

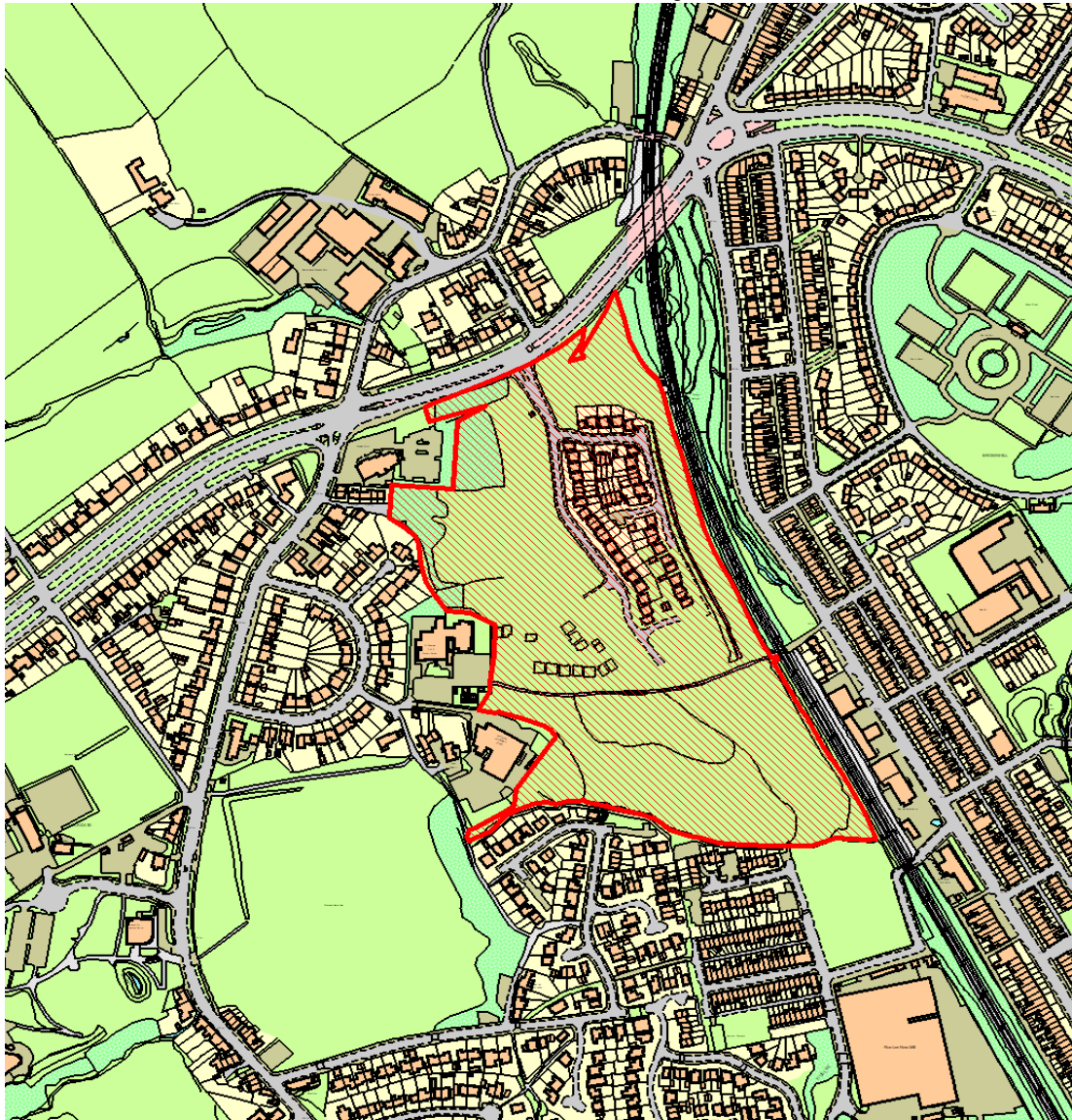
Proposed development: Variation/Removal of Condition/Minor Material Amendment for Variation of Condition Nos. 18 and 20 pursuant to planning application 10/19/0802 to update the AIA and Landscaping Scheme to allow for removal of dangerous trees and compensatory planting

