

# Public Document Pack

## Planning and Highways Committee

Thursday, 15th July, 2021

6.30 pm

King George's Hall, Northgate

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### AGENDA

- |     |  |           |
|-----|--|-----------|
| 1.  | Welcome and Apologies  |           |
| 2.  | Minutes of the Previous Meeting  |           |
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Date Published: Wednesday, 07 July 2021  
Denise Park, Chief Executive

***PRESENT*** – Councillors, David Smith (Chair), Akhtar, Casey, Khan, Khonat, Slater, Jan-Virmani, Riley, Browne, Harling, Marrow, Baldwin and Desai.

***OFFICERS*** – Gavin Prescott, Michael Green, and Shannon Gardiner

## **RESOLUTIONS**

**7      Welcome and Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Safina Alam.

**8      Minutes of the Previous Meeting**

**RESOLVED** – That the minutes of the previous meeting held on 27<sup>th</sup> May 2021 be confirmed and signed as a correct record.

**9      Declaration of Interest**

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

**10     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.

**10.1   Planning Application 10/20/0709**

**Applicant** – Mr H Saleh

**Location and Proposed Development** – Jamiatul Illm Wal Huda, Moss Street, Blackburn, BB1 5JT

Full Planning Application for Proposed three storey playing courts.

**Decision under Town and Country Planning Acts and Regulations –**

**RESOLVED** – Approved subject to the conditions highlighted in the Director's Report

**10.2   Planning Application 10/20/0934**

**Applicant** – Countryside Properties (UK) Ltd and Together Housing Group

**Location and Proposed Development** – Land to the North and South of Fishmoor Drive and Land to the East of Roman Road, Blackburn

Full Planning Application (Regulation 4) for: Demolition of one substation building and the erection of 383 dwellings and associated works.

**Decision under Town and Country Planning Acts and Regulations –**

**RESOLVED** – Approved subject to the conditions highlighted in the Director's Report and Section 106 to the Town and Country Planning Act 1990, relating to the payment of £395,000; plus a monitoring fee of £3950. Payments to be phased as follows:

- £199,475 is to be paid prior to commencement of the development (£197,500 for education and £1,975 monitoring fee); and
- £199,475 is to be paid within 12 months after commencement (£197,500 for education and £1,975 monitoring fee).

Should the S106 agreement not be completed with 6 months of the date of the planning application being received, the Strategic Director of Place will have delegated powers to refuse the application.

**10.3 Planning Application 10/21/0115**

**Applicant** – Mr Lee Thompson

**Location and Proposed Development** – Glendale Farm, Tockholes, Darwen, BB3 0NR

Proposed all-weather equestrian riding surface with timber post and rail fence

**Decision under Town and Country Planning Acts and Regulations –**

**RESOLVED** – Approved subject to the conditions highlighted in the Director's Report

**10.4 Planning Application 10/21/0277**

**Speaker** – Mrs Robinson (*Objector*)

**Applicant** – McDermott Homes Ltd

**Location and Proposed Development** – Land off Lomond Gardens, Blackburn

Full Planning Application (Regulation 4) for Residential development consisting of 30 dwellings and associated infrastructure works.

**Decision under Town and Country Planning Acts and Regulations –**

**RESOLVED** – Approved subject to the conditions highlighted in the Director's Report and the amended condition in the Update Report

**10.5 Planning Application 10/21/0477**



**Applicant** – Blackburn with Darwen Borough Council

**Location and Proposed Development** – Town Hall, King William Street, Blackburn, BB1 7DY

Listed Building Application (Regulation 3) for remedial and renewal works to the Bay Roof projecting to the South facing Elevation to include increasing the diameter of the concealed downpipe within the left hand side (front view) Corinthian Column, renewing the outlets, roof finishes including flashing's/soakers and rainwater goods

**Decision under Town and Country Planning Acts and Regulations –**

**RESOLVED** - Approved subject to the conditions highlighted in the Director's Report

## **11 Appeals Monitoring Report**

The Members were presented with an update of recently decided appeals since the previous report in October 2020. It was noted that 8 appeals were determined during the period from 3<sup>rd</sup> October 2020 to 3<sup>rd</sup> June 2021. From the 8 appeals 7 were dismissed and 1 was allowed.

The appeals allowed by the Inspectorate, and the reasons provided, have been duly considered in detail by officers, and have been incorporated in the decision making culture as part of the Planning Service's Performance Improvement Plan, in order to reduce the number of appeals and subsequently the number of appeals allowed.

**RESOLVED** – That the report be noted.

## **12 Tree Preservation Order - Oak Tree Barn off Greens Arms Road, Chapelton Turton (ref: N30)**

The Members of the Committee were requested to endorse the actions of the Council's Arboricultural Officer/Planning Manager in making and serving the Oak Tree Barn off Green Arms Road, Chapelton, Turton, Tree Preservation Order 2021.

In October 2021 the local planning authority received a formal pre-application enquiry to convert the vacant barn into a dwelling house, which was located close to the Sycamore Tree, the subject of the tree preservation order (TPO) (ref: BL\2020\ENQ\09162), During the assessment of this enquiry, the Council's Arboricultural Officer, considered the tree in question, was worthy of protection.

The Arboricultural subsequently carried out a Tree Evaluation Method for Preservation Orders (TEMPO), which was undertaken on the 3rd November 2020. The assessment gave the tree a very high score as illustrated in the report, which fully warrants a TPO.

The tree was situated approximately 6 – 7m to the south of the barn, and was a large mature Sycamore that was a 'notable' tree in the area. The tree was

21m in Height and had a 'Diameter at Breast Height of 1.3m and a Crown Spread of approximately 14m. The tree was part of a cluster of mature trees in the area which was characterised by these large trees as well immediate residential cottages and properties.

No objections were received from the Parish or the ward councillors. Initially, the freeholders of the land objected to the proposed TPO. However, following discussions with the Council's Arboricultural Officer, their objections were removed on the 17th February 2021, understanding why the TPO was made and understanding that this does not negatively affect them or their property.

