

# Public Document Pack

## Planning and Highways Committee

Thursday, 20th December, 2018

6.30 pm

Meeting Room A, Blackburn Town Hall

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Date Published: Wednesday, 12 December 2018  
Harry Catherall, Chief Executive

## PLANNING AND HIGHWAYS COMMITTEE

Thursday, 15 November 2018

**PRESENT** – Councillors: Smith (in the Chair), Akhtar, Brookfield (substitute for Khan), Casey, Daley, Davies, Jan-Virmani, Khonat, Marrow (substitute for Hardman) Oates, Richards, Riley and Slater Ja.

**OFFICERS** - Gavin Prescott (Development Manager), Rabia Saghir and Safina Alam (Highways), Lorraine Mellodey (Capita), Paul Withington (Capita) and Firoza Hafeji (Democratic Services).

### RESOLUTIONS

**38**     **Welcome and Apologies**

The Chair welcomed everyone to the meeting. Apologies were received from Councillors Hardman and Khan.

**39**     **Minutes of the Previous Meeting**

**RESOLVED** – That the minutes of the last meeting held on 18<sup>th</sup> October 2018 be confirmed and signed as a correct record.

**40**     **Declaration of Interest**

**RESOLVED** – There were no Declarations of Interest received.

**41**     **Planning Applications for Determination**

The Committee considered reports of the Director of Growth and Development detailing the planning applications.

In considering the applications, the Committee took into account representations or submissions provided by individuals with the officers answering points raised during discussion thereon.

**RESOLVED** – That the following decisions be made on the applications:

**42**     **Planning Application 10-18-0154**

**Applicant** – Mr Matthew Garnett

**Proposed Development** – Full Planning Application for construction of a stable block for up to 6 horses with storage and tack room. Menage area and timber boundary fence (resubmission of 10/15/0912).

**Decision under Town and Country Planning Acts and Regulations** – Approved subject to the conditions highlighted in the Director’s Report.

**43**     **Planning Application 10-18-0290**

**Applicant** – Blackburn Waterside Regeneration Ltd

**Proposed Development** – Reserved Matters application (access within the site, landscape, layout, appearance, scale) pursuant to outline application 10/15/0496 for Phase 1a comprising of 95 dwellings and associated infrastructure.

**Decision under Town and Country Planning Acts and Regulations** – Approved subject to the conditions highlighted in the Director’s Report.

**44**     **Planning Application 10-18-0317**

**Applicant** – Blackburn Waterside Regeneration Ltd

**Proposed Development** – Variation of conditions 2, 6, 14, 15, 16, 18, 19, 22, 29, 32, 33, 36, 37, 38, 40, 41, 43 and 44 pursuant to planning application 10/15/0496 relating to outline planning permission with all matters reserved save for access for a mixed use development of a maximum if the following: 500 dwellings, 3,224m<sup>2</sup> of B1a employment use, 9,192m<sup>2</sup> of B1c employment use, 333m<sup>2</sup> of A1 commercial use, 1,110m<sup>2</sup> community building, structural planting and landscaping, informal open space and associated ancillary works, to facilitate a phased development.

**Decision under Town and Country Planning Acts and Regulations** – Approved subject to all conditions imposed upon the extant permission 10/15/0496 being reapplied and amending the conditions in line with the details set out in section 3.5 of the Director’s Report.

**45**     **Planning Application 10-18-0740**

**Applicant** – Blackburn Waterside Regeneration Ltd

**Proposed Development** – Variation of Legal Agreement / S106 for Variation to Section 106 Planning Obligation for Planning Application 10/15/0496.

**Decision under Town and Country Planning Acts and Regulations** – Approved the variation of the S106 Agreement pursuant to Planning Application 10/15/0496, which now included a revised commuted sum payment and a clause relating to the Developer constructing a spine road as highlighted in the Director’s Report.

**46**     **Planning Application 10-18-0963**

**Applicant** – Blackburn with Darwen Borough Council

**Proposed Development** – Full Planning Application for refurbishment of two existing AGPs (Artificial Grass Pitches) with replacement artificial grass pitch surfaces, floodlights, ball stop fencing and hard standing areas.

**Decision under Town and Country Planning Acts and Regulations** – Approved subject to the conditions highlighted in the Director’s Report and additional condition in the Update Report.

**47**     **Diversion of Public Footpath**

A report was submitted seeking approval for a public path order under the Highways Act 1980, Section 119 to divert part of public footpath 209 Darwen, around Jacks Key reservoir. In summarising the report the PROW Officer highlighted that the affected Ward should have read Darwen South.

The Committee was advised that on 3<sup>rd</sup> May 2016 an application to divert a section of footpath 209 was received. The applicant had advised that the existing route across the earth dam had become partially unsafe.

A consultation has been undertaken with a range of users and interest groups in the area and no objections had been received.

The Committee was informed that the cost of the new path would be met by the Applicant.

**RESOLVED** – That the Public Path Order be approved.

#### **48**     **Diversion of Public Footpath**

A report was submitted seeking approval for a public path order under the Highways Act 1980, Section 119 to divert part of public footpath 1 Livesey at the entrance of the development from Livesey Branch Road in Blackburn.

The Committee was informed that following the erection of 167 residential units with associated vehicular access and car parking, the alignment of the public footpath had been impacted.

The Committee was advised that on 2<sup>nd</sup> January 2017 an application to divert a section of footpath 209 was received.

**RESOLVED** – That the Public Path Order be approved.

#### **49**     **Petition**

A report was submitted to advise the Committee of the receipt of a petition from residents of Brookfield Street, Blackburn regarding their request to make Brookfield Street One Way from Whalley Street down to its junction with Carr Street.

The petition was received on 30<sup>th</sup> May 2018 and contained 27 signatories.

The grounds of the petition were highlighted in the Director's Report.

**RESOLVED** –

- 1) That the Committee support the Officer recommendations that the request for the introduction of a one-way system on Brookfield Street is rejected; and
- 2) That Lead Petitioner be informed of the decision

#### **50**     **Objection Report**

With the agreement of the Committee, this item was withdrawn from the Agenda.

**51     Exclusion of the Press and Public**

**RESOLVED** – That the press and public be excluded from the meeting during consideration of the following item in view of the fact that the business to be transacted is exempt by virtue of paragraph 5 of Schedule 12A to the Local Government Act 1972.

**52     Enforcement Report**

A report was submitted seeking authorisation to take enforcement action against all persons having an interest in land at the east side of Bennington Street, Blackburn as outlined in the location plan contained within the Director’s Report.

Background information including grounds for the request were outlined in the report.

**RESOLVED** - That authorisation be given to the proposed enforcement action.

Signed: .....

Date: .....

Chair of the meeting  
at which the minutes were confirmed

## DECLARATIONS OF INTEREST IN ITEMS ON THIS AGENDA

**Members attending a Council, Committee, Board or other meeting with a personal interest in a matter on the Agenda must disclose the existence and nature of the interest and, if it is a Disclosable Pecuniary Interest or an Other Interest under paragraph 16.1 of the Code of Conduct, should leave the meeting during discussion and voting on the item.**

**Members declaring an interest(s) should complete this form and hand it to the Democratic Services Officer at the commencement of the meeting and declare such an interest at the appropriate point on the agenda.**

MEETING: **PLANNING AND HIGHWAYS COMMITTEE**

DATE:

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

(Paragraphs 8 to 17 of the Code of Conduct for Members of the Council refer)

## Material Consideration

**“Material Considerations”** are not limited to matters relating to amenity and can cover a range of considerations, in regard to public or private interests, provided that there is some relationship to the use and development of land.

Where it is decided that a consideration is material to the determination of a planning application the courts have held that the assessment of weight is a matter for planning judgement by the planning authority, rather than the court. Materiality is a matter of law for the Court, weight is for the decision maker. Accordingly it is for the Committee to assess the weight to be attached to each material consideration, but if a Council does not take account of a material consideration or takes account of an immaterial consideration then the decision is vulnerable to challenge in the courts.

By section 38(6) of the Planning & Compensation Act 2004 Act every planning decision must be taken in accordance with the development plan (taken as a whole) **unless material considerations indicate otherwise**. The policies and guidance contained in the hierarchy of planning documents are important material considerations and the starting point for the Committee in its assessment of development proposals and most decisions are usually taken in line with them.

However, the Committee is legally obliged to consider all material matters in determining a planning application and this means that some decisions will not follow published policy or guidance. In other words, the Committee may occasionally depart from published policy when it considers this is outweighed by other factors and can be justified in the circumstances of the particular case. Similarly, in making a decision where there are competing priorities and policies the Committee must exercise its judgement in determining the balance of considerations

The following provides a broad guide of what may and may not be material, though as with any broad guidance there will on occasions be exceptions

<b>MATERIAL:</b>	<b>NOT MATERIAL:</b>
Policy (national, regional & local)	The identity of the applicant
development plans in course of preparation	Superceded development plans and withdrawn guidance
Views of consultees	Land ownership
Design	Private Rights (e.g. access)
Visual impact	Restrictive covenants
Privacy/overbearing/amenity impacts	Property value
Daylight/sunlight	Competition (save where it promotes a vital and viable town centre)
Noise, smell, pollution	Loss of a private view
Access/traffic/accessibility	“moral issues”
Health and safety	“Better” site or use”
Ecology, landscape	Change from previous scheme
Fear of Crime	Enforcement issues
Economic impact & general economic conditions	The need for the development (in most circumstances)
Planning history/related decisions	



Cumulative impact	
Need (in some circumstances – e.g. green belt)	
Impacts upon and provision of open/amenity space	
existing use/permitted development rights/fall back	
retention of existing use/heritage issues	
fear of setting a precedent	
composite or related developments	
Off-site benefits which are related to or are connected with the development	
In exceptional circumstances the availability of alternative sites	
Human Rights Act 1998 & Equality	

Before deciding a planning application members need to carefully consider an application against the provisions of the Human Rights Act 1998.

Protocol 1 of Article 1, and Article 8 confer(s) a right of respect for a person's private and family life, their possessions, home, other land; and business assets.

Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their representation, and comments,

In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Head of Planning and Transport has concluded that some rights conferred by these Articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that interference is proportionate, in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. Furthermore he believes that any restriction on these rights posed by the approval of an application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Other duties have to be taken into account in determining planning applications for example the promotion of measures to reduce crime, the obligation not to act in a discriminatory manner and promote equality etc.

**NB: Members should also be aware that each proposal is treated on its own merits!**

#### Reasons for Decision

If members decide to go against officer recommendations then it is their responsibility to clearly set out their reasons for doing so, otherwise members should ask for the application to be deferred in order that a further report is presented setting out the background to the report, clarifying the reasons put forward in the debate for overriding the officer recommendation; the implications of the decision and the effect on policy; what conditions or agreements may be needed; or just to seek further information.

If Members move a motion contrary to the recommendations then members must give reasons before voting upon the motion. Alternatively members may seek to defer the application for a further report. However, if Members move a motion to follow the recommendation but the motion is lost. In these circumstances then members should be asked to state clearly their reasons for not following the recommendations or ask that a further report be presented to the next meeting



## BwD Council - Development Control

General Reporting

REPORT NAME: *Committee Agenda.*

### REPORT OF THE DIRECTOR OF GROWTH & DEVELOPMENT

#### LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 BACKGROUND PAPERS

There is a file for each planning application containing application forms, consultations, representations, Case Officer notes and other supporting information.  
Gavin Prescott, Development Manager – Ext 5694.

**NEIGHBOUR NOTIFICATION:** The extent of neighbour notification is shown on the location plans which accompany each report. Where neighbours are notified by individual letter, their properties are marked with a dot. Where a site notice has been posted, its position is shown with a cross.

#### PLANNING APPLICATIONS FOR DETERMINATION Date: 20/12/2018

Application No	Applicant	Site Address	Ward
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10/18/0317

Blackburn Waterside Regeneration Ltd Mr John Gladwyn	Former Sappi Paper Mill Livesey Branch Road	Livesey With Pleasington
Blackburn Waterside Regeneration Ltd 4th Floor, Queen Victoria House 41-43 Victoria Street Douglas Isle of Man IM1 2LF	Feniscowles Lancashire BB2 5HX	

Variation/Removal of Condition/Minor Material Amendment for Variation of conditions 2, 6, 14, 15, 16, 18, 19, 22, 29, 32, 33, 36, 37, 38, 40, 41, 43 and 44 pursuant to planning application 10/15/0496 relating to outline planning permission with all matters reserved save for access for a mixed use development of a maximum of the following: 500 dwellings, 3,224m<sup>2</sup> of B1a employment use, 9,192m<sup>2</sup> of B1c employment use, 333m<sup>2</sup> of A1 commercial use, 1,110m<sup>2</sup> community building, structural planting and landscaping, informal open space and associated ancillary works, to facilitate a phased development

**RECOMMENDATION: Permits**

10/18/0740

Blackburn Waterside Regeneration 4th Floor Queen Victoria House 41-43 Victoria Street Douglas Isle of Man IM1 2LF	Sappi Paper Mill Livesey Branch Road Feniscowles BB2 5HX	Livesey With Pleasington
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Variation of Legal Agreement/S106 for Variation to Section 106 Planning Obligation for planning Application 10/15/0496

**RECOMMENDATION: Permits**

10/18/0895

Persimmon Homes Lancashire Miss Claire Norris Persimmon House Lancaster Business Park Caton Road Lancaster LA1 3RQ	Land at Roe Lee Off Ramsgreave Drive Blackburn	Roe Lee
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Full Planning Application (Regulation 3) for Development of 155 dwellings and associated landscaping and highways works

**RECOMMENDATION: Permits**

Application No	Applicant	Site Address	Ward
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Application Type

10/18/0957

Maple Grove Developments Sceptre House Sceptre Way Bamber Bridge Preston PR5 6AW	Cathedral Square Blackburn	Blackburn Central
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Full Planning Application (Regulation 3) for Erection of a six storey building comprising ground floor commercial uses A1, A3 and A4 with offices above and area of open space

**RECOMMENDATION: Permits**

10/18/1054

Blackburn with Darwen Borough Council Mr Mike Cliffe Town Hall Blackburn BB1 7DY	Land linking Richmond Terrace to Barbara Castle way Blackburn	Blackburn Central
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Full Planning Application (Regulation 4) for New link road connecting Richmond Terrace to Barbara Castle Way

