

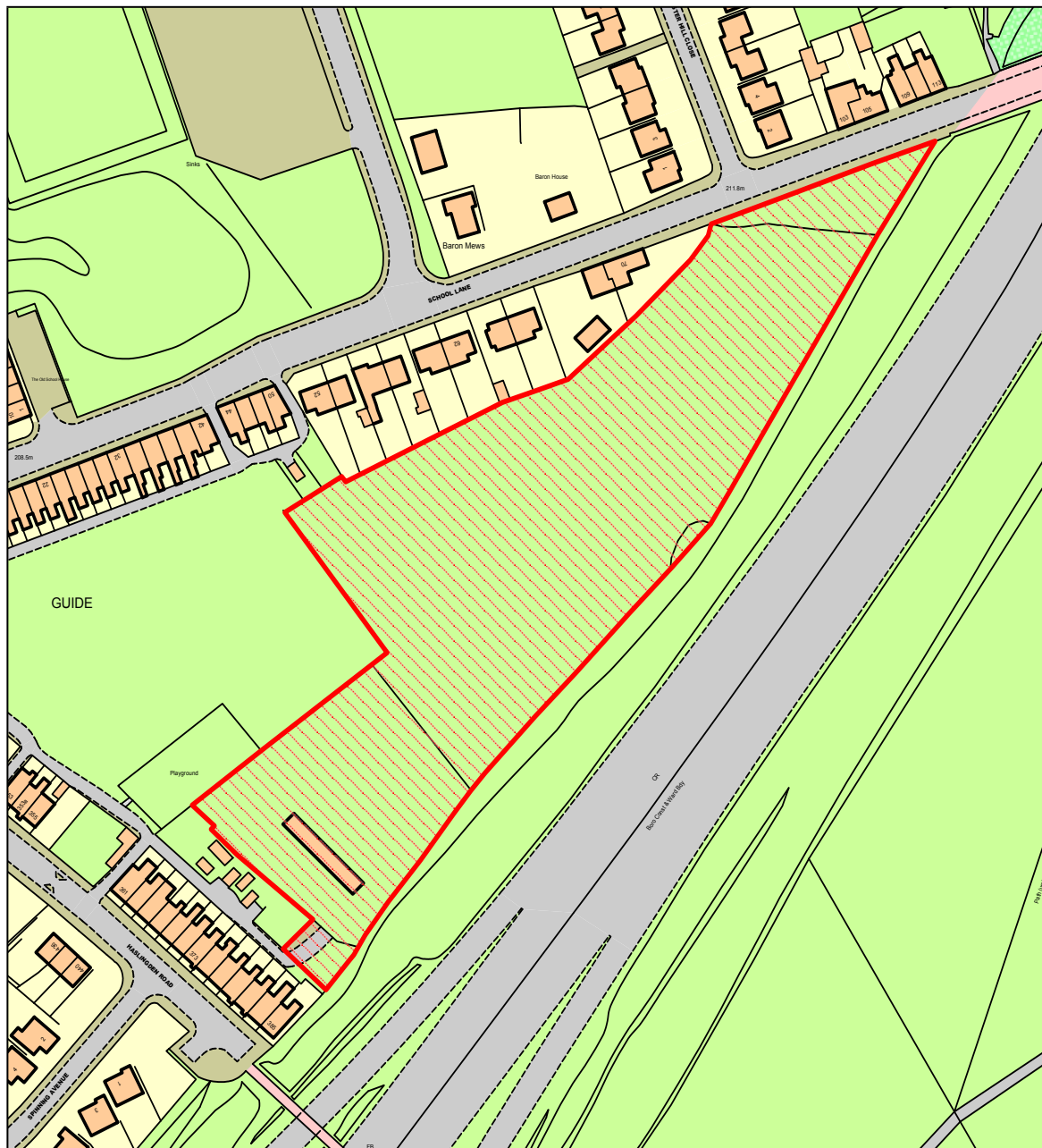
**Proposed development: Full Planning Application for Full application for 45 dwellings with associated new access, landscaping and parking and associated works.**