The tree was of considerable amenity value and could potentially come under threat of removal, or severe pruning, if the barn was made suitable for residential living. The emergency Tree Preservation Order was made on the 11th January 2021 and the Council had six months in which to confirm this order. As such, the deadline for confirmation is 11th July 2021 and if the TPO is not confirmed by this date it would not be protected and could therefore be pruned/felled without requiring consent from the Council.

**RESOLVED** – That the Committee endorsed the Arborist and Planning Manager (Development Management) in making and serving the Oak Tree Barn off Greens Arms Road, Chapeltown Turton Tree Preservation Order 2021

### **13      Planning Enforcement Update Report**

The Members were presented with an overview of planning enforcement matters. Included in the report were the main list of cases where formal enforcement action was being taken and was not a list of every case, complaint or enquiry being dealt with.

**RESOLVED** – That the report be noted.

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><u>MATERIAL:</u></b>	<b><u>NOT MATERIAL:</u></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 STRATEGIC DIRECTOR OF PLACE

#### **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, Planning Manager (Development Management) – 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: 15/07/2021**

Application No	Applicant	Site Address	Ward
Application Type			
10/19/0547	Mrs Catherine Cooney 12 Leeward Close Lower Darwen BD3 0SD	Land between 21 & 23 Swan Farm Close Lower Darwen Blackburn BB3 0QU	Blackburn South & Lower Darwen
Reserved Matters Application for Reserved matters application (access, appearance, landscaping, layout and scale) pursuant to outline application 10/15/1238 for construction of 1 no detached dwelling			
<b>RECOMMENDATION: Permits</b>			
10/20/1036	Applethwaite Homes C/O Agent - PWA Planning 2 Lockside Office Park Lockside Road Preston PR2 2YS	Land at Davyfield Farm Roman Road Eccleshill BB3 3PJ	West Pennine
Full Planning Application for The erection of 19 no. dwellings, with associated infrastructure and landscaping works			
<b>RECOMMENDATION: Permits</b>			
10/21/0148	Thistlewood Properties Ltd c/o Barnett House 53 Fountain Street MANCHESTER M2 2AN United Kingdom	Former Hollins Grove Liberal Club Falcon Avenue Darwen BB3 1QX	Darwen West
Full Planning Application for Erection of Use Class E Convenience Store with Staff/Storage at First Floor and 16 Customer Parking Spaces and Delivery Area			
<b>RECOMMENDATION: Permits</b>			

Application No	Applicant	Site Address	Ward
Application Type			
10/21/0341			
Diaverum Facilities Management Ltd Blenheim Gate 22-24 Upper Marlborough Road St Albans Hertfordshire AL1 3AL	Land Adjacent to Royal Blackburn Teaching Hospital, East Lancs Hospitals NHS Trust Old Bank Lane Blackburn BB2 3HH	Audley & Queens Park	
Full Planning Application for Proposed single storey satellite renal dialysis unit, associated parking and services area. (Revision to previously permitted scheme ref 10/17/0177)			
RECOMMENDATION: Permits			
10/21/0371			
Blackburn With Darwen Borough Council Lammack Primary School Lammack Road, Blackburn BB7 1FB	Lammack Primary School Lammack Road Blackburn BB1 8LH	Billinge & Beardwood	
Full Planning Application (Regulation 3) for Various single storey extensions to existing school to provide additional classroom facilities			
RECOMMENDATION: Permits			
10/21/0410			
Mr Kenneth Warner 3 Chapeltown Road Bromley Cross Bolton BL7 9AD Lancashire	White Lodge Farm Blackburn Road Edgworth Bolton BL7 0PU	West Pennine	
Full Planning Application (Retrospective) for Part retrospective application for the creation of a vehicular access and track leading from Blackburn Road to serve new house (substantially completed) and certified caravan site (amendments to application 10/20/0625)			
RECOMMENDATION: Permits			
10/21/0562			
Blackburn with Darwen Borough Council Old Town Hall King William Streeet Blackburn BB1 7DY	Blackburn Enterprise Centre Furthergate Blackburn BB1 3HQ	Audley & Queens Park	
Prior Approval - Solar Panels Non-domestic Buildings for Installation of Solar Photo Voltiac (SPV) arrays to North East facing roof slope			
RECOMMENDATION: Prior Approval is not required			
10/21/0563			
Blackburn with Darwen Borough Council Old Town Hall King William Street Blackburn BB1 7DY	Blackburn Leisure Centre Feilden Street Blackburn BB2 1LQ	Blackburn Central	
Prior Approval - Solar Panels Non-domestic Buildings for Installation of Solar Photo Voltaic (SPV) arrays to flat roof			
RECOMMENDATION: Prior Approval is not required			

Application No	Applicant	Site Address	Ward
Application Type			
10/21/0412			
Blackburn with Darwen Borough Council	Sunnyhurst Centre	Darwen West	
First Floor	Salisbury Road		
One Cathedral Square	Darwen		
Blackburn	BB3 1HZ		
BB1 1FB			
Application to Undertake works to protected trees owned by BwDBC as recommended within an Arboricultural report.			
<b>RECOMMENDATION: Grants</b>			
10/21/0565			
Blackburn with Darwen Borough Council	Darwen Leisure Centre	Darwen West	
Old Town Hall	The Green		
King William Street	Darwen		
Blackburn	BB3 1PW		
BB1 7DY			
Prior Approval - Solar Panels Non-domestic Buildings for Installation of Solar Photo Voltaic (SPV) arrays to flat roof areas of building			
<b>RECOMMENDATION: Prior Approval is not required</b>			
10/21/0646			
Blackburn with Darwen Borough Council	Jubilee Square	Blackburn Central	
Julia Simpson	Blakey Moor		
One Cathedral Square	Blackburn		
Blackburn with Darwen Borough Council			
One Cathedral Square			
Third Floor			
Blackburn			
BB1 1EP			
Full Planning Application (Regulation 3) for The erection of a free standing bronze statue of Barbara Castle and stone memorial			
<b>RECOMMENDATION: Permits</b>			