**Site Address:
Land at Roe Lee
off Ramsgreave Drive
Blackburn**

Applicant: Persimmon Homes

Ward: Roe Lee

**Councillors: Phil Riley
Sylvia Liddle
Saj Ali**



1.0 SUMMARY OF RECOMMENDATION

- 1.1 **APPROVE** subject to the amendment of conditions 18 and 20 imposed upon extant planning approval 10/19/0802.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is before the Planning & Highways Committee as it represents an amendment to a large-scale major residential planning application. The proposal seeks to amend conditions 18 (arboricultural impact assessment) and 20 (landscaping) of planning approval 10/19/0802, which itself represented a variation to planning approval 10/18/0895: "Development of 155 dwellings and associated landscaping and highways works". There are no changes to the number of units or the agreed layout.
- 2.2 The amendments represent modest changes to the previously approved development, pertaining to the removal of 3 trees within plots 122-124, 127 and 128 and the use of compensatory planting within the affected plots and adjacent to the pedestrian access from Pleckgate Road. The changes will continue to deliver a high quality bespoke housing development, which will widen the choice of family housing in the Borough, consistent with the planning strategy for housing growth as set out in the Core Strategy and Local Plan Part 2.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site 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 has an undulating form, rising to the north, 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.
- 3.1.2 Construction of the previously approved development, as varied by planning permission 10/19/0802, has been ongoing for a number of years and is substantially complete.



Image 1 - Extract from submitted landscape masterplan of the whole development site.

3.2 Proposed Development

3.2.1 The current application seeks to modify conditions imposed upon the extant permission. The affected conditions are detailed below;

3.2.2 Condition 18: This condition details a requirement for development to proceed in accordance with agreed working practices and recommendations set out within the arboricultural method statement submitted in support of the original application.

3.2.3 The current proposal seeks to update the agreed method statement to provide for the removal of 3 existing trees within plots 122 to 124, 127 and 128. The trees are identified for removal due to conflicts arising from land levels and adverse impacts on future occupants due to overshadowing and the relationship between the tree canopies and the new properties.



Images 2 and 3: Affected trees within plots 122-124

3.2.4 Condition 20: This condition requires development to proceed in accordance with an agreed landscaping scheme, which identifies both retained vegetation and new planting

3.2.5 The submission provides for updated landscaping plans to replace the previously agreed plans. The proposals seek to compensate for the loss of the trees within plots 122-124 with replacement tree planting (species: *Betula utilis jacquemontii*). In addition, the landscaping scheme has also been updated with the continuation of a hedge (species: *Viburnum Opulus*) adjacent to the public footpath that links to Pleckgate Road.

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 Local Plan Part 2:

- Policy 9 – Development and the Environment

3.4 Assessment

3.5.1 Condition 18 amendment: Condition 18 of 10/19/0802 set a requirement for the development to proceed in accordance with working practices and recommendations detailed within the arboricultural method statement submitted in support of the original application, 10/18/0895.

3.5.2 Through the subsequent development on site, and specifically construction of plots 122-124 and 127-128, conflicts arising from site levels and the proximity to the new housing have been identified that would cause maintenance and safety concerns to future occupants of the affected plots. Additionally, evidence of Ash die-back has also been noted within the affected group. These concerns have led to the current application which seeks to remove 4 trees, providing mitigation through replacement planting.

3.5.3 The Council's arboricultural consultant has indicated that the proposed tree works and tree removal can be justified in accordance with good arboricultural practice, subject to mitigation to offset adverse impacts on visual amenity. Accordingly, the proposal can be considered to meet the relevant requirements of Local Plan Policy 9

3.5.4 Condition 20 amendment: Condition 20 of 10/19/0802 detailed the requirement for development to proceed in accordance with agreed landscaping plans. The agreed plans identified both retained trees and supplementary planting.