**RECOMMENDATION: Permits**

**REPORT OF THE DIRECTOR**

**Plan No: 10/18/0317**

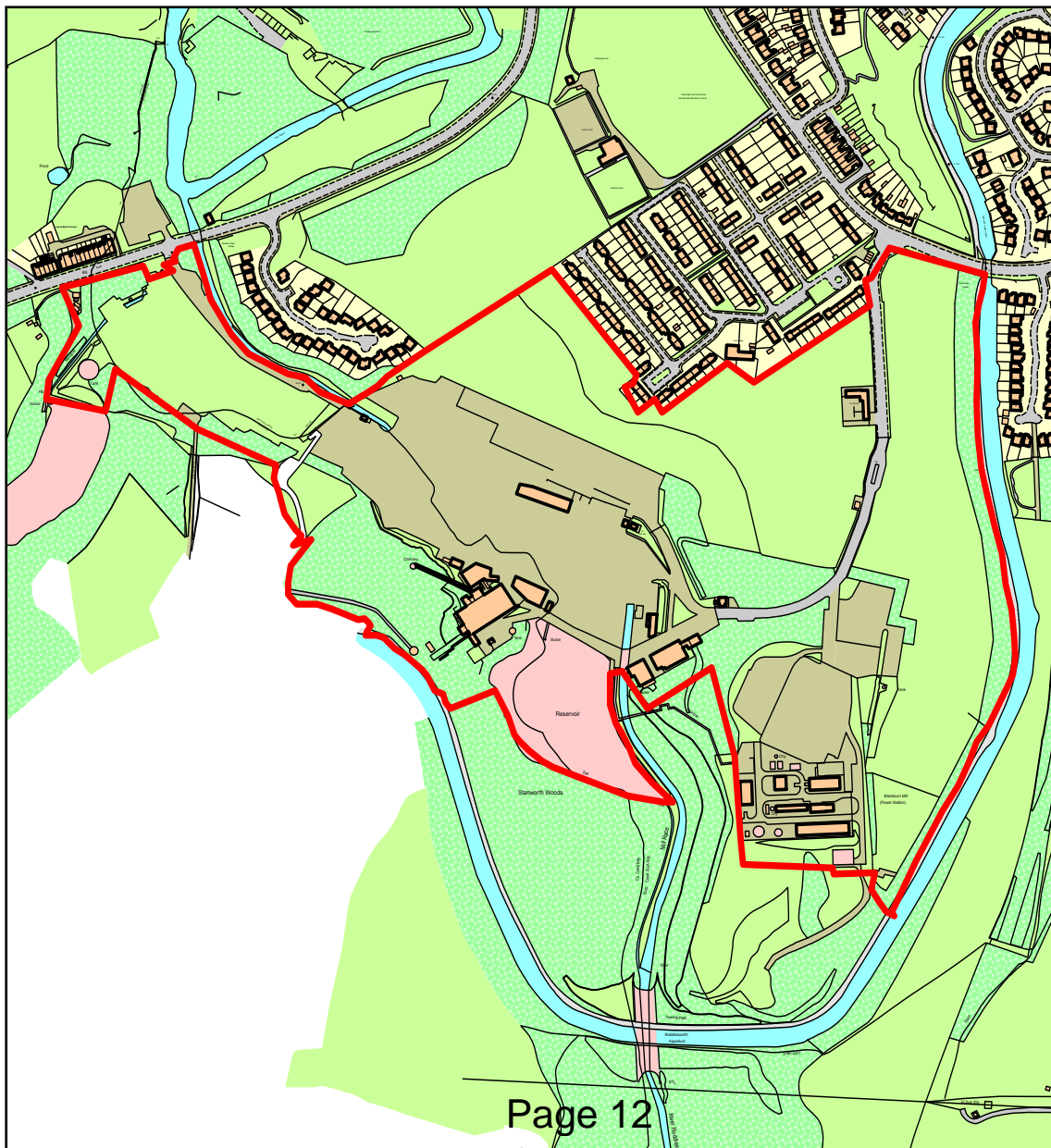
**Proposed development: Variation of conditions 2, 6, 14, 15, 16, 18, 19, 22, 29, 32, 33, 36, 37, 38, 40, 41, 43 and 44 pursuant to planning application 10/15/0496 relating to outline planning permission with all matters reserved save for access for a mixed use development of a maximum of the following: 500 dwellings, 3,224m<sup>2</sup> of B1a employment use, 9,192m<sup>2</sup> of B1c employment use, 333m<sup>2</sup> of A1 commercial use, 1,110m<sup>2</sup> community building, structural planting and landscaping, informal open space and associated ancillary works, to facilitate a phased development**

**Site address: Former Sappi Paper Mill, Livesey Branch Road, Feniscowles, BB2 5HX**

**Applicant: Blackburn Waterside Regeneration Ltd**

**Ward: Livesey With Pleasington**

**Councillor Derek Hardman  
Councillor John Pearson  
Councillor Paul Marrow**



## **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 **APPROVE** – amending conditions attached to planning permission 10/15/0496

## **2.0 DETAILS OF APPLICATION**

- 2.1 Members will recall at the meeting in November 2018, approving this application relating to amendments to conditions pursuant to an application that was previously considered and approved at the November 2015 meeting of the Planning & Highways Committee.
- 2.2 Also at the meeting, Members approved the resolution relating to the Deed of Variation relating to the S106 Agreement pursuant to planning application 10/15/0496 (ref: 10/18/0740).
- 2.3 The release of the final decision notice relating to 10/18/0317 cannot occur until the Deed of Variation to the S106 Agreement has been signed, sealed and completed.
- 2.4 The applicants wish for the formal release of the decision notice pursuant to 10/18/0317, prior to the completion of the Deed of Variation application, in order to proceed with the formal Discharge of Condition applications.
- 2.5 A covering letter has been received from the applicant's agent dated 4<sup>th</sup> December 2018, confirming the agreed process with officers on how this action can proceed. It states:

*“It is confirmed that we agree to the following process as the best solution going forward with regards to the formal release of the S73 planning approval prior to the completion of the Deed of Variation application. This solution would be able to take the S106 DoV heads of terms document that has been agreed, and add a planning condition which says:-*

*No works hereby approved by this permission, shall commence until the S106 Agreement dated 18<sup>th</sup> November 2015 has been formally varied by way of a Deed of Variation which gives effect to the terms contained in the Heads of Terms document dated 1<sup>st</sup> November 2018 , and attached to this decision notice.*

- 2.6 The proposed recommended resolution to application 10/18/0740 would also include a mechanism to protect the Council:

*“Should the Deed of Variation to the S106 Agreement not be completed within 6 months of the date of this resolution (or within an agreed extension of time confirmed in writing by the Head of Service for Planning), the Head of Service for Planning will have delegated powers to refuse the application (10/18/0740).*

2.7 Members are advised that this additional condition and the resolution to planning application 10/18/0740 are acceptable.

### 3.0 RECOMMENDATION

3.1 **APPROVE – Reapplying all conditions imposed upon the extant permission 10/15/0496 (as amended); and including the additional condition referred to in paragraph 2.5 above.**

No works hereby approved by this permission, shall commence until the S106 Agreement dated 18th November 2015, has been formally varied by way of a Deed of Variation which gives effect to the terms contained in the Heads of Terms document dated 1<sup>st</sup> November 2018 , and attached to this decision notice.

*Condition No.2:* Details of the following matters (subsequently referred to as the reserved matters) for each phase of development (as defined under condition 9) shall be submitted to and be approved in writing by the Local Planning Authority before the commencement of any works:-

- a) Appearance.
- b) Landscaping.
- c) Layout
- d) Scale

*Condition No.6:* This condition advises that no development (excluding site preparation and ground work) shall occur until a scheme detailing the following works to the Finnington Lane/Moulden Brow traffic signal junction has been submitted to and approved in writing. However subsequent to this request additional discussions and agreements have taken place which omits this requirement completely. It is therefore proposed that this condition be removed from the approval.

*Condition No.14:* This condition states that for the avoidance of doubt, surface water shall drain separately from the foul. Unless otherwise agreed in writing, no surface water shall discharge directly or indirectly into the public foul, combined or existing surface water sewerage systems in accordance with the Foul and Surface Water Drainage strategy submitted and approved pursuant to conditions 10/11/12/13 and with the details contained in the submitted application form, flood risk assessment prepared by Edenvale Young dated 7 May 2015, and the Drainage Report prepared by Bright Young Consulting ref: 1872/DR001 Rev 1 dated 14 May 2015 or any subsequent future reports approved by the Local Authority which supersedes those original documents.

*Condition No.15:* Prior to commencement of any phase or part of any phase of the development hereby permitted, full details of the foul drainage scheme for that phase including full details of any connections to the foul sewer network and any necessary infrastructure shall be submitted to and approved in writing by the local planning authority (in consultation with United Utilities

Limited). The details for each part or phase must be consistent with the Foul and Surface Water Drainage Strategy submitted and approved pursuant to the above conditions 10/11/12/13. No housing or other development shall be occupied until the approved foul drainage scheme for that phase connecting to the house has been completed in accordance with the approved details and written notice of this fact has been sent to the Local Planning Authority.

*Condition No.16:* Prior to the commencement of each phase or part of the development hereby permitted, full details for a surface water regulation system and means of disposal for that phase or part phase, based wholly on sustainable drainage principles and evidence of an assessment of the hydrological and hydrogeological context of the development for that phase shall be submitted to and approved by the local planning authority (in consultation with United Utilities Limited) in writing. The drainage scheme shall demonstrate that the surface water run off generated up to and including the 1 in 100 year critical storm including 30% climate change allowance will not exceed the run-off from the existing undeveloped site and following the corresponding rainfall event. The details for each phase must be consistent with the Foul and Surface Water Drainage Strategy submitted and approved pursuant to the above conditions 10/11/12/13 and with the principles established in the submitted application form, flood risk assessment prepared by Edenvale Young dated 7 May 2015, and the Drainage Report prepared by Bright Young Consulting ref: 1872/DR001 Rev 1 dated 14 May 2015 or any subsequent future reports approved by the Local Authority which supersedes those original documents.

*Condition No.18:* The development permitted by this planning permission shall only be carried out in accordance with the Flood Risk Assessment and the following mitigation measures detailed within the FRA or any subsequent future reports approved by the Local Authority which supersedes those original documents: - Confirmation of the opening up of the existing culvert across the site, demonstrating that the 1 in 100 year return period capacity can be accommodated within the open channel. The mitigation measures shall be fully implemented prior to occupation of Phase 4 or within any other period as may subsequently be agreed, in writing, by the local planning authority.

*Condition No.19:* No development on Phase 4 shall occur until a scheme detailing the design for the inlet/outlet arrangements in order to provide water level management within the Star Reservoir has been submitted to and approved in writing by the Local planning Authority. The approved scheme shall be implemented prior to construction within Phase 4 of the residential development and thereafter retained.

*Condition No.22:* Prior to the commencement of any phase of the development a scheme to mitigate adverse air quality impacts associated with that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate, but not be limited to, proposals outlined in the Air Quality Assessment Update Note (ref:620001856-002)

received 2nd September 2015. The development shall be undertaken in accordance with the approved details.

*Condition No.29: 29a Earthworks Remediation Verification (Pre-Commencement)*

All groundwork activities including capping and delineation and removal of hotspots as required under condition 28 of this permission including any reporting and treatment of unexpected contamination should be submitted within a Earthworks Validation Report to demonstrate effective remediation of the ground.

*29b Development Remediation Verification (Post-Occupation)*

At the end of each phase, submit two copies of the Closure Report which provides verification that the additional remedial works required during construction of each dwelling (ie gas protection measures, top soil capping within gardens) as approved under condition 28 of this permission have been carried out, shall be submitted to and approved in writing by the Local Planning Authority.

*Condition No 32:* Prior to any on site works for each phase of development, an arboricultural method statement and tree protection plan for that phase shall be submitted to and agreed in writing by the Local Planning Authority. The method statement shall clearly state how the tree(s) to be retained on site and overhanging the site will be protected during demolition and/or construction works. The agreed method statement shall be implemented in full prior to the undertaking of any on site works

*Condition No 33:* Protective fencing shall be installed around all trees being retained within each phase the application site, in accordance with British Standard 5837: Guide for trees in relation to construction. This fencing should be installed prior to the commencement of any building works, ground works, demolition works or storage of any machinery, equipment or materials on site on that particular phase. This fencing should remain intact and in place until all works are completed on the relevant phase of the site. This fencing should be considered sacrosanct and no soil levels should be altered within the perimeter of this fence and no building materials or waste products should be stored inside the fence line.

*Condition No 36:* Prior to the commencement of development of any phase a habitat management report and plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The report shall include all measures of habitat conservation and enhancement necessary to mitigate the impact of the development. The development shall be undertaken in accordance with the approved details

*Condition No 37:* Prior to the commencement of any relevant phase of development (as defined under condition 9) an assessment of recreational access, including the formation of new woodland walkways, to the existing habitats and Biological Heritage Sites within the site shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The



report should provide sufficient information to assess whether the development is likely to impact on the integrity of these sites and identify mitigation measures, where appropriate. The development shall be undertaken in accordance with the agreed details

*Condition No 38:* Should the development of any phase commence more than two active seasons from the date of the initial bat surveys, as detailed in the Bowland Ecology: Ecological Appraisal: April 2015, further bat surveys for that phase will be required to provide current information on the location of bat roosts and species and numbers of bats associated with individual roosts. The assessment shall include, but not be limited to, the survey of any buildings or structures with potential to support bat roosts that are to be demolished or have previously been identified as mitigation for the loss of existing roosts. The development thereafter shall be carried out in accordance with any necessary mitigation measures identified.

*Condition No 40:* A badger survey relevant to that phase must be undertaken no more than 6 months prior to the commencement of works on any phase of the development and be submitted to and approved in writing by the Local Planning Authority. The survey shall identify whether there are any active badger setts present on site and as appropriate how impacts to badgers will be avoided, managed and mitigated. The development thereafter shall be carried out in accordance with the agreed measures.

*Condition No.41:* Notwithstanding the details hereby approved, in accordance with the findings of the Bowland Ecology: Ecological Appraisal: April 2015 and the Bowland Ecology: Ecological Appraisal Addendum: September 2015, where trees are identified for removal on any specific phase of development they shall be inspected to identify features with roosting potential, including the presence of bat activity or bats themselves, prior to works commencing on that phase. This survey should be undertaken and the results submitted to the local planning authority for written approval.

*Condition No.43:* As part of the reserved matters application for the relevant phase (as defined under condition 9) a scheme for the provision of public open space shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of all play and other equipment to be provided. The development thereafter shall be carried out in accordance with the approved details in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

*Condition No.44:* Prior to the commencement of each phase of the development details of the proposed arrangements for future management and maintenance of all of the open space of that phase, within the site shall be submitted to and approved by the local planning authority. The open space shall thereafter be managed and maintained in accordance with the approved management and maintenance details.