## **REPORT OF THE DIRECTOR**

**Plan No: 10/19/0547**

**Proposed development: Reserved Matters Application for: Access, appearance, landscaping, layout and scale, pursuant to outline application 10/15/1238 for construction of 1no. detached dwelling.**

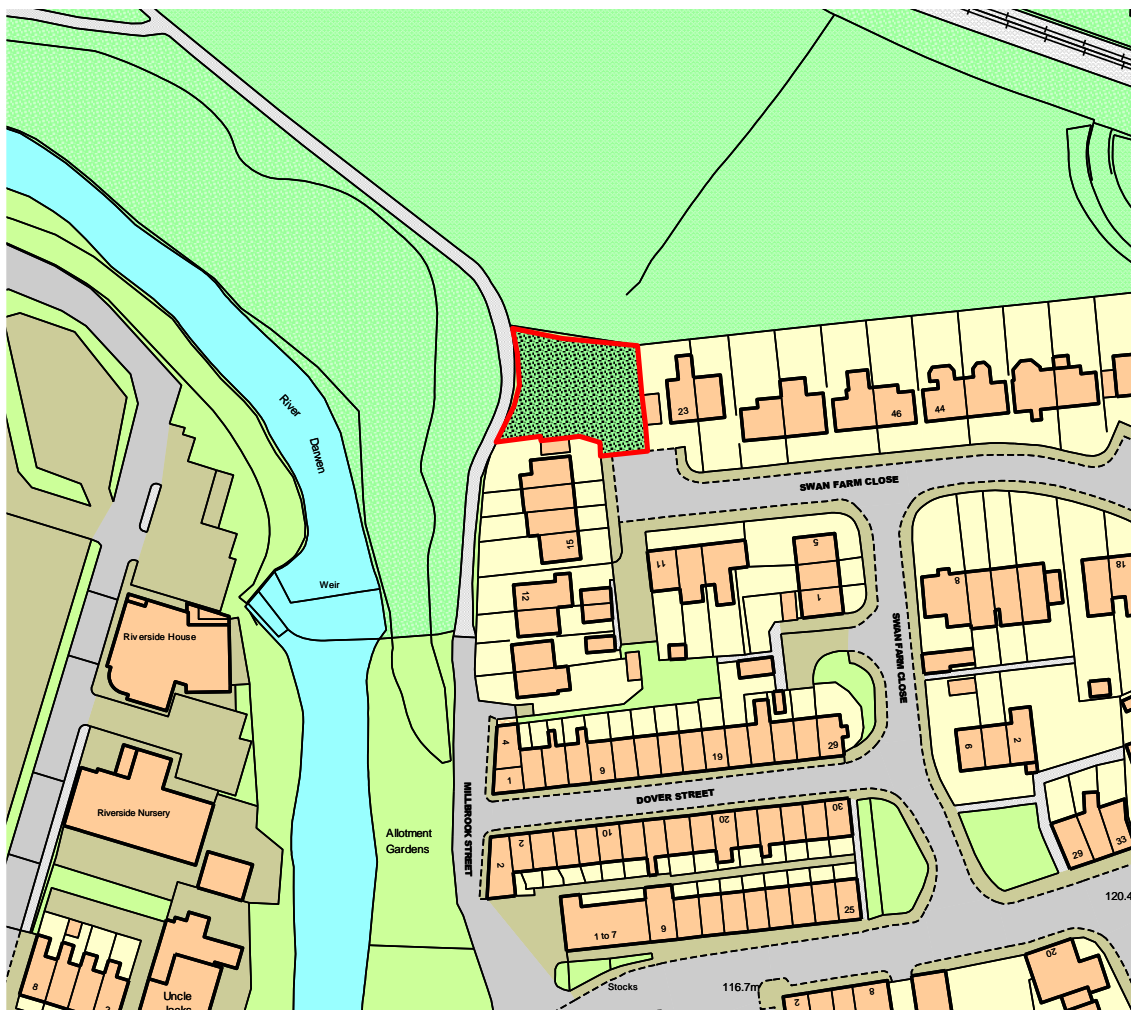
**Site address:**

**Land between 21 & 23 Swan Farm Close  
Lower Darwen  
Blackburn  
BB3 0QU**

**Applicant: Mrs Catherine Cooney**

**Ward: Blackburn South & Lower Darwen**

**Councillor John Slater  
Councillor Jacqueline Slater  
Councillor Denise Gee**



## **1.0 SUMMARY OF RECOMMENDATION**

### **1.1 APPROVE – Subject to conditions, as set out in paragraph 4.1.**

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

- 2.1 The application considers Reserved Matters (RM) pursuant to Outline planning permission previously granted by Committee in August 2016 (ref. 10/15/1238), which established the principle of a single dwelling at the site. Members are advised that matters pertaining to the assessment of this application are limited to access; appearance; landscaping; layout and scale.
- 2.2 Determination of the application has been delayed, since its submission in June 2019, pending the outcome of a footpath claim routed through the site. The footpath was an informal route and not included on the Council's definitive map. Following success of the claim, the footpath will be formalised as a definitive Public Right of Way (PROW). Accordingly, the application is considered in the context of the PROW's position in relation to the proposed development, assessment of which is set out under the following 'Access' section of the report.
- 2.3 Assessment of the application finds that the proposal corresponds with the Council's overarching housing growth strategy, as set out in the Core Strategy and Local Plan Part 2, by suitably demonstrating delivery of a high quality development, consistent with the surrounding area. It would also contribute towards the Council's housing delivery target. Moreover, from a technical point of view, all issues have been addressed through the application or are capable of being controlled or mitigated through planning conditions.

