main principles of sustainable development contained in the NPPF.

3.5.19 The proposed development provides a net density of approximately 17 units per hectare. The 155 units comprise of; 5no 2 bedroom terraced houses, 88no. 3 bedroom semi-detached house; 50 no. 4 bedroom units in a mix of semi-detached and detached styles; and 12 no. 5 bedroom detached dwellings. The properties have a modern appearance, with the majority units being constructed with red brick and grey concrete roof tile materials, with art stone detail to headers and cills.

3.5.20 Policy 18 of the Local Plan Part 2 illustrates that the Council requires a detached and semi-detached housing offer to be the principal element of the dwelling mix on any site that is capable of accommodating such housing. That position is replicated within the adopted Roe Lee Masterplan. Given the intended mix the proposal is compliant with both requirements.

3.5.21 The properties have carefully considered internal layouts to offer a variety of configurations to appeal to families of varying sizes and needs. The house types represent an appropriate variety of styles and, together with their orientation, will create varied and attractive street scenes. Basic details of the external materials have been submitted but it is still considered to be necessary to impose the Council's condition to require prior approval of submitted materials.

3.5.22 Details of the proposed boundary treatments have been provided, alongside a detailed layout to illustrate the boundary treatments for each part of the site. Front gardens are commonly open plan. The standard rear garden treatment will be a 1.8m close boarded fence, but for those sections that flank the estate road the boundaries will be formed by 1.8m brick walls and piers, with timber infills. The large area of open space on the eastern portion of the site is to be bounded by stone gabions and post and rail fence secured with wire mesh.

3.5.23 The general approach is consistent with most modern estates and is broadly welcomed. However, the Council had requested that a more robust treatment be provided to all exposed rear boundaries – the applicant has indicated that the use of brick throughout would be cost inhibitive, though has indicated that a management scheme will be operated that ensures that the proposed timber fencing would be regularly maintained and replaced, as necessary. No details of the management have been supplied with the application and it is therefore considered to be appropriate to control this element via planning condition – the wording of the condition also being broadened to require details for the future maintenance and management of the communal open areas be agreed. Representations have also been made to the developer to avoid the use of knee rail fencing on the southern edge – instead utilising the wire mesh/post and rail fencing used on the eastern edge. The applicant has verbally communicated agreement with this, though no amended details have been provided. Accordingly it is necessary to secure details of the siting and appearance of boundary treatment via condition.

3.5.24 Core Strategy Policy 20 and Policy 8 of LLP2 seek to reduce crime through effective design solutions. The scheme has been assessed by the Lancashire Police Architectural Liaison Officer. They have made a number of recommendations as part of their response including inter alia the use of 1.8 metre perimeter fencing; Adequate lighting; Natural surveillance of public spaces; Appropriate species and siting of landscaping; rear gardens to be secured with 1.8m high close boarded fencing; consideration towards alternative boundary treatments; External ground floor windows and doors to be PAS24/2012 certified. Many matters are already addressed satisfactorily by the submission, other items could be attached as a series of informatives to the decision notice, as necessary.

3.5.25 Overall the comprehensive details submitted illustrate a design and layout which show dwellings, infrastructure and landscaping which accords with the provisions of the relevant policies of the development plan and the adopted Roe Lee masterplan, subject to the conditions outlined.

3.5.26 Ecology

Policy 9 of the LPP2 supports development where there is no unacceptable impact upon environmental assets, including habitats and protected species.

3.5.27 An extended phase 1 habitat survey and ecological scoping assessment informed the production of the masterplan. In addition that document has been supplemented by an updated ecology report and supplementary assessments relating to protected species including bats and great crested newts. The key findings include;

- There are no statutory nature designated sites within the site, or within 2km of the site.
- Habitats of Principal Importance are included within the sites application area, these are: Deciduous woodland, Naturally fluctuating water bodies,

Eutrophic standing waters including ditches, ponds and brooks, Upland flushes, fens and swamps, and Wet woodland.

- No evidence of protected species was found on site during the initial survey, or follow-up survey in 2018; however the site does have the potential to nesting birds, bats and amphibians.
- A range of opportunities exist to mitigate or compensate for any biodiversity losses which will enhance the future nature conservation and amenity value of the site through the management of the existing habitats and the creation of new habitats within any future scheme proposals.