4.0 CONTACT OFFICER: Martin Kenny, Principal Planner  
5.0 DATE PREPARED: 4<sup>th</sup> December 2018

**REPORT OF THE DIRECTOR**

**Plan No: 10/18/0740**

**Proposed development: Variation of Legal Agreement/S106 for Variation to Section 106 Planning Obligation for planning Application 10/15/0496**

**Site address: Sappi Paper Mill, Livesey Branch Road, Feniscowles, BB2 5HX**

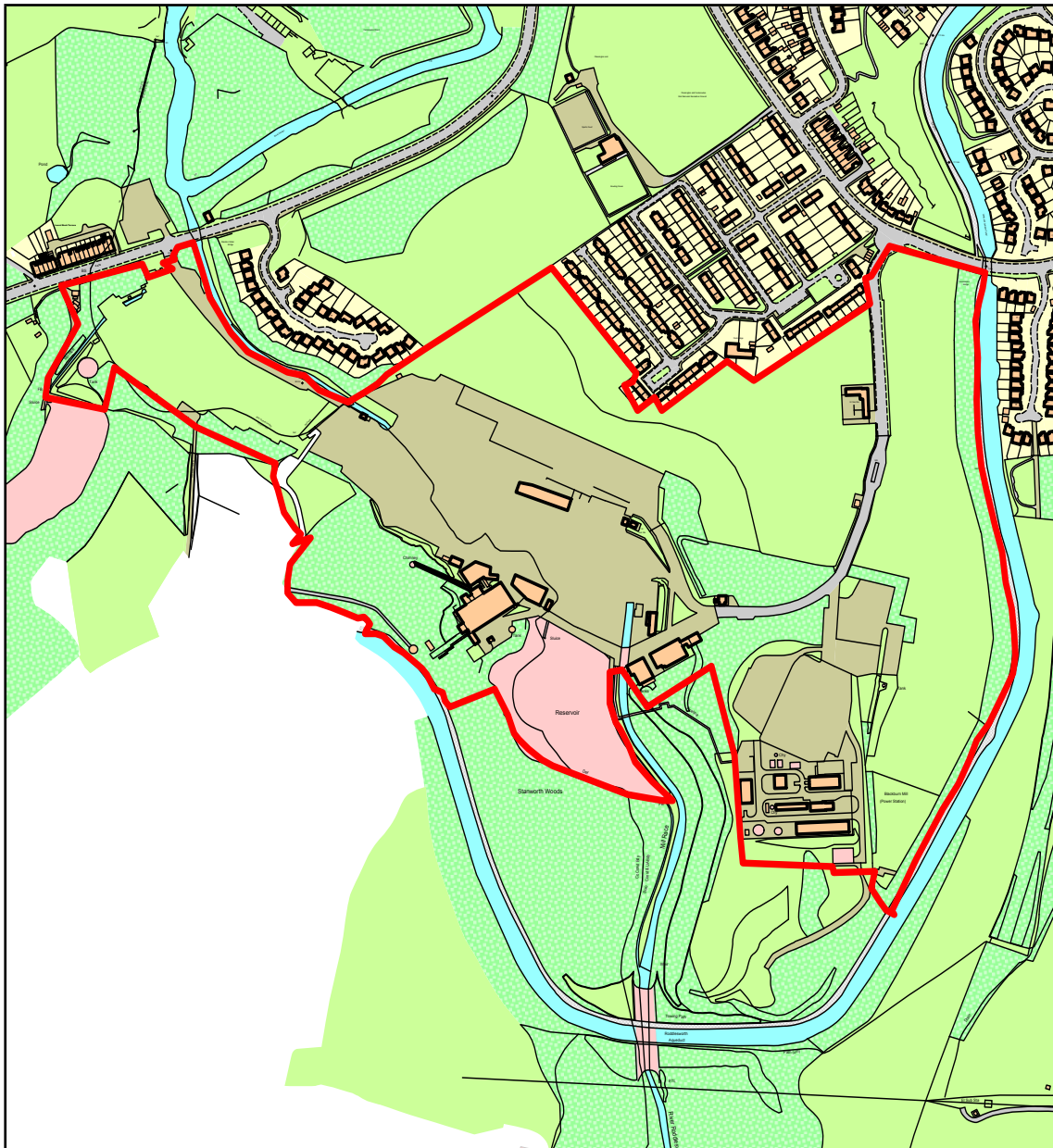
**Applicant: Blackburn Waterside Regeneration**

**Ward: Livesey With Pleasington**

**Councillor Derek Hardman**

**Councillor John Pearson**

**Councillor Paul Marrow**



## 1.0 SUMMARY OF RECOMMENDATION

- 1.1 It is recommended that Members **agree** to the variation of the existing Section 106 Agreement.

## 2.0 DETAILS OF APPLICATION

- 2.1 Members will recall at the meeting on the 15<sup>th</sup> November 2018, approving this application relating to the variation of the S106 Agreement pursuant to an application that was previously considered and approved at the November 2015 meeting of the Planning & Highways Committee.
- 2.2 Also at the meeting, Members approved the resolution relating to varying the conditions pursuant to planning application 10/15/0496 (ref: 10/18/0317).
- 2.3 The release of the final decision notice relating to application 10/18/0317 cannot occur until the Deed of Variation to the S106 Agreement has been signed, sealed and completed.
- 2.4 The applicants wish for the formal release of the decision notice pursuant to 10/18/0317, prior to the completion of the Deed of Variation application, in order to proceed with the formal Discharge of Condition applications.
- 2.5 A covering letter has been received from the applicant's agent dated 4<sup>th</sup> December 2018, confirming the agreed process with officers on how this action can proceed. It states:

*"It is confirmed that we agree to the following process as the best solution going forward with regards to the formal release of the S73 planning approval prior to the completion of the Deed of Variation application. This solution would be able to take the S106 DoV heads of terms document that has been agreed, and add a planning condition which says:-*

*No works hereby approved by this permission, shall commence until the S106 Agreement dated 18<sup>th</sup> November 2015 has been formally varied by way of a Deed of Variation which gives effect to the terms contained in the Heads of Terms document dated 1<sup>st</sup> November 2018, and attached to this decision notice. Please see application reference 10/18/0317 on this agenda].*

- 2.6 The proposed recommended resolution would also include a mechanism to protect the Council:

*"Should the Deed of Variation to the S106 Agreement not be completed within 6 months of the date of this resolution (or within an agreed extension of time confirmed in writing by the Head of Service for Planning), the Head of Service for Planning will have delegated powers to refuse the application (10/18/0740).*

- 2.7 Members are advised that this additional condition and the resolution to planning application 10/18/0740 are acceptable.

2.8 Members are advised that Chorley Borough Council confirmed in writing on the 7<sup>th</sup> December, that they have no objection to the proposal, subject to obtaining the agreement of Chorley Borough Council as a party to the original S106 Agreement.

### **3.0 RECOMMENDATION**

4.1 **APPROVE – variation of the s106 Agreement pursuant to planning application 10/15/0496. Should the Deed of Variation to the S106 Agreement not be completed within 6 months of the date of this resolution (or within an agreed extension of time confirmed in writing by the Head of Service for Planning), the Head of Service for Planning will have delegated powers to refuse the application (10/18/0740).**

### **4.0 PLANNING HISTORY**

4.1 10/15/0496 – Outline application for a maximum of the following: 500 dwellings, 3,224m<sup>2</sup> of office employment (use class B1a), 9,192m<sup>2</sup> of light industrial employment (use class B1c), 333m<sup>2</sup> of retail floor space (use class A1) and a 1,110m<sup>2</sup> community building (use class D1). (Approved November 2015)

4.2 Additionally, a significant number of planning applications relating to the historical use of the site and the demolition of buildings have been identified, but none are considered to be relevant to the determination of the current application.

### **5.0 CONSULTATIONS**

Chorley Borough BC – 7<sup>th</sup> December 2018:

*“Thank you for inviting the Council’s comments on the above application. I can inform you that it has been decided that the Council make no objection to the proposal, and is satisfied that the assessment of the application is left to the judgement of the case officer subject to satisfying the Community Infrastructure Levy Regulations 2010 and obtaining the agreement of Chorley Council as a party to the original section 106 agreement.”*

**6.0 CONTACT OFFICER: Martin Kenny, Principal Planner**

**7.0 DATE PREPARED: 7<sup>th</sup> December 2018**

**REPORT OF THE DIRECTOR**

**Plan No: 10/18/0895**

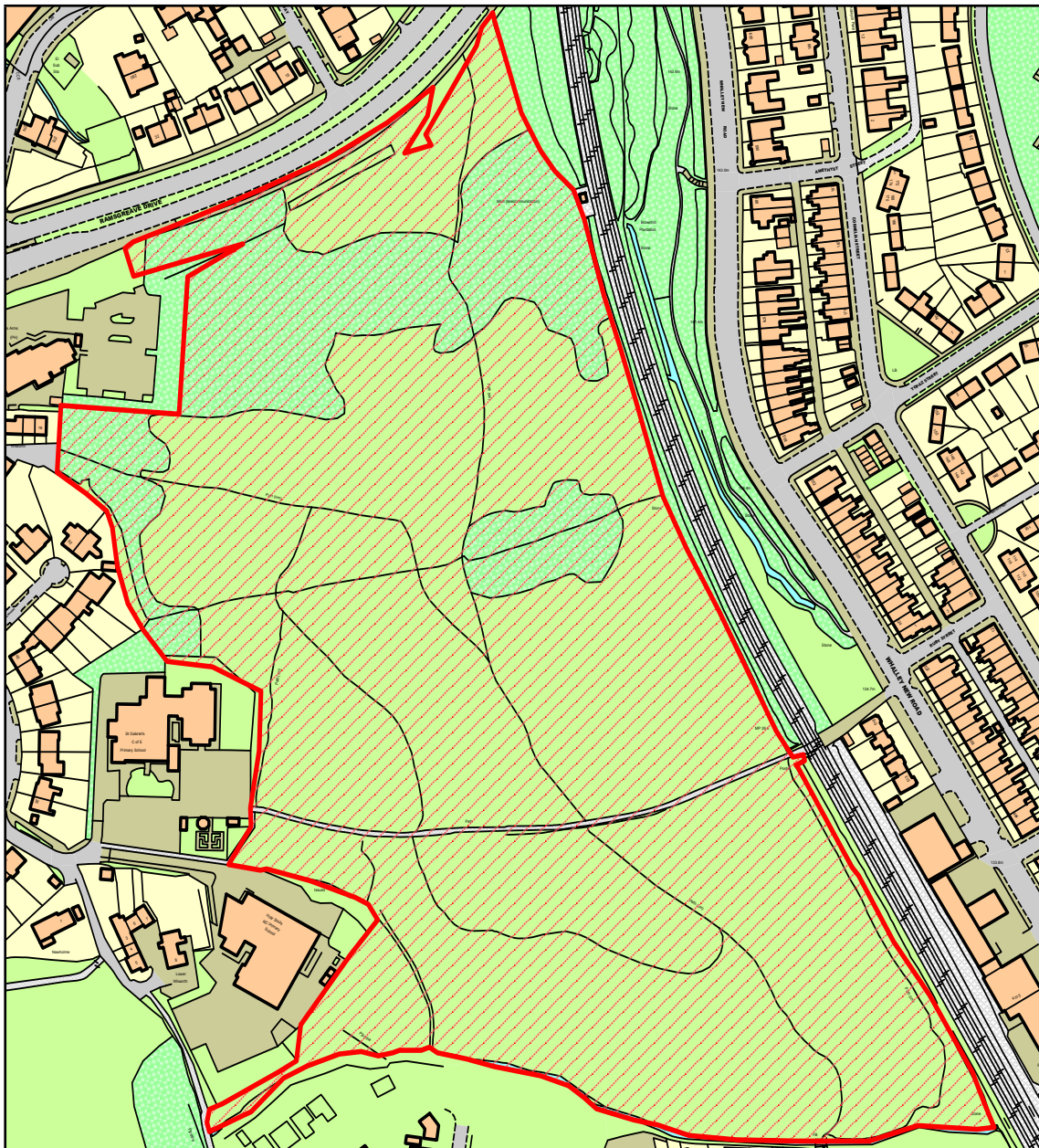
**Proposed development: Full Planning Application (Regulation 3) for Development of 155 dwellings and associated landscaping and highways works**

**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 28<sup>th</sup> 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 1<sup>st</sup> 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 30<sup>th</sup> 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 m<sup>3</sup> 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 prohibitive, 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 1<sup>st</sup> 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 and are shown within section 9.0 of this report.

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

**8.0 DATE PREPARED: 7<sup>th</sup> December 2018**

## 9.0 SUMMARY OF REPRESENTATIONS

### Objection Cath Barton, 52 Wilworth Crescent, Blackburn. Rec – 24/09/2018

Hello

I would like to raise several objections and concerns regarding the planning application for development of 155 dwellings on the land at Roe Lee

I live at 52 Wilworth Crescent, which is identified in the image of the suggested plan for the dwellings. Myself and my family have lived at this address since 2000 buying the property particularly as it was not overlooked and the access via the back gate onto the fields as we have dogs.

My concern is the close proximity of the properties, being overlooked will have a negative effect on my property price. Also restricted access through my back garden gate and particularly the back gates of my neighbours who will have no access through their gates as the suggested plan indicates that the gardens of the new properties will come to their garden border, totally removing the gate access which has been present for a significant number of years.

Please take into account these concerns when deciding the outcome of the application

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Dear Sir/Madam,

- > Please accept this email as an objection to the planning application 10/18/0895 (Land at Roe Lee off Ramsgreave Drive, Blackburn).
  - >
  - > My primary objection to the development of 155 homes is that it will lead to a substantial increase in traffic and subsequently congestion. The roads around Roe Lee/Brownhill are already congested without this extra demand.
  - >
  - > The Councils proposals linked to the Brownhill Roundabout and associated highway works will at best temporarily reduce the present congestion, although this is itself questionable. The additional vehicles from this proposed development would cancel out any benefit from these works.
  - >
  - > It is important to consider these issues of congestion and traffic alongside the other planning applications, particularly the development near the Rugby Club. The cumulative impact of the additional traffic will not just lead to increased delays for existing residents, but also increased emissions from stationary vehicles and therefore increased pollution.
  - >
  - > The public transport system around Roe Lee/Brownhill is already at capacity. Buses are full and services have been cut back in recent years. Additional demand will obviously not help.
  - >
  - > The development of this land will remove another green space from the area. The land is used regularly by walkers, runners and children for playing. The continued loss of public land such as this makes it increasingly difficult for people to lead active lives.
  - >
  - > The land is home to various wildlife, i.e. rabbits/birds which are found on the land. They may not be considered ecologically important under the narrow planning guidelines, however this does not mean they should be ignored. The proposed public spaces will not compensate for this habitat loss.
  - >
  - > If the council is mindful to accept the application it should at the very least ensure the developer (through the Section 106 or equivalent legal agreement) compensates the community. As mentioned above the areas public transport system is under immense pressure, this would be an opportunity to gain funds to enhance this service. The failure of the Council to provide any benefit to the community from this development would be a wasted opportunity.
-

## Objection Tameena Hafiz, 48 Wilworth Crescent, Blackburn. Rec – 01/10/2018

We, the residents of Wilworth Crescent, write to make a formal protest in relation to the planning application submitted to your office for the development of 155 dwellings on the land at the rear of our properties.