## **3.0 RATIONALE**

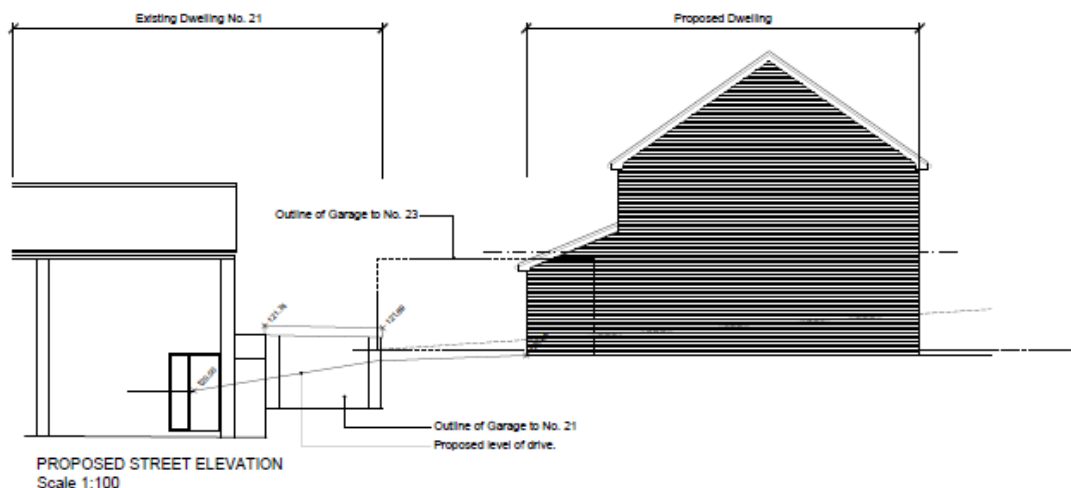
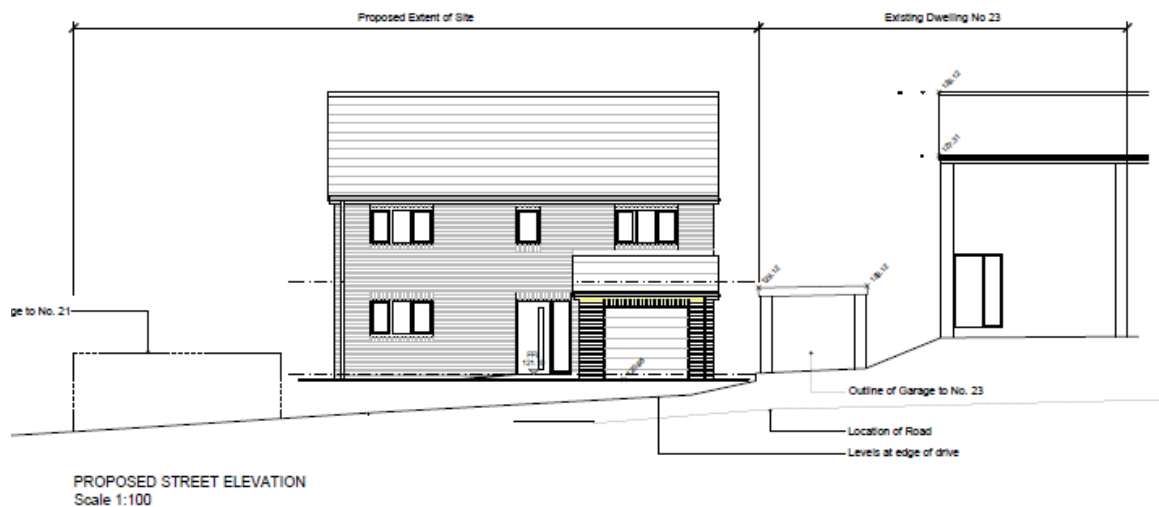
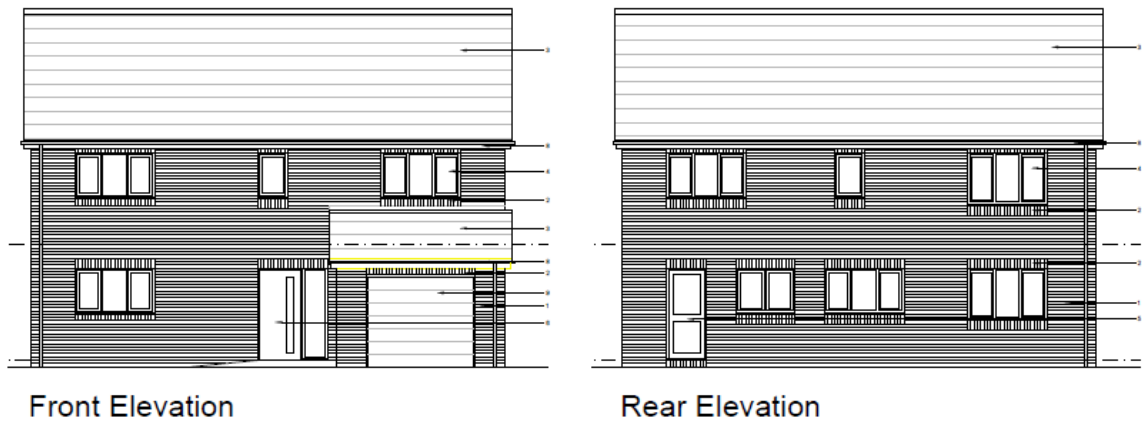
### **3.1 Site and Surroundings**

- 3.1.1 The site is a triangular plot of land positioned between existing housing situated at the cul-de-sac head of Swan Farm Close. An established hedgerow defines its south western boundary, with the northern boundary linking with open space populated by trees. Land levels increase slightly from south to north with ground conditions consisting of uncontrolled vegetation. Historic clearance of trees and bushes is recorded in the Case Officer's report detailing assessment of the outline application. The above noted PROW is routed to the south and west of the site, to a gate linking to the main footpath system though the Lower Darwen Parkway Public Open Space.
- 3.1.2 The site is located within a predominantly residential area, with housing located to the immediate south and eastern boundaries. It forms part of a wider Green Infrastructure (GI) allocation, in accordance with the Local Plan Part 2.

## 3.2 Proposed Development

3.2.1 Reserved Matters are sought for access; appearance; landscaping; layout and scale, pursuant to outline application 10/15/1238 for construction a two storey, 4 bedroom detached dwelling, as set out in the submitted drawings, as illustrated below (Good & Tillotson, Jan 2021).