3.5.28 Capita Ecology have fully appraised the submissions and conclude that the reports sufficiently provide a baseline for any potential ecological issues and that there are no concerns in relation to ecology within the site and the impact of the development, subject to the use of planning conditions relating to working practices; restriction on timing of vegetation removal, invasive species control, woodland/landscape management, and suitable lighting. Thus the overall impact of the proposed development is considered to accord with the provisions of the adopted Masterplan and Policy 9 of the Local Plan

3.5.29 Amenity Impact

Policy 8 of the LPP2 relates to the impact of development upon people. Importantly, at section (ii) of the policy there is a requirement for all new development to secure satisfactory levels of amenity for surrounding uses and future occupiers of the development itself. Reference is made to matters including; noise, vibration, odour, light, dust, privacy/overlooking and the relationship between buildings.

3.5.30 The Residential Design Guide SPD indicates an appropriate separation of 21 metres between facing windows of habitable rooms of two storey dwellings, unless an alternative approach is justified to the Council's satisfaction. Where windows of habitable rooms face a blank wall or a wall with only non-habitable rooms a separation of no less than 13.5 metres shall be maintained, again unless an alternative approach is justified to the Council's satisfaction.

3.5.31 The separation distances to the existing properties on the site's periphery are wholly compliant with the requirements of the SPD. Furthermore, between the proposed properties within the site the separation is also broadly in accordance with the Council's adopted standards, though the occasional marginal sub-standard interface exists.

3.5.32 Further assessment of the relationship between properties on the north and western edge are required in relation to the potential nuisance from odour, noise and light emanating from 'Ego' restaurant and the adjacent primary schools. Similarly further work in relation to land contamination and the potential risks to future occupants and users of the site is required. Reports are currently under assessment and the findings on these issues will be presented in the committee update report

3.5.33 Notwithstanding the above, the overall impact of the proposed development is considered to accord with the provisions of the adopted Masterplan and Local Plan Part 2.

3.5.34 Affordable Housing

Core Strategy Policy CS8 advises that all new residential development will be required to contribute towards the Borough's identified need for affordable housing; this being achieved through on-site provision, or through a financial contribution towards off-site delivery. The overall target for affordable housing is set at 20%

3.5.35 Local Plan Policy 12: Developer Contributions, which accords with the NPPF, indicates that where request for financial contributions are made, the Council should be mindful of the total contribution liability incurred by developers. The applicant has indicated their desire For off-site provision, and submitted a viability report that has been independently appraised. The outcome of which is that it is accepted that due to the other liabilities on the site there is not adequate room to provide in accordance with the 20% threshold. Instead a contribution of £181,000 has been agreed towards off-site provision.

3.5.36 Summary

This report assesses the full planning application for 155 dwellings on a parcel of undeveloped land, situated to the south of Ramsgreave Drive, Blackburn. In considering the proposal a wide range of material considerations have been taken in to account during the assessment of the planning application.

3.5.37 The assessment of the proposal clearly shows that the planning decision must be made in terms of assessing the merits of the case against any potential harm that may result from its implementation. This report concludes that the proposal provides a high quality housing development with associated infrastructure, which meets the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, and the National Planning Policy Framework.

4.0 RECOMMENDATION

4.1 APPROVE subject to;

(i) Delegated authority is given to the Head of Service for Growth and Development to approve planning permission subject to an agreement under Section 106 of the Town & Country Planning Act 1990, relating to the payment of financial contributions in line with the following;

(a) £500,000 as a contribution towards off-site highway works, including junction improvements at Brownhill Roundabout, gateway features in North Blackburn, road markings, signage, removal of crash barriers and reinstatement of central reservation

- (b) £181,000 as a contribution towards the provision of off-site affordable housing
- (c) £500,000 as a contribution towards the cost of provision, expansion or other improvement of primary educational facilities in the North Blackburn locality.

Should the Section 106 agreement not be completed within 6 months of the date of the planning application being received, the Head of Service for Planning will have delegated powers to refuse the application.