1. Each resident has an access gate to the rear of the property which has been in place for over 20 years, as confirmed by the previous owners. This access allows us to maintain the curtilage fence, the back wall, guttering and roof of our garages. The plan supplied by your office shows our garages in an inaccurate position as the rear garage walls are actually on the rear curtilage of our properties.
  2. The issue of 'a legal right of way' is essential to our argument. This right of way was established in 1834 and may have major legal implications for any future developments. This right of way is used by parents and children going to school, and may not be rescinded without legal permission.
  3. The trees in the area are a further legal issue. Is there a preservation order on these? In terms of the environment, has there ever been a survey to discover a colony of bats? We know that there is an Owl which lives in these trees.
  
  4. Crucially, the issue of schools cannot be ignored. At present there is a major issue with traffic at certain times of the day. Many residents face severe delays trying to cross the main road during the start and end of school. Further developments will only serve to exacerbate an already problematic situation. Parking at this time of day is often used as an excuse for double parking. Should there be an emergency requiring the attention of an ambulance or fire service, access to the Crescent or to the school will be placed in jeopardy which could result in life threatening situations. The current infrastructure is at times inadequate and further development will only worsen the situation.
-

Objection Gary & Cath Barton, 52 Wilworth Crescent, Blackburn. Rec – 01/10/2018

We, the residents of Wilworth Crescent, write to make a formal protest in relation to the planning application submitted to your office for the development of 155 dwellings on the land at the rear of our properties.

1. Each resident has an access gate to the rear of the property which has been in place for over 20 years, as confirmed by the previous owners. This access allows us to maintain the curtilage fence, the back wall, guttering and roof of our garages. The plan supplied by your office shows our garages in an inaccurate position as the rear garage walls are actually on the rear curtilage of our properties.
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  4. Crucially, the issue of schools cannot be ignored. At present there is a major issue with traffic at certain times of the day. Many residents face severe delays trying to cross the main road during the start and end of school. Further developments will only serve to exacerbate an already problematic situation. Parking at this time of day is often used as an excuse for double parking. Should there be an emergency requiring the attention of an ambulance or fire service, access to the Crescent or to the school will be placed in jeopardy which could result in life threatening situations. The current infrastructure is at times inadequate and further development will only worsen the situation.
-

I write with reference to the proposed planning application at land at Roe Lee off Ramsgrave Drive Blackburn against the reference above. I strongly oppose this application due to the following reasons.

- ① The future value to my property could be affected.
- ② loss of greenbelt view through my rear windows
- ③ This land has some wild deer, rabbits and other various wild life
- ④ Very concerned about noise and pollution
- ⑤ Accesses to this proposed development.

②

The reason I bought this property 14 years ago because I was informed it would never be built upon.



## Objection Gemma & Jeremy Parkinson. Rec – 01/10/2018

We, the residents of Wilworth Crescent, write to make a formal protest in relation to the planning application submitted to your office for the development of 155 dwellings on the land at the rear of our properties.

1. Each resident has an access gate to the rear of the property which has been in place for over 20 years, as confirmed by the previous owners. This access allows us to maintain the curtilage fence, the back wall, guttering and roof of our garages. The plan supplied by your office shows our garages in an inaccurate position as the rear garage walls are actually on the rear curtilage of our properties.
  2. The issue of 'a legal right of way' is essential to our argument. This right of way was established in 1834 and may have major legal implications for any future developments. This right of way is used by parents and children going to school, and may not be rescinded without legal permission.
  3. The trees in the area are a further legal issue. Is there a preservation order on these? In terms of the environment, has there ever been a survey to discover a colony of bats? We know that there is an Owl which lives in these trees.
  4. Crucially, the issue of schools cannot be ignored. At present there is a major issue with traffic at certain times of the day. Many residents face severe delays trying to cross the main road during the start and end of school. Further developments will only serve to exacerbate an already problematic situation. Parking at this time of day is often used as an excuse for double parking. Should there be an emergency requiring the attention of an ambulance or fire service, access to the Crescent or to the school will be placed in jeopardy which could result in life threatening situations. The current infrastructure is at times inadequate and further development will only worsen the situation.
-

## **FULL PLANNING APPLICATION, LAND AT ROE LEE**

Thank you for your letter of 17 September 2018 advising me of the above planning application.

During the last three years I have been heartened to see in the Council's published documents *viz*:

- *Roe Lee Masterplan Public Consultation* (November 2015);
- *Roe Lee Community Newsletter* (March 2016); and
- *Masterplan for the Roe Lee Development Site* (adopted November 2016)

that a key development consideration would be to conserve, or indeed improve, the setting and historic significance of the listed buildings at Further Wilworth. The proposed green infrastructure shown immediately adjacent to Further Wilworth in these very same documents was, I assumed, acknowledgement of Further Wilworth's formerly rural setting. Looking at Persimmon's Planning Layout RLB.PL01 I am disappointed, therefore, at the proximity of the proposed dwellings to Further Wilworth (particularly plots 126-132) and am concerned that this will detract from the character of the c 1700 row of handloom weavers' cottages. The lack of green infrastructure afforded to the residents of Further Wilworth and Wilworth Crescent (plots 119-125) is perplexing given the comparatively generous amount adjoining the West-bound carriageway of Ramsgreave Drive and The Knowles Arms car park.

As you know, the footprint of the former Further Wilworth Farm lies beneath a number of the plots adjoining Further Wilworth. Indeed, vestiges of the outbuildings and farmyard walls separate Persimmon land from both Further Wilworth and from the footpath to the rear of Wilworth Crescent. In particular, I am concerned about the future of a 14 m length of mortared stone/brick wall 1.8 m high which separates my land from the proposed dwelling on plot 126. I see from Persimmon's Boundary Treatment Plan RLB.302 that an 1800 mm timber close boarded fence will be erected to the West of plot 126 but I am unclear about the relationship of the proposed timber fence to the existing wall. As Further Wilworth Farm was already in existence by the time of the OS survey of 1844-46, its buildings and subsequent remains have formed part of the character and heritage of Further Wilworth for almost 200 years, if not more. I appreciate that the legal title to these walls may well lie with Persimmon but they should be retained.

I shall also need to seek advice from the Council in the future on how to prevent the ingress of surface water to my property. Currently, surface water flows down Further Wilworth, continues through a small ground-level breach in the base of the brick wall at the end of the lane and into a soakaway beyond, that is, on the Persimmon land about to be developed. This feature pre-dates my arrival on Further Wilworth (1970s), is rudimentary but efficient, and has been vital to the prevention of flooding of number 16 during heavy or persistent rain.

Finally, I should alert you to the possibility of an inspection chamber existing on the land that is earmarked for the rear garden of plot 126. Owing to the dense undergrowth it must be thirty years since I saw it last, but I assume it is still there and, if it is, it may lie atop the shared sewer running from the rear of Further Wilworth. I'm sure the Council and Persimmon are already aware of this.

---

Objection Dr Andrew Holden. Rec 05/10/2018

### **FULL PLANNING APPLICATION, LAND AT ROE LEE**

Thank you for your letter dated 17 September 2018 informing me of the above planning application and for the invitation to respond.

Having studied the plans of the proposed development, I have two principal concerns:

- (i) the (very) close proximity of the first building (identified as plot 126 on your plan) to the Grade 2 listed cottages on the unadopted lane known as *Further Wilworth*, and
- (ii) the proposed boundary material - namely, a timber close boarded fence - which will separate plot 126 from Further Wilworth.

With regard to (i) above, my understanding is that the area which has now been designated as plots 126-132 was originally envisaged as green space that would provide a small and essentially unspoilt section of land between the edge of the new development and the cottage properties on Further Wilworth. I am sure you can understand my disappointment that this green area has been removed from the revised plans – an area which, in my view, could have been developed with residents' input as a small wildflower meadow. This would have been more in keeping with the quaint character of late seventeenth century handloom weavers' cottages than a modern detached house which, if I have understood the plans correctly, will now be situated only yards from the bottom cottage.

As far as point (ii) is concerned, I am perturbed to say the least that the stone walls and partial red bricked wall that provide the present boundary between Further Wilworth and the open land beyond could be compromised by the new development, particularly a proposed 1.8 m timber close boarded fence. While I recognise that modern fences are conducive to the boundaries of modern housing developments, I would ask you and/or the parties concerned to give careful consideration to the suitability of the boundary materials from the perspective of an unadopted lane on which is situated four heritage dwellings. My own preference is for the current stone walls to be made good so that they will endure well into the future. This would maintain the attractiveness of the lane and its historic buildings at this end of the proposed new development.

I would be very grateful if you could give some thought to these issues and to bring them to the attention of those stakeholders involved in the impending building project.

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## Objection Sameera Hussain. Rec – 08/10/2018

To who it may concern,

I am writing in relation to the planning application for the land at Roe Lee Lane off Ramsgreave Drive.

Unfortunately, as someone who has recently moved into the area I have some objections about this new development which I will mention below.

- The impact of traffic on Pleckgate Road and the surrounding roads - The amount of traffic will increase as well as parking issues which will arise due to the number of parked vehicles on the roads. Parking is already quite difficult around certain areas and this is a real concern for many neighbours. Recently, the council has commented on the crowding of roads and street corners in Blackburn due to the increase in the number of vehicles on the roads.
- The number of school places will reduce due to the increase in residents in the local area. I'm not convinced the demand for places will be met for the local primary and secondary schools.
- With this area having a decent amount of greenery and trees, this was one of the sole reasons the residents and myself included have chosen to move here, this will not only have a huge effect on the pollution emitted around here but the landscape and walking routes will no longer be here.
- Noise pollution will be concerning, as well as the decreased amount of wildlife in this area.
- The use of the land has been for recreational purposes for all residents including myself, and for future generations. Taking this away will be a very big mistake. Blackburn does not have many green areas left that are easily accessible for residents including myself, this was one of the reasons we moved here in the first place.

There are currently houses being built around this area, and this has already caused huge disruptions to our cul de sac and every day lives, not only to the big machinery blocking access to our homes frequently but the amount of sand and materials drifting into our gardens and houses has given us some serious concerns from the building of these houses, so building over a hundred more in this area is very concerning for me.

I am concerned for the health and wellbeing of me and my family, air/noise pollution as well as safety will be impacted upon, as well as all the points listed above.

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Objection Rizwan Namaji, 574 Whalley New Road, Blackburn. Rec – 08/10/2018

Dear Sir

I'm writing in respect of the planning application 10/18/0895 development of 155 dwellings at Roe Lee.

Please find my objections below:

1. This development will increase traffic, noise and pollution with anywhere from 155 to over 300 additional cars being on the roads. The road infrastructure on Whalley New Road towards the development is already in a poor condition and not being maintained in adequate condition. The additional cars will add more pressure and wear on the roads.
2. Green open walking space will be lost.

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Objection Susan Jackson, 256 Pleckgate Road, Blackburn. Rec – 08/10/2018

Dear Sirs,

I wish to register my objection to the destruction of the mature trees and immediate habitat within the application boundary of the Roe Lee development off Ramsgreave Drive.

The original drawings did not show houses right behind the old Knowles Arms/Ego restaurant and left a significant number of mature tall trees to form a canopy behind the houses on Wilworth Crescent. This area also provided much needed recreation space for walkers, dog owners and families.

A new drawing shows houses next door to the weavers cottages on Further Wilworth, backing right onto the pub and the houses on Wilworth Crescent.

This differs from the plans that we were able to access on the BwDBC site and appears to be deception by omission.

Had I been aware of this in the early stages I would have brought it to the attention of all the neighbours directly affected.

We accept that BwDBC council feel the need to build these houses but when we saw the original plans and the more recent plans it was far more environmentally friendly than it now seems to be.

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Objection Peter Wood, 250 Pleckgate Road, Blackburn. Rec – 08/10/2018

Dear Sir or Madam,

With reference to the above planning application I wish to register my objection to an aspect of it.

The area leading in to the field from Pleckgate Road via Further Wilworth is lined with mature trees, one of which is home to a large number of birds and, I believe, bats.

Statutory wildlife obligations: The Wildlife and Countryside Act 1981 The Wildlife and Countryside Act 1981 as amended, the Countryside and rights of Way Act 2000 and the Conservation (Natural Habitats) Regulations 1994. These regulations protect all wild birds and make it an offence to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. Furthermore the Act makes it an offence (with exception to species listed in Schedule 2) to intentionally: • kill, injure, or take any wild bird, • take, damage or destroy the nest of any wild bird while that nest is in use or being built (also [take, damage or destroy the nest of a wild bird included in Schedule ZA1] under the Natural Environment and Rural Communities Act 2006), or • take or destroy an egg of any wild bird Bats are protected under Schedule 2 of the Conservation (Natural Habitats) Regulations 1994 making it an offence to damage or destroy a roost site even if the roost is not occupied at the time. The potential fines for each offence is £5000 and if more than one bat is involved in the incident then the fine can be extended to £5000 per bat. A prison sentence can be issued with offenders serving up to six months in prison.

A late change appears to have occurred to this plan adding houses to this area just beyond the Weavers Cottages and alongside the Knowles Arms/Ego. This was not evident in the planning documents I have seen earlier. These trees are a welcome sight to anybody using the present facility, be it for dog walking or family pursuits and it would be detrimental to the whole site if these were to be removed.

There appears to be a lack of transparency attached to this project.

I urge your department to look again at this area in the hope that this habitat can be preserved without damaging the profitability of the project and avoiding any possible prosecutions.

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Objection Lorraine M. Croasdale, 526 Whalley New Road, Blackburn Rec – 11/10/2018

With regard to the planning application for the development of 155 dwellings and associated landscaping and highways works.

My family along with many other residents from this area are very much opposed to the destruction of this green land.

This green land is used on a daily basis by people using the footpaths leading several directions & is also used by many people dog walking.