3.5.5 The proposed tree removal, identified above in relation to condition 18, also has ramifications for the previously agreed landscape proposals controlled by condition 20. It is proposed to offset the loss of the trees within plots 122-124 and 127 with replacement planting of heavy standard *Betula utilis jacquemontii*. Furthermore, to offer additional enhancements, it has also been agreed that supplementary planting of native hedging, *Viburnum Opulus*, shall be introduced adjacent to the green space adjoining the pedestrian link to the site from Pleckgate Road.



Image 4: Excerpt from landscape plan detailing location of new planting

3.5.6 The proposed level of planting and chosen species have resulted from dialogue between the developer, planning section and arboricultural consultants acting for both parties. Furthermore, given the ratio of planting, the proposals are consistent with Policy 9 (part 14) which indicates that where tree removal can be justified planning conditions will require an equivalent number or more trees to be planted on or near the site.

4.0 RECOMMENDATION

That delegated authority is given to the Strategic Director of Growth & Development to approve planning permission, subject to the amendment to the wording of the previously imposed planning conditions:

Condition 18

The development hereby approved shall be undertaken in accordance with the working practices and recommendations set out in in the arboricultural impact statement (Amenity Tree Care: ref version 2 – 10.11.2022), submitted 30th November 2022, and the 'Compliance Statement', received 15th May 2023, unless alternative working practices are approved in writing by the Local Planning Authority.

REASON: To ensure the proposal safeguards ecological features and protected species in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2 and the National Planning Policy Framework.

Condition 20

The development hereby approved shall be undertaken in accordance with the landscape plans ref: LDS433-01G; LDS433-02G; LDS433-03G; LDS433-04G, and Landscape Specification ref LDS433(g)-LS, received 15th May 2023. Trees and shrubs shall be planted on the site in accordance with the landscaping scheme during the first available planting season. Trees and shrubs dying or becoming diseased, removed or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs.

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

5.0 PLANNING HISTORY

- 5.1 10/18/0895 - Development of 155 dwellings and associated landscaping and highways works (Approved December 2018).
- 5.2 10/19/0279 - Erection of temporary sales cabin for 6 months and associated works (Approved July 2019).
- 5.3 10/19/0389 - Discharge of Condition Nos 2, 3, 4, 5, 7, 9, 10, 21 pursuant to planning application 10/18/0895 (Approved November 2020).
- 5.4 10/19/0606 - Discharge of Condition Nos 8, 13, 14 and 15 pursuant to planning application 10/18/0895 (Approved September 2020).
- 5.5 10/19/0802 - Variation of Condition No.29 pursuant to planning application 10/18/0895 - replace drawing no: RLB:PL01 Rev with drawing no: RLB: PL01 Rev F - for addition of a sub-station and revised and additional footpaths (Approved September 2020).
- 5.6 10/20/0404 - Non-material amendment pursuant to planning application 10/18/0895 - reorientation of Plot 83 due to location of cable. (Approved September 2020).
- 5.7 10/21/0095 - Non Material Amendment pursuant to planning application 10/18/0895 'Development of 155 dwellings and associated landscaping and highway works' to amend positioning of bay window for plots 1 and 83 (Approved March 2021).

- 5.8 10/21/1031 - Non-material amendment pursuant to planning application 10/18/0895 "Development of 155 dwellings and associated landscaping and highways works" - amendment of surface treatment plan for drives, changing to brindle red block paving on private driveways (Approved December 2021).
- 5.9 10/22/0491 - Variation of condition No. 29 pursuant to planning application 10/19/0802 - to amend house types on plots 51-90 (Withdrawn).

6.0 CONSULTATIONS

- 6.1 Public Consultation: A press notice has been issued and site notices displayed. No representations have been received.
- 6.2 Arboricultural Officer: The affected trees include one early mature Ash tree, which is displaying some symptoms of Ash die-back.

The proposed scheme has been assessed in line with guidance provided in BS 5837:2012 in order to achieve a harmonious relationship between trees and structures that can be sustained in the long term.

On balance the proposed tree removal can be agreed, subject to the compensatory planting detailed in the submission.

7.0 CONTACT OFFICER: Martin Kenny, Planning Officer

8.0 DATE PREPARED: 1st June 2023