3.2.2 The current proposal represents an amendment to the original proposal which was for a 2.5 storey, 5 bedroom detached dwelling.



### **3.3 Development Plan**

3.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

3.3.2 The Development Plan comprises the Core Strategy and adopted Local Plan Part 2 (LPP2) – 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**

- CS7 – Types of Housing
- CS13 – Environmental Strategy
- CS15 – Ecological Assets
- CS16 – Form and Design of New Development
- CS18 – The Borough's Landscapes
- CS19 – Green Infrastructure

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

- 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 38 – Green Infrastructure on the Adopted Policies Map
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape

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

3.4.1 Green Infrastructure Supplementary Planning Document.

3.4.2 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.

3.4.3 National Planning Policy Framework (The Framework)

Overall, The Framework aims to raise economic performance by ensuring the quantity, quality and mix of housing reflect that required, with an expectation to maintain a 5-year housing land supply. Quality design should be secured and environmental impacts minimised. Effective use of under-used or vacant

land is also emphasised. Areas of the Framework especially relevant to this application are:

- Making effective use of land; and
- Achieving well-designed places.

#### 3.4.4 National Planning Policy Guidance (NPPG)

### 3.5 **Assessment**

3.5.1 Assessment of this Reserved Matters application is limited to the following matters:

- **Access:** covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site.
- **Appearance:** Aspects of a building or place which affect the way it looks, including the exterior of the development.
- **Landscaping:** The improvement or protection of the amenities of the site and the surrounding area; this could include planting trees or hedges as a screen.
- **Layout:** Includes buildings, routes and open spaces within the development and the way they are laid out in relation to buildings, routes and open space outside the development.
- **Scale:** Includes information on the size of the development, including the height, width and length of each proposed building.

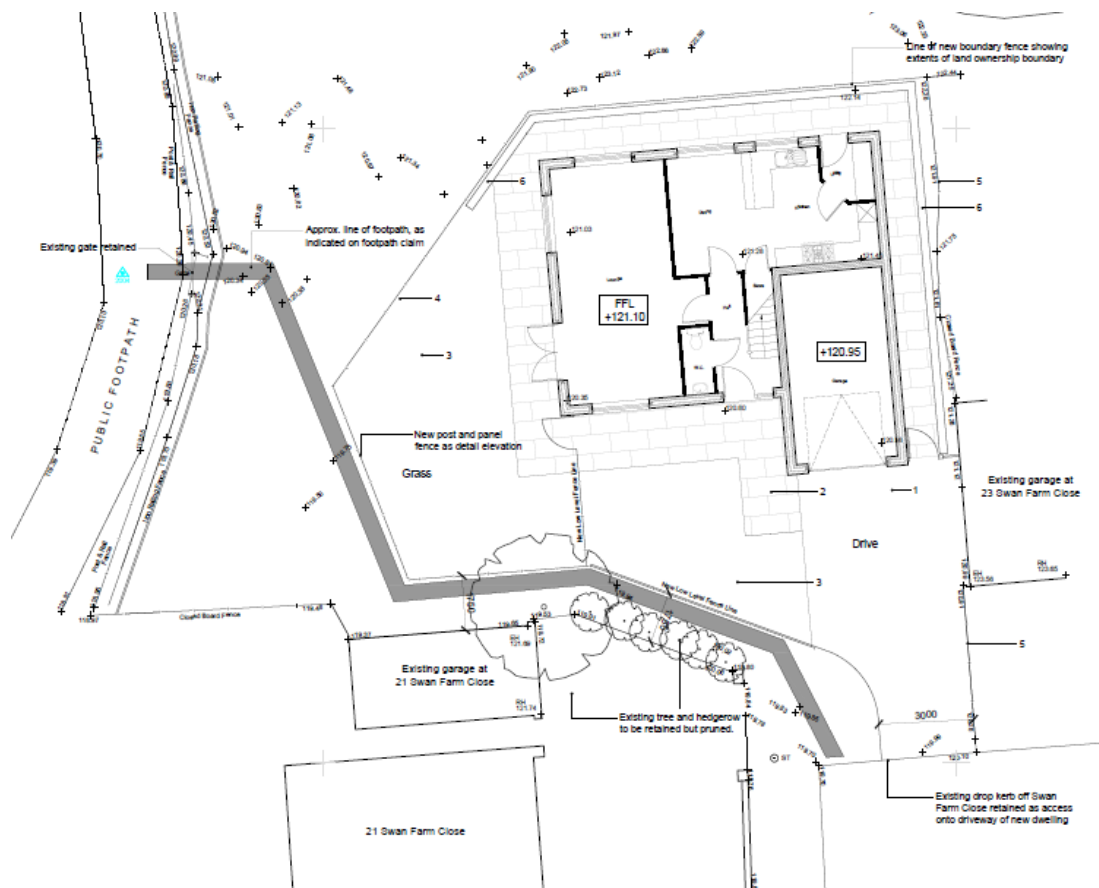
#### 3.5.2 Access

Assessment of access arrangements are considered against Policy 10 of LPP2, which requires that road safety and the safe, efficient and convenient movement of all highway users is not prejudiced, and that appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards.

3.5.3 The proposal is considered acceptable from a highway safety and efficiency perspective, following review of the submitted layout by the Council's highways consultee. Appropriate access into the site, will be taken from the northern edge of the turning head of Swan Farm Close, which features existing lowered kerbs.

3.5.4 Following submission of the application, the presence of an historic 'non-definitive' footpath running through the site was acknowledged by the Council's PROW consultee. Since then and following due process, a formal footpath claim has been successful and an Order made to confirm its route, on 27<sup>th</sup> May 2021. Consequently, the footpath will now be included on the Council's definitive map, as a formal PROW.