Children play on this land all year including sledging during snowy months, kite flying etc.

Wildlife will be severely affected, the area is home to several deer, fox, a selection of birds including birds of prey and their prey and Jey's , there is also a pond on this land.

Roe Lee, Pleckgate and Brownhill areas are getting more and more housing leading to more traffic on already very congested roads. As for the proposed sliproad it would cause more traffic chaos and a danger to the public and children. Four local schools are already full to capacity, where are more children going to be registered in already full schools?

We desperately need to keep some Greenland for recreation, education, wildlife and future generations Too much building leads to more rainwater running off in bad weather with nowhere to go leading to flooding, water has nowhere to soak into the ground.

More housing and traffic on this land would be detrimental to this area.

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Objection Residents of Wilworth Crescent, Blackburn. Rec – 21/11/2018

<sup>24</sup> Hi Ismail, We sent this letter below recorded delivery and we have not received any response yet. Blackburn Council are now building a fence outside my property and on a public foot path. We have a right of way out our gate and onto the path which has been used for over 20 years. Please can you get back to me asap regarding this matter and please can you inform the builders not to block our gate onto the path.

I look forward to hearing back from you today. Kind regards Gemma

<http://mario.lancashire.gov.uk/agsmario/default.aspx?point=368153:430536:500> - **check out this map and it shows the public foot path behind my property and neighbours property. - This is a public right of way. Go onto the 1940s map and there is the public footpath.**

26<sup>th</sup> September 2018

Ref: 10/1/0895

Blackburn with Darwen Borough Council

We, the residents of Wilworth Crescent, write to make a formal protest in relation to the planning application submitted to your office for the development of 155 dwellings on the land at the rear of our properties.

1. Each resident has an access gate to the rear of the property which has been in place for over 20 years, as confirmed by the previous owners. This access allows us to maintain the curtilage fence, the back wall, guttering and roof of our garages. The plan supplied by your office shows our garages in an inaccurate position as the rear garage walls are actually on the rear curtilage of our properties.
2. The issue of 'a legal right of way' is essential to our argument. This right of way was established in 1834 and may have major legal implications for any future developments. This right of way is used by parents and children going to school, and may not be rescinded without legal permission.
3. The trees in the area are a further legal issue. Is there a preservation order on these? In terms of the environment, has there ever been a survey to discover a colony of bats? We know that there is an Owl which lives in these trees.
4. Crucially, the issue of schools cannot be ignored. At present there is a major issue with traffic at certain times of the day. Many residents face severe delays trying to cross the main road during the start and end of school. Further developments will only serve to exacerbate an already problematic situation. Parking at this time of day is often used as an excuse for double parking. Should there be an emergency requiring the attention of an ambulance or fire service, access to the Crescent or to the school will be placed in jeopardy which could result in life threatening situations. The current infrastructure is at times inadequate and further development will only worsen the situation.

Yours faithfully

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**REPORT OF THE DIRECTOR**

**Plan No: 10/18/0957**

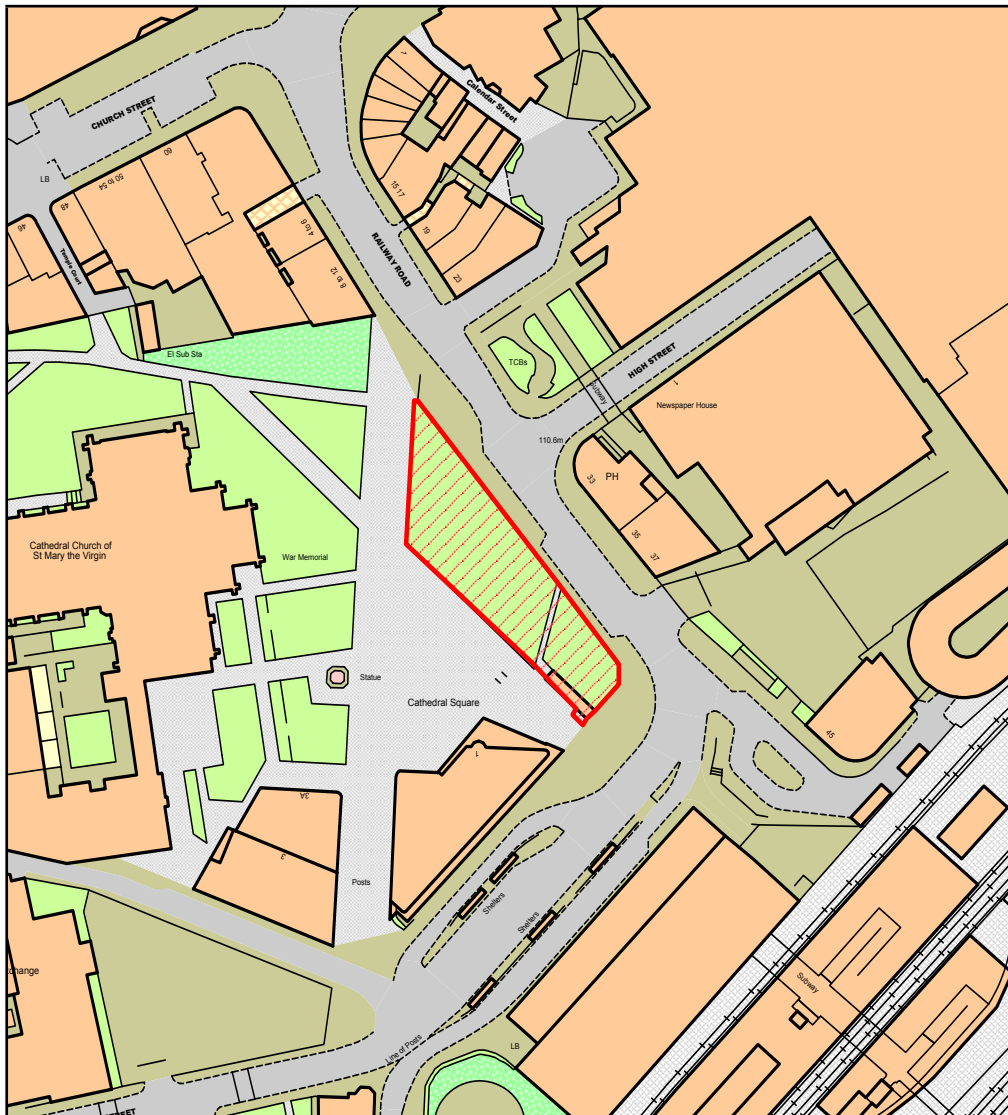
**Proposed development: Full Planning Application (Regulation 3) for Erection of a six storey building comprising ground floor commercial uses A1, A3 and A4 with offices above and area of open space**

**Site address:  
Cathedral Square  
Blackburn**

**Applicant: Maple Grove Developments**

**Ward: Blackburn Central**

**Councillor Zamir Kahn  
Councillor Salma Afzal  
Councillor Faryad Hussain**



## **1.0 SUMMARY OF RECOMMENDATION**

### **1.1.1 APPROVE – subject to recommended conditions.**

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

2.1.1 The proposal will deliver the second phase of the Cathedral Quarter Area regeneration scheme through the provision of a six-storey building providing 2,798 sq.m of new Class B1 office floor space over 5 floors and 450 sq. m of commercial space falling within Shops (A1), Food and Drink (A3) and bar (A4), on the ground floor with an area of open space. This form of development will strongly support the Borough's aspirational aims of an imaginative, well designed, and sustainable mixed use development, which is sensitive to the unique setting of Blackburn Cathedral and a wider town centre offer on an allocated development opportunity site. The development will also see the re-development of a brownfield site within a defined Inner Urban Area which is supported by Local Plan Part 2 Policy 2.

2.1.2 The application site is located at a prominent point where the Cathedral meets commercial premises within Blackburn Town Centre, and is a principal walking route into the town centre for users of the Railway Station. The proposed development will ensure that this prominent site and its immediate surroundings will become an extremely attractive public space during the daytime and into the evening. This will be achieved by the development of the high quality building and associated improvements to the public realm which will encourage increased footfall and evening activity adding to the success of phase one of the Cathedral Quarter. The proposed building has been designed to be a discernible and positive new addition to the area, and one which enhances the character of the Conservation Area and setting of surrounding heritage assets.

2.1.3 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 the recommended planning conditions.

2.1.4 The key issues to be addressed are as follows:

- Development Plan designation & principle of development
- Site layout and design issues
- Impact on amenity
- Highways & transportation
- Drainage and flood risk
- Heritage.

## **3.0 RATIONALE**

### **3.1.1 Site and Surroundings**

3.1.2 The application site is located within the defined town centre boundary of Blackburn and in the Darwen Street Conservation Area. It comprises an irregular rectangular parcel of land which is partially landscaped with grass and planting.

3.1.3 The site is open on all sides, the phase one office block sits adjacent on south-western boundary. To the west lies the Grade II\* listed Cathedral. To the north and east are a mixture of commercial shops and the Grade II listed Railway Station lies to the south. The area generally is characterised as the point where the moderation of town centre meets the historic elements, comprising old and new buildings, the Cathedral and Railway Station, car parks and commercial/retail units.

### **3.2 Proposed Development**

3.2.1 Planning permission is sought for the construction of a six-storey building providing 2798 sq.m of new Class B1 office floor space over 5 floors and 450 sq. m of commercial space falling within Shops (A1), Food and Drink (A3) and bar (A4), on the ground floor with an area of open space to the north of the building.

3.2.2 The building will be comparable in height and external appearance to mirror the Phase One office building, with the exterior of the building having 2 distinct sides. Elevation 1 (Railway Road) can be seen to have a solid side, faced in stone with elevation 2 an open glazed side looking to the West and the new public realm. Upon completion the building will accommodate up to 300 employees.

3.2.3 The commercial element of the development to provide Shops (A1), Food and Drink (A3) and bar (A4) offer no figure on the number of covers to be incorporated into the scheme as no end users are proposed at this time. Additionally, no restrictions on the hours of opening are proposed, to allow the units to operate independently from the office space but in conjunction with other town centre business as part of the wider night time economy.

3.2.4 Boundary treatments will see hard landscaping to the West, South and Eastern edge of the site to match the finish at the existing Cathedral Square and those of the perimeter of Phase One. To the north of the site, a new soft landscaped area is proposed, with a mix of lawn, shrub and perennial planting. A retaining wall structure is introduced at the North-West edge between the soft planting zone and open plaza space along the West edge of the ground floor retail unit.

3.2.5 The applicants have requested a five year period for the commencement of works to enable the developers to secure tenants for Phase Two given the uncertainty surrounding Brexit and financial implications for businesses.

### **3.3 Development Plan**

3.3.1 In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.

3.3.2 The Development Plan comprises the Core Strategy and the 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:

#### **3.3.3 Core Strategy**

- Policy CS1: A Targeted Growth Strategy
- Policy CS11: Facilities and Services
- Policy CS12: Retail Development
- Policy CS16: Form and Design of New Development
- Policy CS17: Built and Cultural Heritage
- Policy CS22: Accessibility Strategy

#### **3.3.4 Local Plan Part 2**

- Policy 1: The Urban Boundary
- Policy 2: The Inner Urban Area
- 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 26: Town Centres – a Framework for Development
- Policy 28: Development Opportunities
- Policy 29: Assessing Applications for Main Town Centre Uses
- Policy 39: Heritage

### **3.4 Other Material Planning Considerations**

3.4.1 National Planning Policy Framework 2018 (The Framework).

Achieving Sustainable Development, the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

3.4.2 The following headings and content of the NPPF are relevant to the consideration of the current proposals:

6. Building a strong, competitive economy

- 7. Ensuring the vitality of town centres
- 9. Promoting sustainable transport;
- 12. Requiring good design
- 16. Conserving and enhancing the historic environment

### 3.4.3 Additional material planning considerations:

- National Planning Practice Guidance (NPPG)
- Planning (Listed Buildings and Conservation Areas) Act (Adopted 1990)
- Cathedral Conservation Area Character Appraisal and Darwen Street Conservation Area Character Appraisal – These documents summarise the areas' historic development, identify important features and explain why the conservation areas are special. The associated Development Guide outlines how the buildings, streets and places within the Conservation Areas can be conserved, improved and developed to enhance the area's special qualities.
- Blackburn with Darwen Borough Council Parking Standards (Adopted April 2014)
- Blackburn Town Centre Public Realm Strategy (June 2009)

## 3.5 Assessment

### 3.5.1 Principle of the development

The application site is allocated on the adopted Policies Map as being a 'Development Opportunity' (LLP2 Policy 28/3). Policy 28/3 indicates that, "*planning permission will be granted for a range of uses, either as stand-alone uses or as a mix of uses*" including residential, employment, leisure, entertainment, culture and tourism. The NPPF, at paragraphs 80 and 81a), is committed to securing and supporting sustainable economic growth, requiring Local Planning Authorities to plan proactively to meet the development needs of business. The Framework further states that Local Planning Authorities should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account, both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. The principle of the development is, therefore, accepted and encouraged, in accordance with Local Plan Policies and The Framework's presumption in favour of sustainable development, which should proceed without delay; acknowledging its requirement for planning to support economic development, identifying and responding positively to opportunities for growth and promoting the vitality of urban areas, taking into account their different roles and characters.

#### Design and Layout

- 3.5.2 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 which seeks to achieve well designed places.

3.5.3 A detailed Design and Access Statement accompanies the application, and sets out the key design principles which are taken forward in the application proposals design response, reflecting not only the policy requirements but the comments given by officers as part of extensive pre-application discussions. These design driver considerations include:

- Site context of the surrounding area
- Surrounding heritage assets
- Scale and massing
- Elevations and materials
- Sense of arrival
- Internal arrangement
- Site access and use
- Hard and soft landscaping
- Security and operation
- Servicing of the site and;
- Flood risk.

3.5.4 This building is proposed to be located between the Railway Road and the Grade II\* listed Cathedral building, north of the Grade II listed Railway Station and north of the existing phase one development building. It comprises 6 storeys of accommodation with commercial units on the ground floor with open plan offices above.

3.5.5 The Cathedral Quarter SPD requires the redevelopment of the area to create a vibrant and attractive area that acts as a stimulus to the long term regeneration of the town centre and provides the setting for new offices, housing, hotels, shops and leisure uses. In response to this objective the proposals aim to create a distinctive and high quality development that compliments such a sensitive historic setting in line with the achievements of the phase one building, hotel and clergy court developments.

