

REPORT OF THE DIRECTOR Plan No: 10/17/1380 and 1391

Proposed development: 10/17/1380 – Variation of Condition No.4 pursuant to planning application 10/16/0077 to replace Drawing No BS 12-106/11 with Drawing BS 12-106/11 Rev A to provide an improved arrangement of the playing pitches

10/17/1391 – Deed of Variation of Section 106 Agreement associated with planning application 10/16/0077 to amend the Blackburn Community Sports Club Junior Pitch Replacement and Orientation Works by Replacing Plan 3 in the Agreement from Drawing No. BS 12-106/11 to Drawing No BS 12-106/11 Rev A and amending the associated Schedule of Works and costings.

Site address: Old Blackburnians Memorial Ground, Lammack Road, Blackburn, BB1 8LA

Applicant: Mr Tattersall

Ward: Beardwood with Lammack/Roe Lee

Councillor Michael Lee	
Councillor Julie Daley	
Councillor Imtiaz Ali	
Councillor Phil Riley	
Councillor Sylvia Liddle	
Councillor Ron Whittle	



1.0 SUMMARY OF RECOMMENDATION

- 1.1 It is recommended that Members agree to the variation of the Section 106 Agreement, and approve the revised layout associated with the variation of condition application.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 Since Outline planning permission was granted for the residential development at the March 2016 Planning & Highways Committee, and the associated Section 106 Agreement was signed and sealed on the 1st August 2017, there have been subsequent discussions between the interested parties i.e. QEGS, the Old Blackburnians (OBA), the Old Blackburnians Football Club and the Blackburn Community Sports Club (BCSC) relating to the provision of improved replacement pitches associated with the aforementioned Section 106 Agreement. The changes required to implement these new arrangements are relatively minor, but require the formal process of varying the Section 106 Agreement, and the approved drawing pursuant to planning application 10/16/0077. There are no implications on the proposed development site for the residential development, which will be subject to a separate Reserved Matters application. In essence, the proposal would be to provide the BCSC with more land, so as to enable some additional flexibility in their future operations.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The site is located to the east of Lammack Road and the south of Willow Trees Drive, behind the Hare and Hounds pub and the Lammack Methodist Church. It is a relatively flat parcel of land, being around 2.35 hectares, and is currently used as 2no. football pitches for the Old Blackburnians Association.
- 3.1.2 The site has a Public Right of Way to the south and a regular bus service along Lammack Road. To the south of the application site are the QEGS sports pitches; and to the east sits Lammack Juniors football pitches and Pleckgate High School beyond. There is an existing club house and car park on site, along with a number of individual trees, groups of trees and a hedgerow.

3.2 Proposed Development

- 3.2.1 The proposed development pursuant to planning application 10/16/0077, granted outline planning permission at the March 2016 Planning & Highways

Committee, for residential development of up to 75 residential dwellings, including details of the means of access and demolition of existing club house.

- 3.2.2 The approval granted under 10/16/0077, was subject to the applicants entering into a Section 106 Agreement (signed on the 1st August 2017), to covenant a financial contribution towards three elements; (i) replacement and reorientation of pitches (£107,186), (ii) refurbishment of changing rooms (£110,000), and affordable housing.

Application 10/17/1391 relates to the proposed Deed of Variation relating to criterion (i) of the legal agreement, primarily the BCSC Junior pitch replacement, and reorientation works to:

“Replace Plan 3 in the Agreement from Drawing No. BS 12-106/11 to Drawing No BS 12-106/11 Rev A”.

Application 10/17/1380 relates to the variation of Condition No.4 pursuant to planning application 10/16/0077. Condition No.4 states:

“No development shall commence on site until a scheme to ensure the continuity of the existing sports use of the playing fields shown edged red on Drawing No BS 12-106/Sketch 02 and BS 12-106/11, is submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The scheme shall ensure that a replacement facility is at least as accessible and at least equivalent in terms of size, usefulness, attractiveness and quality to the existing playing fields and shall include a timetable for implementation. The approved scheme shall be implemented and complied with in full throughout the carrying out of the development. REASON: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Policy 9 of the Local Plan Part 2 and paragraph 74(ii) of the NPPF.”

The proposed variation seeks to replace Drawing No BS 12-106/11 with Drawing BS 12-106/11 Rev A, to provide an improved arrangement of the playing pitches, and amend Condition No.4 accordingly.