3.5.5 The submitted site layout includes the route of the path, to the south and west of the site, linking Swan Farm Close at its hammerhead with the existing PROW, as indicated by the grey line on the extracted site plan, below (Good & Tillotson, Jan 2021):



3.5.6 The route is currently well defined and will be further defined by provision of a low level fence, delineating the PROW from the garden of the proposed dwelling. The site plan also confirms retention of the hedgerow along the southern boundary of the site, adjacent to the PROW. As the PROW sits within the applicants land holding, they, or any successor in title, will have a responsibility to ensure a clear right of passage is maintained.

3.5.7 Accordingly, proposed access arrangements are found to be acceptable.

### 3.5.8 Appearance

Appearance is considered against Policy 11 of LPPA, which requires a good standard of design and will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area. This includes enhance and reinforcing the established character of a locality. Key aspects of character which must be taken into account are the following:

- i) Existing topography, buildings and landscape features and their integration into the development;
- ii) Layout and building orientation to make best use of existing connections, landmarks and views;
- iii) Building shapes, plot and block sizes, styles colours and materials that contribute to the character of streets and use these to complement character;

- iv) Height and building line of the established area;
- v) Relationship of the buildings to the street; and
- vi) Frontage treatment such as boundary walls.

3.5.9 The proposed dwelling will be a detached two storey, with a ridge height slightly lower than no. 23 (to the east) and higher than no. 21 (to the south), commensurate with the general land fall direction of east to west of the. Whilst it's side elevation will run parallel with the no. 23 the front (principle) elevation will be set back, resulting in a staggered build line when read against no. 23, which itself is set back from the remainder of the row to the east. The terraced row to the south (nos. 15 – 21) represent alternative house types which will sit perpendicular to the proposed dwelling. As an 'in-fill' feature, the dwelling would be viewed as a proportionate intervention to the long established street scene. Assimilation will be aided by a gable roof profile and red brick elevations and fenestration typical of the estate.

3.5.10 An appropriate 1.8m high concrete post and timber panel fence will enclose the site along its north, east and western boundary.

3.5.11 Notwithstanding the submitted detail with this RM application, conditions attached to the outline permission require submission of external walling and roofing materials, and boundary treatment detail.

3.5.12 Accordingly, the proposed appearance of the development is found to be acceptable.

3.5.13 Landscaping

Landscaping is also assessed against Policy 11. Proposed outdoor amenity space is a mix of hard and soft landscaping, including a patio to the immediate surroundings of the dwelling and turfed garden. Notwithstanding the submitted detail, a landscaping scheme, including planting species and densities, will be secured via condition upon the grant of RM permission.

3.5.14 Accordingly, the proposed landscaping is found to be acceptable.

3.5.15 Layout

Layout is also assessed against Policy 11, as well as Policies Policy 8 and 10.

3.5.16 Policy 8 requires a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; with reference to privacy / overlooking, and the relationship between buildings, including adequate daylight and sunlight admission.

3.5.17 As noted above, the proposed dwelling will sit parallel to and set back from no. 23, and perpendicular to the terrace row to the south, appearing as an 'in-fill' addition that would not be detrimental to street character.

3.5.18 Outdoor space is provided which is at least equivalent to neighbouring properties and which is sufficient to service the needs of householders.

3.5.19 The position of the dwelling achieves an acceptable relationship between adjacent dwellings, by virtue separation that does not conflict with the council's adopted standards, thereby ensuring mutually acceptable levels amenity.

3.5.20 As a 4 bedroom dwelling, the Council's in-curtilage parking standards require provision of 3 spaces. The proposal includes an integral single garage and a driveway which accord with the Council's minimum dimensions of 3m x 6m and 4.8m x 5.5m, respectively.

3.5.21 Accordingly, the proposed layout of the development is found to be acceptable.

#### 3.5.22 Scale

The scale of the proposed dwelling is typical of a detached two-storey house type. Its position within an corner in-fill plot will appear proportionate to its surroundings, notwithstanding the absence of detached house types within the estate. As noted above, the proposed ridge height will broadly consistent to no. 23 and higher than the end terrace of no. 21, in response to the land fall from east to west.

3.5.23 Accordingly, the proposed scale of the development is found to be acceptable.

#### 3.5.24 Summary

This report assesses the Reserved Matters planning application for the residential development of a single dwelling on land at Swan Farm Close, Lower Darwen, Blackburn. In considering the proposal, the relevant range of material considerations have been taken into account to inform a balanced recommendation that is considered to demonstrate compliance with the aims and objectives of the Local Development Plan and The Framework.

#### 3.5.25 Other Matters

Member's are advised of the following conditions attached to the Outline permission. These are to be addressed under the condition discharge application process at the appropriate time. This RM application addresses conditions 1 and 2:

1. Application for approval of all reserved matters must be made not later than the expiration of three years beginning with the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the date of the approval of the last of the reserved matters to be approved.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the following matters (subsequently referred to as the reserved matters) shall be submitted to and be approved in writing by the Local Planning Authority before the commencement of any works:-
  - a) Access.
  - b) Appearance.



c) Landscaping.

d) Layout - to include provision of a public footpath on the site in accordance with amended site plan drawing number 1592-02 received on 7th January 2016.

e) Scale.

REASON: Because the application is in outline only and no details have yet been furnished of the matters referred to in the Condition, these are reserved for subsequent approval by the Local Planning Authority.

3. Prior to commencement of the development hereby approved, samples of all external walling, roofing materials, and their colour to be used in the construction of the building work shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To ensure that the external appearance of the development is satisfactory in accordance with Policy 1 of the Blackburn with Darwen Borough Local Plan Part 2 (December 2015), and the adopted Residential Design Guide Supplementary Planning Document (September 2012).

4. Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no development of the type specified in Classes A, B, C, D and E of Part 1 of that Schedule shall be carried out unless planning permission has been granted first.

REASON: Due to the restricted nature of the site, whilst the dwelling as approved is acceptable, any further extensions or alterations normally permitted under the above provisions may in this case conflict with the interests of adjacent properties or the amenity of the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

5. Prior to commencement of the development hereby approved, a replacement tree planting scheme to provide off site planting adjacent to the site and River Darwen Public Right of Way shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full within the first available planting season after commencement of the development and any trees dying within the first 5 years of planting shall be replaced with an identical species.