3.5.6 The southern area of the existing Cathedral Precinct was previously undermined by the poor visual amenity and setting of the Cathedral by random car parking, poor surfacing and a lack of distinctiveness. The phase one works have seen considerable improvements made to the immediate setting of the area through well designed buildings and public realm works by safeguarding views of nearby heritage assets. The phase two building subject to this application has been designed to assimilate within the wider setting as envisioned by the Cathedral Quarter SPD.

3.5.7 The eastern 'stone wall' elevation is proposed to respond to the environmental, climatic and visual conditions of its immediate setting. The

solid areas of the wall will be insulated to ensure a high quality acoustic environment for the offices. A mechanical ventilation system means that it will not be necessary to have opening windows along the east elevation. Air for the ventilation system will be drawn from the northern side away from Railway Road.

- 3.5.8 The design of the eastern elevation with narrow slit windows and large areas of solid material will mitigate thermal gain and interruption to office users from engine noise.
- 3.5.9 The wall like eastern elevation also serves as a boundary marking the outer edge of the Cathedral Square matching the phase one office building. The building once erected will frame views of the Cathedral from the Station and form the eastern boundary of an urban square.
- 3.5.10 It is proposed to use sandstone to match the ashlar proposed for the Clergy Court development as was used on the phase one office building. The narrow slit windows form a visual reference to the narrow slits of the Cathedral Lantern light as well as making historic reference to the form of openings found in many historic stone facades.
- 3.5.11 The western elevation wall is a lot more lightweight and transparent than the eastern and is designed to extend the sense of activity and movement the square. Importantly, this ensures that the development interacts with the adjacent office building, public space and reinforces the sense of commercial activity at the key entrance to the town centre and the level of overlooking and security in the open space.
- 3.5.12 The glazed western interface of the building does not compete with the important elevation of the adjacent Cathedral, but rather like the phase one building complements the historic structure. It enhances the historic and architectural significance as well as the grandeur of the Cathedral through providing this contrast through key vistas.
- 3.5.13 The proposed office building has six storeys and is a large and significant structure facing Railway Road. This scale is not considered to be inappropriate as the large public space it conceals demands such a presence and reinforces the importance of the Cathedral Quarter as an integral part of the town centre as per the aims of the SPD.
- 3.5.14 The proposal is considered to be well designed, forming a sympathetic yet contemporary addition to the surrounding area. Construction materials are key to the design, and it is considered important to ensure that those used are sympathetic to the surrounding area so as not to compromise the overall appearance of the locality. As such, a condition requiring material samples to be submitted is recommended.



3.5.15 In summary, the comprehensive details submitted relating to the design and layout of the proposal are considered to demonstrate that the building and infrastructure accords with the provisions of the relevant policies of the development plan and should be supported.

#### 3.5.16 Amenity

Policy 8 sets out that development will be permitted where it can be demonstrated that it would secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself, with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking, and the relationship between buildings.

3.5.17 The Council does not have any prescribed minimum separation distances between dwellings and commercial buildings, such as an office. However, minimum distances of 21m between habitable room windows are identified within the Council's adopted Residential Design Guide SPD. A figure that can be revised upwards by 3m if there is a substantial difference between building heights or levels.

3.5.18 Given the town centre location, the consideration that the surrounding area is predominantly commercial in character, there are no known residential properties that would suffer a loss of amenity from, overlooking, loss of light or over bearing impact. This is also considered to be same for the nearby commercial buildings with the only buildings likely to be affected being no's. 33 (Public House), 35-37 (commercial building) Railway Road through over-shadowing. As the over-shadowing will limited to specific points of the day as the sun moves across the building, the impact is considered to be acceptable in this instance. There are not considered to be any other nearby receptors that would suffer any unacceptable amenity impacts from the introduction of the proposed structure.

3.5.19 The development will increase general noise and activity in the locality, when compared to the existing vacant site. Following the construction period, this is likely to be from customers or noise from external social areas within the development area. These impacts are of a more sporadic nature and not a constant source of noise, being limited to specific periods of the day such as lunchtime, evening / weekend use. The external space has been located to the front of the building under the canopy and will limit potential noise to a confined area.

3.5.20 The application has been accompanied by a comprehensive Acoustic Planning Report which has been reviewed by the Council's Public Protection Team. Officers have raised no objection subject to a condition limiting noise from plant and machinery.

3.5.21 The application was accompanied by an addendum report following on from the comprehensive Phase 1 Desk Top Study and Phase 2 geo-environmental assessment submitted as part of phase one. Public Protection colleagues have reviewed the addendum report was submitted for consideration. The

Council's Public Protection Team offered no objection but requested clarification on remedial measure or the attached of suitably worded condition requiring the details prior to commencement. The applicant is looking to submit these details by way of an update report to avoid pre-commencement conditions.

### 3.5.22 Highways

Local Plan Part 2, Policy 10, sets out that development will be permitted provided it has been demonstrated that road safety and the safe, efficient and convenient movement of all highway users is not prejudiced; that appropriate provision is made for vehicular access, off street servicing and parking in accordance with the Council's adopted standards and that the needs of disabled people should be fully provided for, including those reliant on community transport services. The policy also requires submission of a supporting Transport Statement (TS) for proposed development that has the potential to affect existing transport systems.

3.5.23 A Transport Statement (TS) and drawings accompanied the submitted application and have been reviewed by the Local Highway Authority. The assessment evaluates the existing transport and highways context of the site, access, parking and servicing conditions and trip generation. This allows an assessment to be made as to whether the highways network has the capacity to accommodate the potential increases in traffic as a result of the proposed development.

3.5.24 The TS offers evidence to support the assertions made in relation to the trip generation and traffic impact of the proposed development and that whilst there will be some time specific impacts upon the surrounding highway network it would not be to the detriment of road safety or the safe, efficient and convenient movement of all highway users.

3.5.25 The applicant's report concludes that the site is located in a sustainable town centre location which is highly accessible on foot, by cycle and is also accessible by public transport. The number of vehicle trips generated by the proposed building can be considered as negligible, having no material traffic impact on the local roads and junctions in the vicinity of the site.

3.5.26 The Council's Highways Officer has reviewed the accompanying documents and drawings and offers no objection in principle subject to details of the cycle storage being provided via a suitable planning condition.

### 3.5.27 Drainage and flood risk

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.

3.5.28 Following review of a supporting Drainage Strategy Report, no objection has been offered by United Utilities; subject to the application of conditions to

ensure implementation of the scheme in accordance with the submitted details. The Lead Local Flood Authority have also offered no objection to the proposed development.

### 3.5.29 Heritage

Local Plan Part Two Policy 39 set out how the Council will deal with development affecting heritage assets noting, development with the potential to affect any designated or non-designated heritage asset, either directly or indirectly including by reference to their setting, will be required to sustain or enhance the significance of the asset. At a national level, the National Planning Policy Framework 2018 Paragraphs 184-202 set out the revised policies for conserving and enhancing the historic environment. Paragraph 189 states that: In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

3.5.30 The proposed development comprises a single office block as indicated on the original Cathedral Quarter master plan. The location and form of the proposed building is broadly consistent with envisioned master plan design. The new build will have six storeys of office/commercial accommodation, with a plant room at roof level. It will be steel framed with extensive glazing, matching the design of the Phase One block. It will form a long, narrow block fronting onto Railway Road opposite the Adelphi public house and 35-37 Railway Road. Railway Road would then be framed by these early 19th-century buildings on the north-east side, and the new block on the south-west. This would reintroduce an actively lined street for the first time since the saw mill and timber yard were removed towards the end of the 19th century. The edges of the new block will be rounded/swept, where Railway Road turns through 90 degrees to pass the Railway Station. It will be surrounded by an extension to/continuation of the landscaping of the public realm created under Phase One. The positioning and alignment of the new building would allow for views across the new Boulevard public realm will continue to be attractive, especially from the north/north-east, south-east and south. The block will also frame and enhance views from the Cathedral and the new Clergy Court eastwards and south-eastwards.

3.5.31 The Heritage Statement assesses the history and character of the application site and immediate area, with specific reference to the listed buildings around it and the Darwen Street Conservation Area within which it sits. The study looks at the historical development of this area through to the late 20th century, and how the Phase One buildings and landscaping have revitalised the former boulevard. The document also includes a significance assessment, which looks at the proposal site itself but and extends to a consideration of the designated heritage assets. The report then looks at the proposed new building, setting it in the context of the listed buildings, the Conservation Area, and the Phase One works. The findings of the report are that the new building

will not harm the listed buildings, the Conservation Area or their settings. On the contrary, it will enhance them by providing a further high-quality new building, unified in design and style with the Phase One buildings while fully respecting the nearby listed buildings. The new office building will add to the existing built forms, completing an important visual framework for the Cathedral Quarter and its public open space. It will also be a landmark building, helping to frame and filter views into and out from this open space, in particular animating view corridors to the Cathedral and Railway Station.

3.5.32 Para 192 of the revised NPPF requires the LPA in determining applications, to take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

3.5.33 As identified within the submitted Heritage Statement, the location and form of the proposed building is broadly consistent with envisioned master plan design. The introduction of a building on the proposed site has considered both the drafting and adoption of the Cathedral Quarter Master Plan and the subsequent application associated with Phase One of the development. The Council's Heritage and Conservation Officer has raised the possibility of a revised design to be lower in height and over a larger foot print. However, it is considered that such a revised scheme would be harmful to the vibrancy and usability of the public space within the centre of the site. In addition, the alternate design would not be consistent with the vision of the Cathedral Quarter Master SPD and as such, Officers have chosen not to seek the requested amendment. Officers are satisfied the proposed development would result in a positive contribution to local character and distinctiveness and any harm to, or loss of, the significance of a designated heritage asset has received clear and convincing justification, as per the accompanying Heritage Statement.

3.5.34 Historic England (HE) were consulted at the pre-application stage, and attended a meeting held on 8<sup>th</sup> August 2018. The meeting was very productive, and it was explained to the HE Officer, the background to the overall scheme and the regenerations benefits for the Cathedral, the town centre and the borough that phase one has brought. This was followed up by a discussion on finishing the envisioned scheme with the second office building. The concerns of the HE Officer were the missed opportunities for landscaping to offer additional seating which was discussed in detail and it was agreed that it would be provided as part of the proposed commercial uses at ground floor level. The HE Officer was very positive over these proposals, and stated that he offered no objection to scheme in principle, and would provide a formal response as part of a formal application. At the time of

writing this report, this response has not been received and will be reported by way of the Update Report.

3.5.35 NPPF para 189 states, where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. The application is accompanied by a Desk-based Archaeological Assessment which has been reviewed by Lancashire Archaeological Advisory Service, who offers no objection to the findings but have requested a condition for a programme of archaeological work to be agreed prior to commencement.

3.5.36 On balance, the proposed scheme is considered to be in compliance with Policy 39 of the Local Plan Part 2 and the requirements of the NPPF and should be supported.

### 3.5.37 Summary

This report assesses the full planning application for the proposed a six-storey building providing 2798 sq.m of new Class B1 office floor space over 5 floors and 450 sq. m of commercial space falling within Shops (A1), Food and Drink (A3) and bar (A4), on the ground floor with an area of open space. In considering the proposal, a wide range of material considerations have been taken into account and the development is considered to have sufficient merit to achieve compliance with the Development Plan.

## 4 **RECOMMENDATION**

### 4.1 **Approve subject to conditions which relate to the following matters:**

- Commence within 5 years.
- Approved details and drawings
- Samples of materials and glazing
- Site contamination
- Drainage scheme undertaken in accordance with submitted details.
- Hours of construction limited to 8am to 6pm Mon-Sat, and not on Sundays or Bank Holidays.
- Hard and soft landscaping
- Construction Method Statement
- Plant noise restricted to limits prescribed in the report entitled: 'Environmental Noise Assessment Report' (Ref: P2008198/(REP)U001 Rev: A
- Archaeological programme to be submitted.

## 5 **PLANNING HISTORY**

5.1 **10/12/0824** Full Planning Application and 10/12/0856 Listed Building Consent for: Demolition of St Marys House, Jubilee House and redundant public conveniences. The demolition of the stone boundary wall to Dandy Walk to

facilitate vehicular access and removal of dwarf wall, railings and piers from the eastern boundary of the Cathedral Precinct. Alteration and part removal of the partially built steps to the south transept. Re-setting of the statue of Queen Victoria and removal of stone balustrading. Relocation of the War Memorial within the churchyard. Relocation of gravestones by St Marys House to new Clergy Court forming paving. Extension to the Cathedral comprising 10 apartments (C3), six one bed organ scholar bed sits (C2), office space (A2 and B1), refectory, library, conference room, car park and garden space. Construction of a six storey building comprising a 60 bedroom hotel (C1) with ground floor retail (A1)/commercial space (A3 and A4)). Construction of a six storey building comprising offices (A2 and B1)) and ground floor retail (A1)/commercial space (A2, A3 and A4). Public realm works including a series of simple, legible spaces within the new urban bloc, including a Clergy Garth, Cloister Courtyard, the Cathedral Square and a reworking of the Cathedral Gardens. The provision of a car park south of Jubilee Street. Strengthening to a section of River Blakewater culvert.

Conservation Area Consent 10/12/0826 for: Demolition of St Marys House, Jubilee House, redundant public toilets and parts of the wall structure to the north side of Dandy Walk

## **6 CONSULTATIONS**

- 6.1 Public Consultation: 177 neighbouring properties, 3 site notices erected and a press notice were published in the Lancashire Telegraph. No objections or comments have been received.
- 6.2 Arboricultural Officer: no comments received
- 6.3 Heritage and Conservation Area: Acknowledgement of phase 1 success. Request to alter design to reduce height and increase footprint. Addressed in Heritage section of the report.
- 6.4 Lead Local Flood Team: no objection
- 6.5 Environmental Services: no objection
- 6.6 Public Protection:

Noise Impact Assessment: Plant/Machinery Noise Control

The submitted report 'Environmental Noise Assessment Report' (Ref: P2008198/(REP)U001 Rev:A recommends plant & machinery noise control levels – see page 9, Table 5: 'Recommended plant noise limits associated with the new development'. The recommended noise limits must be implemented.

Condition: Plant/Machinery Noise Control

The maximum plant noise limits prescribed in the report entitled: 'Environmental Noise Assessment Report' (Ref: P2008198/(REP)U001 Rev:A, Table 5: 'Recommended plant noise limits associated with the new

development' shall be implemented prior to commencement, and retained for the duration of, the approved use.

Reason: To ensure that an acceptable standard of noise control is maintained at existing noise sensitive premises in the locality.

Contaminated land conditions to be attached.

## 6.7 Highways:

The submission does not present any parking spaces in support of the application. They promote the sustainability of the site and close links to the available on street and off street parking provision that can be found within easy walking distance of the site support the needs of the users. This is deemed acceptable.