3.2 Development Plan

- 3.2.1 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:

3.2.2 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
- CS18 – The Borough’s Landscapes
- CS19 – Green Infrastructure

3.2.3

3.2.4 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
- Policy 41 - Landscape

3.3 Assessment

3.3.1 The proposed new plan referred to in paragraph 3.2.2, has been agreed between the respective parties and is intended to provide an improved arrangement of the playing pitches. Sport England, as a statutory consultee, has been formally consulted on the proposed changes, and raises no objections. They have consulted with the Football Foundation, who act on behalf of the Football Association, and consider that the additional detail set out below is welcomed.

3.3.2 The additional detail that the proposed revised arrangements will offer has created the following benefits:

- The retention of the existing playing pitches at their current sizes (as per the original drawing pursuant to application 10/16/0077). This is also a mandatory requirement of Sport England.
- The creation of a straight boundary between the re-orientated pitches and the development site, providing a more uniform arrangement.
- An increase in the land available to the BCSC, improving the circulation areas around the pitches.
- The incorporation of a storage facility for sporting goods used by BCSC.
- The identification of a proposed access to the pitches, to be used during the construction period of the adjoining development.
- The re-orientation of the pitches minimises the impact of the existing drainage inspection chambers.
- The incorporation of behind-goal netting.

3.3.3 The schedule of works set out in Appendix A of the legal agreement relating to the Lammack Junior Pitch replacement and re-orientation works will need to

be revised together with the costings set originally as £9,207. These revisions will be drafted by the Council's Senior Team Leader, Green Spaces in the Environment & Leisure Department in consultation with the applicant. The agreed revisions will be included in the Deed of Variation.

- 3.3.4 The current land occupied by BCSC is under a lease to the Council. The land title deeds are proposed to be altered to include a 3 metre strip, which will be gifted to the Council from the owners of the memorial ground. A separate process to receive this piece of land is being coordinated by the Council's Head of Property and Projects. This will also include a further section of land to be transferred between Council title deeds to allow the pitch orientation, and provide arrangements for a new 25 year lease relating to the amended site.
- 3.3.5 Any alterations to the entrance route to the pitches will be completed by OBA/BCSC, in addition to the proposed new storage area. High ball netting is being provided to the rear of one end of pitch 1, to protect balls entering the existing gardens and leaving the site. This new netting will be provided by OBA/BCSC, and is shown on Drawing No.BS 12-106/11 Rev A associated with application 10/171380.

RECOMMENDATION

- 4.1 **10/17/1380: Approve** – replace Drawing No BS 12-106/11 with Drawing BS 12-106/11 Rev A, and amend Condition No.4 pursuant to planning application 10/16/0077 accordingly.

10/17/1391: Approve subject:

- (i) That delegated authority is given to the Director of Growth & Development to approve the proposed Deed of Variation (emphasised in bold) associated with an agreement under S106 of the Town & Country Planning Act 1990, relating to the payment of a financial contribution towards:
- a) Replacement pitches – the 3no. playing pitches at the site are to be lost through the development and require replacement provision, under Policy 9 of the Local Plan Part 2. 2no. pitches are to be provided at Old College Playing Fields, with the developer providing a contribution of £97,979, **and the Lammack Juniors pitch replacement and reorientation works, with the developer providing a contribution to be agreed between the Council and the applicant - Replace Plan 3 in the Agreement from Drawing No. BS 12-106/11 to Drawing No BS 12-106/11 Rev A**
- b) Refurbishment of changing rooms- the existing changing rooms at the site to be lost through development will require the refurbishment of the existing Council owned changing rooms (10no.) adjacent to the Old College Playing Fields, with the developer providing a contribution of £110,000
- c) Affordable Housing - A formula detailing “‘x’ no. of dwellings x (42.5% of average affordable house value) x 20% =£y contribution) towards the provision of affordable housing off-site in the locality. The average affordable

house value is set at £150,000. The number of dwellings is currently proposed as up to 75.

Should the S106 agreement not be completed within 6 months of the date of this resolution, the Director of Growth & Development will have delegated powers to refuse the application.

4.0 PLANNING HISTORY

- 5.1 10/16/0077 – Outline planning permission for residential development of up to 75 residential dwellings, including details of the means of access and demolition of existing club house – subject to S106 Agreement dated 1st August 2017.

5.0 CONSULTATIONS

- 6.1 Sport England – No objections.
- 6.2 2no site notices for each application were posted on the 17th November 2017 – one on Willow Trees Drive, and one on Lammack Road adjacent to the proposed access to the application site. No comments have been received.

7.0 CONTACT OFFICER: Gavin Prescott, Development Manager

8.0 DATE PREPARED: 5th December 2017