(ii) Planning conditions relating to the following matters;

- Commence within 3 years
- Phasing plan to be submitted and agreed
- Materials to be submitted and implemented
- Prior to the occupation of any of the dwellings hereby approved, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.
- Prior to the construction of any of the streets referred to in the previous condition full engineering, drainage, street lighting and constructional details of the streets shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.
- Siting and appearance of boundary treatment to be submitted and agreed
- Scheme for maintenance and management of areas of open space and boundary treatment to be submitted and agreed
- Development in accordance with the submitted landscaping plans LDS433-01A, LDS433-02A and LDS0433-03A. Planting to be within first planting season post development.
- Landscaping and boundary treatment management and maintenance plan to be agreed and implemented
- Visibility splays to be protected
- Construction management plan to be submitted and implemented
- Foul and surface water to be drained on separate systems
- Details of attenuation pond(s) to be agreed prior to commencement of development
- Future maintenance and management of the surface water drainage to be agreed
- Development in accordance with working practices and recommendations set out in submitted arboricultural impact statement (Amenity Tree Care: ref version 1 - 07 06 2018)
- Development to be undertaken in accordance with the working practice recommendations set out in section 4.0 of the Updated Ecology Survey and Assessment (Erap Ltd – ref 2018:097)
- Woodland Management Plan and Landscape management Plan to be submitted for agreement prior to first occupation of the development.

- Lighting Scheme to minimise impact upon protect bats and their habitats to be submitted and agreed
- Finished floor levels to be agreed and implemented
- Permitted development rights to be removed (Part 1, Classes A to E)
- Unexpected contamination
- Land contamination
- Air quality mitigation; external car charging and boiler emission limitations
- Limitation of construction site works to:
 - 08:00 to 18:00 Mondays to Fridays
 - 09:00 to 13:00 Saturdays
 - Not at all on Sundays and Bank Holidays

5.0 PLANNING HISTORY

5.1 No relevant planning history exists for the site

6.0 CONSULTATIONS

6.1 Arboricultural Manager

No objections

6.2 Lead Local Flood Authority:

No objection subject to conditions relating to the following areas;

(1) Further drainage design information and detail is required to be submitted and approved by the Local Authority prior to commencement, namely;

- a) Full details of the detention basin/ pond, showing how the required storage volume will be achieved.
- b) Details showing that the side slopes to the basin/ pond will be a minimum of 1 in 3 with together with sufficient room for maintenance around the edge.
- c) Details showing the path of exceedance flows from the basin/pond.
- d) Land Drainage Consent for the discharge to the watercourse will be required and the applicant is to contact the Lead Local Flood Authority to apply for the consent

(2) No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents' Management Company
- b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:

- i. On-going inspections relating to performance and asset condition assessments
- ii. Operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

6.3 Head of Public Protection:

See update report

6.4 Education Section:

No objections subject to a £500,000 contribution towards the cost of provision, expansion or other improvement of primary educational facilities in the North Blackburn locality, secured via a Section 106 Agreement

6.5 Environmental Services:

No objections

6.6 Highways:

The submitted Transport Assessment is noted and accepted. The impact of the additional trips generated by the proposed development on the operation of the local highway network has been assessed. The proposed development traffic equates to only a 1.4% impact when compared to the 2019 base flows at the A6119 / A666 / Pleckgate Road junction. At the A6119 / Pleckgate Road junction the proposed development traffic will equate to only a 1.6% - 2.1% impact when compared to the 2019 base flows. It can be concluded that there would be no material impacts arising from trip generation associated with the development.

The submitted layout should, ideally, have influences from Manual for Streets. The applicant has sought to address this via reference to the number of site constraints (utility easements, PROW routes and topography) that restrict the layout options.

- The scheme includes a number of private drives that exceed the Council's preferred threshold of 3 units; in turn this affects the maximum bin carry threshold, with a number of properties being more than 20 from the nearest collection point. The applicant has indicated that the private drives would be wider than regular at their mid-point to enable bins to be left within 20m of the adopted highway.

- Initial concerns with swept paths provided within the Transport Assessment, though the amended details provided 1st November 2018 satisfactorily address those concerns.
- The scheme proposes pedestrian connectivity through the site to adjacent fields, schools etc. This is welcomed; all paths should be a minimum of 3m wide to allow for both pedestrian and cycle passage simultaneously.

Suggested conditions relating to; construction methods statement; sightlines at junctions and driveways being secured in perpetuity; details of arrangement for future maintenance and management of the proposed streets, until such time that an agreement has been entered into under section 38 of the Highways Act 1980, or a private maintenance company is established; full details of the engineering, drainage, street lighting and construction details of the streets to be submitted and agreed.

6.7 Capita Ecology:

The submitted ecological reports/surveys have been produced/undertaken in excess of 2 years prior to this assessment, however, the submission is supplemented with an updated report produced by consultant ecologists, Erap, that confirms the recommendations within the 2016 report/survey remain valid.