**Site address: Land at School Lane, Guide, Blackburn, BB1 2JX**

**Applicant: Wainhomes (North West) Ltd & Bowsall Ltd**

**Ward: Blackburn South East**

**Councillor Andy Kay  
Councillor Vicky McGurk  
Councillor Jim Shorrocks**



## 1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to recommended conditions (see paragraph 3.0.).

## 2.0 DETAILS OF APPLICATION

2.1 Members will recall approving a resolution to support the application at the August 2018 meeting of the Planning & Highways Committee subject to the following:

- (i) **That delegated authority is given to the Head of Service for Planning to approve planning permission subject to an agreement under Section 106 of the Town and Country Planning Act 1990, relating to the payment of financial contributions which relate to the following matters:**
- (a) £36,000 as a contribution towards off-site highway works, for a pelican crossing and speed reduction measures on School Lane, payable prior to commencement of development
  - (b) £63,270 as a contribution towards off-site green infrastructure, for improvements to Guide Play Area, payable prior to commencement of development
  - (c) £96,230 as a contribution towards the provision of Affordable Housing in the Borough, payable in 2 instalments (£40,000 on completion of the 20<sup>th</sup> dwelling and £56,230 on completion of the 35<sup>th</sup> dwelling); and
  - (d) £4,500 as a contribution towards sustainable transport initiatives including annual travel surveys of the site, payable on completion of the 20<sup>th</sup> dwelling

Should the s106 agreement not be completed within 6 months of the date of this resolution, the Head of Service for Planning will have delegated powers to refuse the application

2.2 The S106 Agreement has still not been completed and signed. Since the meeting in August, the applicants have been in negotiations with Highways England relating to the proposed acoustic barrier between the application site and the motorway boundary. The Committee recommended at the August meeting, the following two conditions to be imposed:

1. *No works pursuant to this application shall begin on site until such time as the design, materials and construction methods to be adopted for the proposed acoustic barrier and earth bund have been subject to the full requirements of the Design Manual for Roads and Bridges standard BD2/12 'Highway Structures: Approval Procedures and General Design Approval Procedures', have been given Technical Approval by a competent and independent Technical Approval Authority appointed by the applicant and that this technical Approval has been agreed in writing with Highways England.*

2. *There shall be no direct vehicular or pedestrian access of any kind between the site and the M65 motorway. To this end, a close-boarded fence or similar barrier of not less than 2 metres high shall be erected along the boundary of the site and the M6 motorway that has been agreed with and constructed to the satisfaction of Highways England and the Local Planning Authority. Any fence or barrier shall be erected a minimum of one metre behind the existing motorway boundary fences on the developer's land and be independent of the existing motorway fence.*

2.3 Highways England preference is to accept a scheme (subject to agreeing the Technical Approval) relating to a bund and 3 metre high acoustic barrier fence to be erected at least 1 metre back from the motorway boundary fence (i.e. the foot of the bund or the fence itself is 1.5 metres away from the motorway fence), but without a separate householder garden fence behind it. The applicants have confirmed they are only proposing a fence solution with no bund combination. Highways England have therefore, recommended that the conditions be revised to the following:

1. There shall be no direct vehicular or pedestrian access of any kind between the site and the M65 motorway. To this end, a close-boarded fence or similar barrier of not less than 3 metres in height shall be erected along the boundary of the site and the M65 motorway along the alignment line K to L as indicated on Wainhomes drawing ref. WH/SLG/SL/02. Any fence or supporting earth bund or structure shall not be placed less than 1 metre away from the existing wooden motorway boundary fence.
2. No part of this development shall commence until such time as the design, materials and construction methods to be adopted for the proposed 3 metre high acoustic fence and/or earth bund (along the alignment line K to L as indicated on Wainhomes drawing ref. WH/SLG/SL/02), and referred to in condition (1) above, has been subject to the full requirements of the Design Manual for Roads and Bridges standard BD2/12 'Highway Structures: Approval Procedures and General Design Approval Procedures', has been given Technical Approval by a competent and independent Technical Approval Authority appointed by the applicant and that this Technical Approval has been agreed in writing with Highways England.

2.4 The applicants are happy with this revised wording. The Committee is advised that these conditions have been agreed in writing by the applicant in accordance with the Town & Country Planning (Pre-commencement conditions) Regulations 2018, which came into force on the 1<sup>st</sup> October 2018.