REASON: To ensure a satisfactory scheme of replacement trees, in accordance with Policy 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

6. Prior to commencement of the development hereby approved, a foul and surface water drainage scheme, to include use of sustainable urban drainage systems, shall be submitted to and approved in writing by the

Local Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To ensure a safe form of development that poses no unacceptable risk of flood, pollution to water resources or human health in accordance with Policy 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

7. Prior to the commencement of development hereby approved, the developer must submit to the Local Planning Authority for written approval:
  - i) A comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Where necessary, detailed proposals for subsequent site investigation should also be included, clearly based on the CSM.
  - ii) Findings of the approved site investigation work (where necessary), including an appropriate assessment of risks to both human health and the wider environment, from contaminants in, on or under the land (including ground gas). If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, along with an updated CSM. No deviation shall be made from this scheme without the written agreement from the Local Planning Authority.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

8. Prior to the occupation of the development hereby approved, a comprehensive Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and updated CSM. All the installed remediation must be retained for the duration of the approved use, and where necessary, the Local Planning Authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, that the risks it presents have been appropriately assessed, and that the site can be made 'suitable for use', as such, does not pose a risk to future users of the site or the wider environment, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

9. Prior to commencement of any work at the site, full details of a wheel wash facility by which wheels of vehicles shall be cleaned before joining the public highway shall be submitted to and approved in writing by the Local Planning Authority. These details will include a method statement outlining how the developer intends to use and manage the facility. The approved wheel wash will be put in place at all vehicle access points onto the public highway when work commences and shall remain operational throughout the period of development.

REASON: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policies 8 and 10 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

10. Prior to commencement of the development hereby approved, a scheme to protect trees on or adjacent to the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to works on site commencing and retained for duration of construction works at the site.

REASON: To protect trees on or adjacent to the site during construction, in accordance with Policy 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part.

11. Prior to commencement of the development hereby approved, a scheme of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall detail the design, size and location of all boundary treatments including foundation detail adjacent to trees within the development, and be implemented prior to occupation of the development.

REASON: To ensure a satisfactory appearance to the development which has no impact to trees on/ or adjacent to the site, in accordance with Policy 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

12. Construction works on site shall not be carried out during the bird nesting season (March to August), unless the absence of nesting birds has been confirmed by further survey work or on site inspections.

REASON: To ensure the protection of nesting birds on site, in accordance with Policy 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

13. All trenches dug in association with the development hereby approved should be covered at night, alternatively any open trenches must be left with a means of escape for wildlife (such as ramp or sloping side).

REASON: To safeguard wildlife during the construction process, in accordance with the National Planning Policy Framework and Policy 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

14. Prior to commencement of the development hereby approved, a scheme for the removal of Himalayan Balsam from the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the development and/ or identified timescales within the approved scheme.

REASON: To eradicate and control the spread of an invasive species, in accordance with Policy 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

15. The construction of the development hereby permitted shall only take place between the hours of:  
Monday to Friday 08:00 - 18:00  
Saturday 09:00 - 13:00  
No operations on Sundays or Bank Holidays.

REASON: To safeguard the amenities of the adjoining premises and the area generally in accordance with saved Policy H4) of the Blackburn with Darwen Borough Local Plan.

16. Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the LPA should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the LPA. No deviation shall be made from this scheme without the written express agreement of the LPA.

REASON: To protect the health of future occupiers of the site in accordance with Policy ENV3 of the Blackburn with Darwen Borough Local Plan.

17. This consent relates to the location plan received on 9th October 2015 and amended site plan received on 7th January 2016.

REASON: To clarify the terms of this consent.

#### **4.0 RECOMMENDATION**

##### **4.1 Approve.**

**Delegated authority is given to the Strategic Director of Place to approve planning permission, subject to the following conditions:**

1. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received 6<sup>th</sup> June 2019 with the following drawings numbered: (to be added) and amended drawings received 26<sup>th</sup> April 2021, numbered: (to be added).

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

2. Notwithstanding the submitted details, prior to occupation of the development hereby approved a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall

include details of native tree and shrub planting, to compliment local priority habitat and to provide for a net gain in biodiversity. Planting of trees and shrubs shall also be implemented in accordance with the approved details, during the first available planting season following completion of the development. Trees dying or becoming diseased, removed or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs.

REASON: To ensure an appropriate appearance to the site and in the interests of amenity and ecology, in accordance with Policy 9 and 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

## **5.0 PLANNING HISTORY**

- 5.1 The following planning history on the site is of relevance to this current application:

10/04/0015 - erection of a pair of semi-detached dwellings (outline); approved by Planning and Highways Committee.

10/05/0302 - erection of a pair of semi-detached dwellings (reserved matters); approved under delegated powers.

10/11/0872 - one pair of semi-detached dwellings (full); approved by Planning and Highways Committee.

10/15/1238 – 1no. detached dwelling (outline); approved by Planning & Highways Committee.

## **6.0 CONSULTATIONS**

6.1 Drainage Section

No comment offered. A foul and surface water drainage scheme is captured via condition attached to the outline permission.

6.2 Environmental Services

No objection.

6.3 Public Protection

No objection. Matters to be controlled are subject to the condition discharge process associated with the outline permission.

6.4 Highways Authority  
No objection:

Parking

The property will have 5 bedrooms and will therefore require 3 parking spaces. A garage together with a drive sufficient to accommodate 3 car parking spaces is being provided (the garage is also to the acceptable size and dimensions of 3m x 6m), this is deemed acceptable.

Access

Access to the drive will be taken from the end of the turning head. The kerbs are already lowered, however any adjustments which may need to be made to the width should be done so with the approval of the Highway Authority.

6.5 Highways Authority PROW  
Initial response:

As you are probably already aware that at present we are processing a footpath claim for this plot of land. (definitive map Modification order)

The plans submitted with this planning application have marked the line of the footpath along the boundary between the plot of land and number 21 Swan farm Close, however the line of the footpath at the point where the footpath enters the plot of land from Swan Farm close has been changed and the claimed line cuts across a small section of the drive to the proposed development. A (SD 68734 25219) on the attached plan.