Proposals are unlikely to have any potentially significant adverse effects on the integrity of any statutory or non -statutory sites or the conservation population status of any protected species, and it is therefore considered that the Preliminary Ecological Appraisal (PEA) sufficiently addresses any potential ecological issues and constraints.

Suggested conditions are in line with the recommendations set out in the submitted ecology report(s);

- A Woodland Management Plan (WMP) should be undertaken as recommended and detailed within the report. This should be accompanied by a 5-10-year Landscape Management Plan (LMP) for the remainder of the site and submitted to the LPA for approval. The LMP should also include monitoring.
- Please apply a condition on lighting strategy that it must be designed and used to minimise impacts on bats and their insect food. All exterior lighting should follow the guidance of the Bat Conservation Trust. Current (June 2014) advice is at <http://www.bats.org.uk/>. The lighting strategy should be submitted to the LPA for approval
- Please apply the usual conditions to protect nesting birds, that existing trees and shrubs must be cleared outside the bird nesting season (March – end of August) unless inspected immediately beforehand by a competent ecologist and found to be free of active nests and fledglings in respect of any Schedule 1 species.
- Works to be in conjunction with recommendations set out in section 4.0 of the 'Updated Ecological Survey and Assessment (May 2018): Erap Ltd (ref:2018:097)'

6.8 Strategic Housing:

In summary, the proposed development will contribute positively to the Council's aspiration to see new homes being developed in the Borough as part of the Growth priority. The Borough is significantly under-represented in larger, good quality family homes and is actively supporting developments which increase the choice of homes in the borough. This scheme proposes to provide new mid to higher value family housing to cater for identified needs and aspirations in the Borough. The Housing Growth Team is supportive of the proposal subject to it meeting the Council's planning policies.

6.9 Police Architectural Liaison Officer

The submitted crime impact statement is formed based on local crime figures and trends. The security measures are site specific, appropriate and realistic to the potential threat posed from crime and anti-social behaviour in the immediate area of the development. No objections, but recommended that the scheme should be developed to achieve 'Secured by Design' accreditation. Recommendations include:

- Adequate lighting;
- Natural surveillance of public spaces;
- Appropriate species and siting of landscaping ;
- Rear gardens to be secured with 1.8m high close boarded fencing
- Consideration towards alternative boundary treatments
- External ground floor windows and doors to be PAS24/2012 certified
- Dwellings should be fitted with an intruder attack alarm, or provision made to enable easy installation of an alarm by the homeowner

6.10 Environment Agency:

We have reviewed the Phase 1 Geo-Environmental Desk Study for Roe Lee Housing Development dated June 2016 report ref:CS087587-P1DS-02-RL and Phase 2 Ground Investigation & Assessment Roe Lee Housing Development dated October 2016 report:CS087990GIA.

The red-edge boundary of the proposed development site excludes two areas of derelict land associated with the old farm site and the old buildings located to the south east that are included in the Phase 1 and 2 reports. However there remains a medium risk of contamination associated with the remaining proposed development site that could be mobilised during construction and pollute controlled waters. Controlled waters are sensitive in this location because the proposed development site is located upon a Secondary A aquifer.

Environment Agency position: The proposed development will be acceptable if the following planning conditions are included, carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Suggested conditions:

(1) Prior to each phase of development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include;

a) A preliminary risk assessment which has identified: ☐ all previous uses

- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) The results of the site investigation and detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

The Phase 1 and Phase 2 reports already submitted satisfy part 1 and partially part 2 of this condition. The Phase 2 report indicates that further work is required to finalise the classification of the environmental ground conditions. Please submit the finding of the further work to fully satisfy part b of the first condition.

(2) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

6.11 United Utilities:

No objection subject to the conditions relating to; foul and surface water being drained on separate systems, further details of surface water drainage being agreed, and details of the future maintenance and management of the SUDs being agreed

6.12 Network Rail:

No objections subject to measures identified to secure safe operation and integrity of the railway. Requirement that drainage plans are submitted to Network Rail for approval. Additional items relating to working practices, timing of works and asset protection to be laid out as informatives within the planning decision notice

6.13 Public Consultation:

Public consultation has included 300 neighbouring premises being individually consulted by letter; site notices and a press notice have also been displayed. In response 14 letters of objection and 4 letters offering comment have been received.

7.0 CONTACT OFFICER: Martin Kenny, Principal Planner, Development Management

8.0 DATE PREPARED: 7th December 2018