The adopted Cathedral Quarter Masterplan sets out the proposals surrounding movement and car parking, and within this document it refers to the siting of an additional multi-storey car park within the Jubilee Street Development Zone, no reference or association to this is referred to within the submission received.

The red line of the property would impact upon the existing cycle shelter and cycle pods, it is referenced within the Design & Access Statement that these are to be relocated, together with additional to support the users of 2 Cathedral Square (this development). No details have been received please request further details.

There is also no evidence of any PTW parking in support - these should be provided at a ratio of 1 space per 25 car parking spaces. The location of these should be accessible to all, secure and covered and sited near the entrance.

### Access & Servicing

There are a number of access routes into and around the development site. The highways that will primarily support the development are, The Boulevard and Railway road all of which are adopted.

No changes to the highway infrastructure are proposed. However there are paths which are currently in situ that will be affected. Further considerations to this are to be given.

Tracking of service vehicles is provided, there was some apprehension with the movement of vehicles travelling from the boulevard, as there may be an issue of tracking through the running lane, however, I anticipate that the larger vehicles will be restricted to transit rigid rather than articulated vehicle.

### TRANSPORT STATEMENT

The Transport Statement has been reviewed. It is noted that the site is highly sustainable, with no requirements for car parking specifically associated with

the use. I would expect some provision to be made available for visitors and disabled users, perhaps this should be considered in support of the application.

Given the information provided within the Transport Assessment there are no reasonable grounds why the expansion of the existing site should be refused on highway grounds, and so the development has full support of highways.

#### OTHER

- All existing street furniture including street lighting should be removed/disconnected at the applicants expense and relocated at locations to be agreed with by the relevant highways officer, (should they be required to do so)
- construction method statement to be submitted for approval
- Contact to be made with our Structures Division prior to commencement of any works affecting retaining walls/ structure adjacent to/abutting or within the adopted highway
- Prior to any work commencing that affects the existing adopted highway contact to be made with the Local Highway Authorities office on Tel: 01254 273838 to undertake a condition survey.

To conclude we would offer no objections to the proposal, subject to the above matters being satisfactorily addressed.

- 6.8 Lancashire Constabulary: no objection raised but a number security measures have been recommended. This can be provided by way of an informative.
- 6.9 Historic England: Comment not yet provided.
- 6.10 Environment Agency: We have no objection to the proposed development but we wish to make the following comments:-

The River Blakewater, which is designated as a Main River, flows in culvert adjacent to the site. The developer will require a permit under the Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency for any proposed works or structures, in, under, over or within 8 metres of the edge of the River Blakewater culvert. No trees or shrubs may be planted, nor fences, buildings, pipelines (including outfalls) or any other structure erected within 8 metres of the edge of the Main River culvert without an environmental permit. Some activities are also now excluded or exempt. For further information, the developer should refer to the GOV.UK website <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

The Environment Agency has a right of entry to the River Blakewater by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act. The developer must contact [cmbIn-c-pso@environment-agency.gov.uk](mailto:cmbIn-c-pso@environment-agency.gov.uk) to discuss our access requirements or apply for an Environmental Permit.

A copy of this letter has been sent to the applicant / agent.



6.11 Network Rail: No comments received.

6.12 United Utilities: Following our review of Flood Risk Assessment, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the following condition is attached to any subsequent Decision Notice: The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (Ref No. DAE/NA/3834 FRADSSN-V1, Dated 21.09.2018) which was prepared by ROC. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development.

The development shall be completed in accordance with the approved details.  
Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

#### Drainage Comments

An abandoned public sewer crosses this site and unless it has been grubbed up as part of the S185 Diversion, we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.

Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Developer Engineer at [wastewaterdeveloperservices@uuplc.co.uk](mailto:wastewaterdeveloperservices@uuplc.co.uk) as a lengthy lead in period may be required if a sewer diversion proves to be acceptable. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

**7 CONTACT OFFICER: Alec Hickey, Senior Planner**

**8 DATE PREPARED: 7<sup>th</sup> December 2018.**

**REPORT OF THE DIRECTOR**

**Plan No: 10/18/1054**

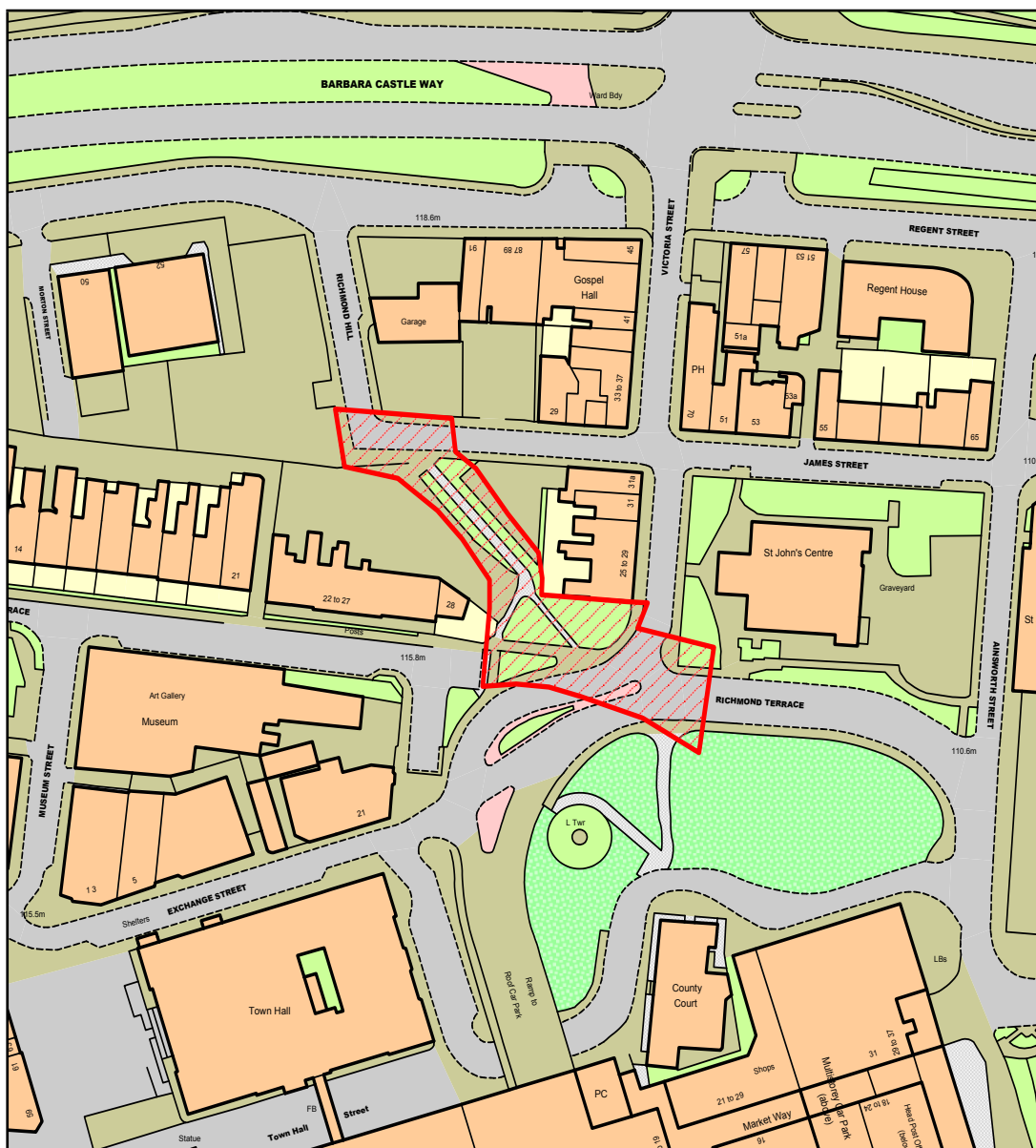
**Proposed development: Full Planning Application (Regulation 4) for New link road connecting Richmond Terrace to Barbara Castle Way.**

**Site address: Land linking Richmond Terrace to Barbara Castle way, Blackburn**

**Applicant: Blackburn with Darwen Borough Council**

**Ward: Blackburn Central**

**Councillor Zamir Kahn  
Councillor Salma Afzal  
Councillor Faryad Hussain**



## **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 The proposed development is recommended to be granted planning permission for the reasons as follows:

The proposal is in accordance with the following policies of the Blackburn with Darwen Borough Local Plan Part 2 (December 2015):

- Policies 8 and 9 in securing the amenity of surrounding and future users or existing occupiers and the mitigation of environmental impacts.
- Policy 10 in securing the safe, efficient and convenient movement of vehicles into and through the site
- Policy 39 in ensuring no impact on the setting of the conservation area

These policies are in compliance with the aims and objectives set out in the National Planning Policy Framework 2018.

- 1.2 It is recommended that the application be approved subject to the conditions listed in paragraph 4.1.

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

- 2.1 The proposed link road forms part of a wider Fabric Borders Blackburn scheme, which has recently (in 2017) received funding from the National Productivity Investment Fund (NPIF) from the Department for Transport (DfT). The Fabric Borders Blackburn scheme involves reconfiguration of vehicular and pedestrian routes in Blackburn town centre to remove vehicular congestion and conflicts, which are currently restricting economic activity and local productivity in the inner urban area of Blackburn and its town centre. In addition, the scheme aims to unlock economic growth and create job opportunities in the town centre.
- 2.2 The application is before the Committee as the application has been submitted by the Local Authority's Highways Department.
- 2.3 The proposal is considered satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through the recommended planning conditions.
- 2.4 The key issues to be addressed are as follows:
- Principle of development
  - Site layout and design issues
  - Impact on amenity
  - Highways & transportation
  - Heritage.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

3.1.2 The application site is located within the defined town centre boundary of Blackburn and within the Northgate and Richmond Terrace Conservation Areas. The site area of the proposed link road is predominantly used for car parking with some landscaped areas and a footpath link from Richmond Terrace to James Street.

3.1.3 The surrounding area is predominantly characterised by retail and office uses along Richmond Terrace and Victoria Street to more industrial uses on Richmond Hill and Tontine Street. A number of public and private car parks surround the proposed link road along James Street and Richmond Hill.

### **3.2 Proposed Development**

3.2.1 The proposed general arrangement for the link road will see traffic flow in a northerly direction only through the short length of new one-way link road between Richmond Terrace at the Mall entrance to Tontine Street in the north. This new road will cross the existing Tontine Street to form a new signalised junction with Barbara Castle Way.

3.2.2 The new link road's purpose is to allow the free movement of traffic from the Richmond Terrace section and the Mall Car Park. The route is more direct than existing allowing traffic to pass more efficiently through to Barbara Castle Way than the current configuration. The additional length of carriageway will allow greater capacity for the storage of peak traffic movements and a more efficient gyratory system with the existing Victoria Street. Victoria Street flows are reversed from Barbara Castle Way to Richmond Terrace. This allows the inclusion of wider footpath areas at key pedestrian crossing points.

3.2.3 The scheme will see the introduction of both soft and hard landscaping with pockets of landscaping to the east and west of the new link road at its junction with Richmond Terrace and to the west of the new puncture through onto Barbara Castle Way. The proposals include for areas of, amenity grass, seating and Seasonal Planting areas. The existing raised planter area to the west of the new link road will remain and be incorporated into the new scheme layout with the introduction of the new grassed areas.

3.2.4 Hard landscaping will include concrete kerbs and edgings together with asphalt surfacing to the footway and carriageways. Lighting columns will be steel to match those already in place. Resin bound areas will be introduced to create hardstanding areas to contrast the asphalt footways.

### **3.3 Development Plan**

3.3.1 Blackburn with Darwen Borough Core Strategy (Local Plan Part 1 Jan 2011):

Policy CS1: A Targeted Growth Strategy

### 3.3.2 Blackburn with Darwen Borough Local Plan Part 2 (Dec 2015):

- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 26: Town Centre
- Policy 39: Heritage

## **3.4 Other Material Planning Considerations**

### 3.4.1 National Planning Policy Framework 2018 (NPPF):

- 3.4.2 Achieving Sustainable Development, the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 3.4.3 Ensuring the vitality of town centres, planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
- 3.4.4 Promoting sustainable development, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

## **3.5 Assessment**

- 3.5.1 Principle: The proposed link road forms part of the Fabric Borders Blackburn scheme, which has received funding from the National Productivity Investment Fund (NPIF) of the Department for Transport (DfT). The Fabric Borders Blackburn scheme involves reconfiguration of vehicular and pedestrian routes in Blackburn town centre to remove vehicular congestion and conflicts, which are currently restricting economic activity and local productivity in the inner urban area of Blackburn and its town centre.
- 3.5.2 The principle of the proposal is not supported directly by one policy but can be considered against the overall aims of the Council's Development Plan with particular relevance to Policy 26 (Town Centres) of the Local Plan Part 2 which seeks to support development that makes a positive contribution to the vitality and viability of the town centre.
- 3.5.3 The NPPF 2018, at Chapters 2, 7 and 9, is committed to securing and supporting sustainable development alongside economic growth, the vitality of town centres and the promotion of sustainable transport. The NPPF advocates decisions that help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

- 3.5.4 The principle of the development is, therefore, accepted and encouraged, in accordance with Local Plan Policies and The Framework's presumption in favour of sustainable development, subject to application being acceptable in all other respects.
- 3.5.5 Route and Impact on the highway network:
- 3.5.6 Local Plan Part 2, Policy 10, sets out that development will be permitted provided it has been demonstrated that road safety and the safe, efficient and convenient movement of all highway users is not prejudiced; that appropriate provision is made for vehicular access, off street servicing and parking in accordance with the Council's adopted standards and that the needs of disabled people should be fully provided for, including those reliant on community transport services. The policy also requires submission of a supporting Transport Statement (TS) for proposed development that has the potential to significantly affect existing transport systems.
- 3.5.7 A Transport Statement (TS) and drawings accompanied the submitted application and have been reviewed by the Local Highway Authority. The assessment evaluates the existing transport and highways context of the site, access, parking and servicing conditions and trip generation. This allows an assessment to be made as to whether the highways network has the capacity to accommodate the potential increases in traffic as a result of the proposed development.
- 3.5.8 The applicant's report concludes that the proposed link road and a wider Fabric Borders Blackburn scheme would resolve the existing and future capacity issues, with all three junctions operating within capacity in the future years following the implementation of the proposed highway interventions. These findings are not disputed by the Highway Engineer who is in agreement with the report noting, the addition of a new link and changes to traffic priorities presents a betterment and improvement to the movement of vehicles through the town centre.
- 3.5.9 The Council's Highways Officer has reviewed the accompanying documents and drawings and offers no objection in principle to the scheme subject to minor technical points of clarification and the details of wheel wash facilities being provided. The applicant is seeking to address these points by way of an update as they are seeking to avoid pre-commencement conditions. As such, the proposal is considered to comply Local Plan Part 2, Policy 10 subject to requested details being provided or through the use of suitably worded conditions requiring the requested details prior to implementation of the link road.