### **3.0 RECOMMENDATION: Approve subject to**

- (ii) **That delegated authority is given to the Head of Service for Planning to approve planning permission subject to an agreement under Section 106 of the Town and Country Planning Act 1990, relating to**

**the payment of financial contributions which relate to the following matters:**

- (e) £36,000 as a contribution towards off-site highway works, for a pelican crossing and speed reduction measures on School Lane, payable prior to commencement of development
- (f) £63,270 as a contribution towards off-site green infrastructure, for improvements to Guide Play Area, payable prior to commencement of development
- (g) £96,230 as a contribution towards the provision of Affordable Housing in the Borough, payable in 2 instalments (£40,000 on completion of the 20<sup>th</sup> dwelling and £56,230 on completion of the 35<sup>th</sup> dwelling); and
- (h) £4,500 as a contribution towards sustainable transport initiatives including annual travel surveys of the site, payable on completion of the 20<sup>th</sup> dwelling

Should the s106 agreement not be completed within 6 months of the date of this resolution, the Head of Service for Planning will have delegated powers to refuse the application

**(iii) Conditions relating to the following matters**

- Commence within 3 years
- Approved details/drawings
- Materials to be submitted and implemented
- Sightlines clearance to be kept in perpetuity for all access points
- Construction management plan 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.
- Scheme detailing detached garages with a minimum internal dimension of 3m x 6m per vehicle to be agreed.
- Permitted development rights to be removed (Part 1, Classes A to E)
- Land contamination
- 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.
- A scheme employing best practicable means for the suppression of dust during the period of construction to be agreed/implemented.

- A scheme detailing the provision of acoustic glazing and mechanical extraction ventilation or positive input ventilation system for all dwellings to be agreed.
- No vegetation removal during bird nesting season (Mar to Aug) unless absence of bird nests established by suitably qualified ecologist.
- Development to be undertaken in accordance with recommendations set out in section 5 of the submitted Ecological Survey and Assessment
- Drainage to be undertaken in accordance with the submitted Flood Risk Assessment report
- Scheme for management and maintenance of the surface water drainage to be agreed
- No development shall commence until the design and layout of all boundary design features between the site and the M65 motorway (including but not limited to planting, fencing and retaining walls) together with working method statements have been agreed with Highways England in conjunction with the local planning authority.
- There shall be no direct vehicular or pedestrian access of any kind between the site and the M65 motorway. To this end, a close-boarded fence or similar barrier of not less than 3 metres in height shall be erected along the boundary of the site and the M65 motorway along the alignment line K to L as indicated on Wainhomes drawing ref. WH/SLG/SL/02. Any fence or supporting earth bund or structure shall not be placed less than 1 metre away from the existing wooden motorway boundary fence. There shall be no development on or adjacent to any motorway embankment that shall put any embankment or earthworks at risk.
- No part of this development shall commence until such time as the design, materials and construction methods to be adopted for the proposed 3 metre high acoustic fence and earth bund (along the alignment line K to L as indicated on Wainhomes drawing ref. WH/SLG/SL/02), and referred to in condition (1) above, has been subject to the full requirements of the Design Manual for Roads and Bridges standard BD2/12 'Highway Structures: Approval Procedures and General Design Approval Procedures', has been given Technical Approval by a competent and independent Technical Approval Authority appointed by the applicant and that this Technical Approval has been agreed in writing with Highways England.
- There shall be no earthworks within one metre of the M65 eastbound motorway boundary fence.
- No drainage from the proposed development shall run off into the motorway drainage system, nor shall any drainage adversely affect the motorway embankment.
- No works relating to the construction of the facility shall require any temporary closure to traffic of the M65 motorway.
- Access to the site for the purposes of maintaining the existing motorway boundary fence, embankment and motorway boundary landscape planting shall not be withheld to Highways England and its representatives.
- No construction works associated with this planning application shall

be carried out on land in the ownership of the Highways England Company Limited under Title LA723383.

**4.0 CONTACT OFFICER: Martin Kenny, Principal Planner, Development Management**

**5.0 DATE PREPARED: 8<sup>th</sup> October 2018**