#### Design and Layout

- 3.5.10 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 which seeks to secure high quality design.

3.5.11 A detailed Design and Access Statement accompanies the application, and sets out the key design principles which are taken forward in the application proposals design response, reflecting not only the policy requirements but the comments given by officers as part of informal discussions. These design driver considerations include:

- Layout and Scale
- Landscaping and Appearance
- Vehicular and Transport Links

3.5.12 High quality landscaping is an important feature of this proposal and the applicant has submitted a landscaping scheme covering both hard and soft surfacing and planting areas which includes areas of, amenity grass, seating , Seasonal Planting areas, concrete kerbs and edgings together with asphalt surfacing to the footway and carriageways. Lighting columns will be steel to match those already in place. Resin bound areas will be introduced to create hardstanding areas to contrast the asphalt footways.

3.5.13 In summary, the comprehensive details submitted relating to the design and layout of the proposal are considered to demonstrate that the landscaping and infrastructure accords with the provisions of the relevant policies of the development plan.

#### 3.5.14 Amenity

Local Plan Part Two Policy 8 sets out that development will be permitted where it can be demonstrated that it would secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself, with reference to noise, vibration, odour, other pollution or nuisance.

3.5.15 Given the town centre location, the consideration that the surrounding area is predominantly commercial in character and there are no known nearby receptors that would suffer any unacceptable amenity impacts from the introduction of the proposed link road. The proposal is considered to be compliant with the development plan and can be adequately controlled by the recommended hours of operation conditions during the construction period.

#### 3.5.16 Heritage

Local Plan Part Two Policy 39 set out how the council will deal with development affecting heritage assets noting, development with the potential to affect any designated or non-designated heritage asset, either directly or indirectly including by reference to their setting, will be required to sustain or enhance the significance of the asset.

- 3.5.17 The proposed link road straddles the Northgate and Richmond Terrace Conservation Areas which are areas of considerable townscape significance.
- 3.5.18 The Northgate Conservation Area was originally designated in 1994 and is the largest of five Conservation Areas within Blackburn Town Centre, containing copious examples of nineteenth and early twentieth century civic architecture, such as the Town Hall, King Georges Hall and the College of Technology and Design. The College of Technology and Design is located directly to the north of the development site and is a Grade II listed building completed in 1894 in a Northern Renaissance style.
- 3.5.19 Richmond Terrace Conservation Area is the most northerly of the five within Blackburn's town centre. Originally designated in 1975 and further extended in 1992, it is therefore also the oldest conservation area within the town centre. Located to the immediate north of Northgate Conservation Area, the conservation area's southern boundary is defined by the principal façade of the buildings on the southern side of Richmond Terrace and hence also by the northern boundary of Northgate Conservation Area. The western boundary follows the centre of Limbrick and the northern boundary is defined by the rear of 1 – 21 Richmond Terrace and by Morton and Regent streets, whilst the eastern boundary is defined by the centre of Ainsworth Street, but fluctuates to incorporate the New Refuge Buildings on its eastern side.
- 3.5.20 The proposed scale and footprint of the link road positively responds to the shape of the site with the inclusion of appropriate hard and soft landscaping. The design has evolved as part of ongoing discussions with the Council's Heritage and Conservation Officer to negate potential visual impacts on key vistas within the conservation areas, with particular reference to Richmond Terrace given its proximity to the application site. The development is therefore considered to be in compliance with Policy 39 of the Local Plan Part 2.

#### **4.0 RECOMMENDATION**

##### **4.1 Approve subject to conditions which relate to the following matters:**

- Commence within 3 years.
- Hours of construction limited to 8am to 6pm Mon-Sat, and not on Sundays or Bank Holidays.
- Construction Method Statement.
- Hard and soft landscaping scheme.
- Drainage consent from United Utilities.
- Unexpected contamination.
- Approved details and drawings

#### **5.0 PLANNING HISTORY**

5.1 No relevant planning history exists.



## 6.0 CONSULTATIONS

- 6.1 45 neighbours were consulted, 3 site notices erected, and a press notice was published in the Lancashire Telegraph. 1 objection has been received.

*The objection received was in relation to an existing parking space to the front of a property on Richmond Terrace. Officers attended the site and explained the scheme noting the parking would be remain available following the completion of the link road.*

- 6.2 Public Protection: No objection subject to conditions on unexpected contamination on site.
- 6.3 Highways: The scheme involves new sections of road, additional parking and alterations to the traffic layout. There are some apprehensions with the scheme, and we would ask further considerations are given to the following when delivering the scheme;
- Pedestrians route from Victoria Street towards the entrance into The Mall suffer for safe crossing points on the west side as they approach Richmond Terrace along the west side suffer, this should be provided to ensure pedestrians are safe
  - Clarity is required on how the two existing car parks which access off the new link road, are accessed, the plans do not depict the access point clearly
  - The echelon parking situated adjacent to St John Church, which is positioned along the edge of the carriageway, would not give adequate support to the driver after exiting the car. There is currently an embankment at the rear of the spaces – however it is not clear whether this would be regraded to support pedestrians. My thoughts would be remove these spaces, as either manoeuvre whether its reversing in or reversing out would prejudice the safety of moving vehicles, especially on such a busy through route
  - The exit approach from north of Victoria street, indicates a left and right manoeuvre only, will this allow drivers to move directly south towards the town centre? please seek clarification
  - We would request all streets should be auto tracked, as the changes to some radii may affect bus manoeuvres especially at the un named street adjacent to St Johns Court

A construction method statement has been received, and reviewed, the document makes no reference to a wheel wash proposal, evidence of this and also how the site will be laid out is to be received for approval – or conditioned accordingly.

### Transport Assessment

This has been reviewed and analysed. The report considers the changes proposed, the addition of a new link and changes to traffic priorities presents a betterment and improvement to the movement of vehicles through the town centre.

6.4 Drainage: No objection subject to conditions.

6.0 **CONTACT OFFICER: Alec Hickey, Senior Planner**

8.0 **DATE PREPARED: 5<sup>th</sup> December, 2018**

## 9.0 Summary of Representations

Objection Rashid Iqbal, 28 Richmond Terrace, Blackburn

Hello

I am the owner of 28 Richmond Terrace and I am concerned that this connection will have a detrimental effect on the parking space on land that i own.  
my tenants have brought this to my attention.

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## **DEPARTMENT OF GROWTH & DEVELOPMENT**

**ORIGINATING SECTION:** Planning Service (Development Management)

**REPORT TO:** 20<sup>th</sup> December 2018 Planning & Highways Committee.

**TITLE:** Petition regarding: Reserved Matters Application (access within the site, landscape, layout, appearance, scale) pursuant to outline 10/15/0496 for Phase 1b comprising of 150 dwellings and associated infrastructure at Phase 1B Former Sappi Paper Mill, Livesey Branch Road, Feniscowles, Blackburn BB2 5HX (ref: 10/18/1097).

**Applicant:** Blackburn Waterside Regeneration Ltd

**Ward:** Livesey With Pleasington

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<b>Councillor Derek Hardman</b>	
<b>Councillor John Pearson</b>	
<b>Councillor Paul Marrow</b>	

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### 1.0 **PURPOSE OF REPORT**

1.1 To inform Members of the receipt of a petition objecting to planning application 10/18/1097. Copies of the petition are available in Democratic Services.

### 2.0 **BACKGROUND AND DETAILS**

2.1 Planning application reference 10/18/1097 was submitted to the Planning Authority on the 12<sup>th</sup> November 2018. The application is a Reserved Matters application seeking consent for the access within the site, landscape, layout, appearance, scale pursuant to outline planning application 10/15/0496 for Phase 1b at the former Sappi Paper Mill, comprising of 150 dwellings and associated infrastructure.

2.2 Public consultation letters were issued on the 15<sup>th</sup> November, and at the time of writing this report 6 individual objections to the proposal were received.

2.4 The petition was received on the 4<sup>th</sup> December 2018, and contains 20 signatories. The objections raised in the petition can be summarised as follows:

*“Taking into account the generous overall size of this residential development site, we consider the following points are entirely relevant town planning grounds of objection, with regards to the scheme as currently presented. There is no justification for the removal of the mature trees along the canalside simply in the interests of creating water fronted properties purely for maximum commercial gain, when the following matters are considered:*

- *The canalside trees are all protected under a Tree Preservation Order. Their removal is neither necessary nor justified.*
- *Proposing three storey dwellings featuring first floor (living room) balconies that directly overlook and invade the privacy of Kingsley Close existing properties demonstrates a complete lack of regard for existing occupiers on Kingsley Close.*
- *Noise pollution issues may arise as a result of these balcony fronted properties.*
- *In any event, proposed properties could readily be accommodated behind the canal side tree line so as not to detrimentally impact on the amenity and privacy of the existing dwellings on Kingsley Close.*
- *At the very minimum, if some canal fronted dwellings are proposed, these should be two storey in design, and not feature canal facing balconies opposite Kingsley Close.*
- *If there is a requirement for three storey developments, these should be accommodated further down the “canalside” development where the properties will not be intrusive to existing residential developments.*

*I would urge you as the Planning Authority to take full note of these strong concerns and to engage with the developer at this stage and to explore how the scheme might be revised in a manner that addresses these concerns fully.”*

2.5. Members are advised that the application is still being considered by officers.

### 3.0 **RECOMMENDATION**

3.1 It is recommended the Committee note the petition, that the issues raised will inform the assessment of the proposal and that the lead petitioner be informed of the decision once made.

### 4.0 **BACKGROUND PAPERS**

4.1 None

5.0 **CONTACT OFFICER** – Gavin Prescott, Planning Manager (Development Management), Extn 5694.

6.0 **DATE PREPARED** – 5<sup>th</sup> December 2018

## DEPARTMENT OF GROWTH AND DEVELOPMENT

**ORIGINATING SECTION: Planning Service (Development Management)**

**REPORT TO: Planning & Highways Committee on 20<sup>th</sup> December 2018.**

**TITLE: Petition objecting to the unauthorised late night opening and associated noise nuisance at the Grand Venue at Harrison Street, Blackburn.**

**WARD: Blackburn Central**

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**Councillor: Zamir Khan**  
**Councillor: Faryad Hussain**  
**Councillor: Saima Afzal**

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### **1.0 PURPOSE OF THE REPORT**

1.1 To inform Members of the receipt of a petition objecting to noise nuisance caused to residential properties as a consequence of unauthorised late night opening at the Grand Venue, Harrison Street, Blackburn.

### **2.0 BACKGROUND AND DETAILS**

2.1 On 20<sup>th</sup> October 2017, the Local Planning Authority granted planning permission under delegated powers for a change of use of industrial premises (use class B1 / B2) to a Banqueting Suite (use class D2) with external alterations and additional car parking (ref: 10/16/1208).

2.2 Planning permission was granted subject to a number of conditions, including but not limited to the following:

- Prior to the implementation of the development hereby approved, a scheme detailing soundproofing shall be submitted to and agreed in writing by the Local Planning Authority (LPA). The approved scheme shall be implemented prior to first occupation of the development.  
REASON: To protect the neighbouring premises from any adverse noise levels in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.
- Prior to the implementation of the development hereby approved, a scheme for the control of cooking odours and fan noise from the premises shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter retained.  
REASON: To prevent adverse amenity to occupiers of neighbouring premises from cooking odours and/or extraction system noise in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

- Prior to the implementation of the development hereby approved, a scheme for the control of cooking odours and fan noise from the premises shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter retained.  
 REASON: To prevent adverse amenity to occupiers of neighbouring premises from cooking odours and/or extraction system noise in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.
- Prior to the implementation of the development hereby approved, a scheme for the control of cooking odours and fan noise from the premises shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter retained.  
 REASON: To prevent adverse amenity to occupiers of neighbouring premises from cooking odours and/or extraction system noise in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.
- Prior to the implementation of the development hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the offer of a minibus service for the transportation of attendees to and from the venue. The scheme shall detail when the service is to be made available and details of its management and monitoring. The scheme shall be implemented in accordance with the approved details.  
 REASON: In order to promote an alternative mode of transportation to and from the venue, in the interests of minimising highway congestion, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan.
- Prior to the erection of the extension hereby approved to the rear of the building, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the adjacent operational railway infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The approved Risk Assessment and Method Statement shall be adhered to throughout construction works.  
 REASON: In the interests of public safety, in accordance with Policy 8 of the Blackburn With Darwen Borough Local Plan Part 2.

2.3 Following complaints made to the Council's Planning Enforcement and Public Protection teams from local residents alleging late night opening and parking problems with associated noise nuisance, officers issued Breach of Condition Notices for failure to comply with the aforementioned conditions. The petition was received on the 5<sup>th</sup> October 2018, and contains 28 petitioners citing impact of late night opening and associated noise, including 'car horns & drums'. Also the objections relate to parking issues affecting access to houses.

2.4 An agent has been appointed to submit applications to address each of the conditions. To date an application has been submitted seeking to vary the hours of opening condition to allow extended opening until 11pm (ref. 10/18/0959). The application has yet to be determined and the local planning authority currently



awaits submission of a noise assessment to determine likely night time noise generated from various sources associated with the Grand Venue. On receipt, the assessment will be reviewed by the Council's Public Protection consultee, to inform a recommendation on whether or not impact of the later opening hours proposed will be acceptable on neighbouring amenity, to allow approval of the application. The application will be referred to the Chair of the Committee to ascertain whether the application should be determined by the Committee or under delegated powers in accordance with the Council's adopted Scheme of Delegation.

2.5 The remaining outstanding conditions are to be addressed under an awaited condition discharge application.

2.6 Ultimate failure to comply with the conditions may lead to enforcement action under the provisions of the Town and Country Planning Act 1990.

### **3.0 RECOMMENDATION**

3.1 That the petition be noted by Members and that the lead petitioner be informed of any decision taken, including the outcome of the current application to seek extended opening hours and any subsequent enforcement proceedings.

### **4.0 BACKGROUND PAPERS**

4.1 Planning application for change of use to banqueting suite – 10/16/1208

4.2 Current planning application to vary hours of opening - 10/18/0959

5.0 **CONTACT OFFICER:** Nick Blackledge, Planner – Tel. 585112.

6.0 **DATE PREPARED:** 5<sup>th</sup> December 2018.

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

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