Further response:

On the attached drawing there is a black line (now circled in yellow). The plan says it's a "low level fence line". That Fence is the issue where it meets the blue line (the path). It needs to stop half a path width from the path's centre line.

The path at this point is 1.5m wide on the order so the low fence needs setting back 0.75 or 750 from the blue line (centre of the path.)

Don't think this will cause too much of a problem for the applicant.

6.6 Strategic Housing

No objection – support offered for good quality homes with an appropriate mix of house types etc, subject to affordable housing contribution.

6.7 Public consultation

Public consultation has taken place, with 13 letters posted to neighbouring addresses on 19<sup>th</sup> June 2019; a press notice published 12<sup>th</sup> July 2019; and display of site notices on 31<sup>st</sup> July 2019. Additional consultation, following receipt of amended plans, was carried out on 7<sup>th</sup> August 2019, 10<sup>th</sup> September 2019 and 26<sup>th</sup> April 2019. In response, 18 objections were received which are shown within the summary below.

**7.0 CONTACT OFFICER: Nick Blackledge - [Senior Planner]**

**8.0 DATE PREPARED: 25<sup>th</sup> June 2021.**

## 9.0 SUMMARY OF REPRESENTATIONS

### **Objection – Deborah Kemp, 11 Swan Farm Close, Lower Darwen. Rec – 29/06/2019**

Re: Application Reference 10/15/1238

I previously wrote with regards to the above planning application on 11 December 2015 and again on 22 January 2016 when planning was amended although my concerns again still remain the same. Again I write to register my objection to the application for the outline planning permission stated above on land between 21 and 23 Swan Farm Close, on the grounds that the proposed development would be detrimental to the environment and also to the health and safety of residents of Swan Farm Close and others within Lower Darwen.

The proposed site was a wooded area of mature trees with an abundance of shrubbery, wild flowers and a natural haven for wildlife with countless species of birds, including woodpeckers, kestrels, owls and blue jays, there are also hedgehogs, bats, voles, field mice etc.

That was until July 2015 whereupon the area was decimated by the applicant, now deceased and planning taken over by his wife, who with total disregard for any living creature and any of the residents, he hacked down and uprooted trees, shrubs and bushes with no forewarning, no signage, no fencing and no safety equipment at all. The remains were dumped on what I believe is partly council owned land and a Biological Heritage Site, blocking the kissing gate on the path running through the site which is used by the general public on a daily basis. This is directly opposite where I live with my 13 year old son and 613 year old daughter and already without any foundation/building work commencing it is causing a major inconvenience and danger to all.

I feel that building on this area would add to increased chances of flooding as over periods of heavy rainfall it became apparent that homes were put at risk with many of us having to use sand bags to protect our homes from increased rainfall coming from the fields. This may not have been so had all the trees not been hacked down which could have helped to protect our homes as it would in the past have followed the water course towards the back of number 21 and thus the river.

In connection to the increase in traffic, Swan Farm Close can not take this. The position of the site is at the end of a cul-de-sac and is a turning circle for all residents including the residents of Mill Brook Street who reverse down to their garages, also for delivery vans, weekly refuse collection, fortnightly recycling collection. Not all the residents of Swan Farm Close have a garage or driveway and we therefore have to park in the street and in most cases it is necessary to have to park on the pavement to ensure access for other residents, deliveries etc and the emergency services. I have known the Fire Brigade be called out often, especially during the summer months, to attend to fires within the fields behind and have had to gain access through the planned site area.

The residents of Swan Farm Close respect each other's parking spaces accommodating those of us who do not have a garage or drive and one lady who needs to park on the street through necessity will allow us to use her drive if need be. The resident at the side of where planning is situated has a child with severe Down Syndrome who struggles parking and getting in and out of the car with her child I can only see this causing further distress and difficulty with this matter.

Access to Swan Farm Close is off Fore Street, which is already heavily congested with traffic as are all surrounding roads at the majority of times. The increase in carbon emission alone, not to mention all the above I believe are huge causes for concern. I hope that the planning can be looked at from a very sensible perspective and all concerns raised taken into account.

I will also reiterate again the danger and congestion just one more vehicle within this small cul-de-sac will would cause.

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### **Objection – Deborah Kemp, 11 Swan Farm Close, Lower Darwen. Rec – 12/08/2019**

I refer to your letter dated 25 April 2021 regarding planning application on land between 21 and 23 Swan Farm Close, BB3 0QU and my objections to this planning.

Swan Farm Close is already extremely populated as it is without another house being built on such a small amount of green area, on an area my family and I personally use on a daily basis to walk through to get to the path - which will not be accessible if this area is built upon.



The previous emails which I have sent in regards to this are still my same concerns and I assume will be on file for this application and I wish every point raised to be raised again. The destruction of the wildlife, the congestion this is going to cause not just when building - which if you can see the small area in which they will need to deliver materials will cause problems with not being able to even park outside our own homes - more congestion if this house is allowed to be built. The area is due to be sold therefore the applicant can get more money for selling this land with planning in place.

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**Objection – Mrs Jean Kennedy, 12 Millbrook Street, Lower Darwen. Rec – 01/07/2019**

With reference to the proposed building on the land between 21 and 23 Swan Farm Close.

I wish to object to this building going ahead.

Although my address is not in Swan Farm Close my garage and back entrance is in Swan Farm Close together with three other houses at numbers 10, 8 and 6 Millbrook Street and we would be directly affected by this project because the allocated turning point for our cars to be able to enter our garages is directly in front of this land! The parking at this point is already very tight and everyone must park in just the right place in order for us to access our garages. No one else in the row - 15, 17, 19 or 21 has garages or front drives! So my first objection is for access.

My second objection is about the Public Right of Way over that land which has been there ever since the estate was built over thirty years ago! It is used by people on Swan Farm Close to take children to school as well as by dog walkers at least twice every day as well as by people just wanting to walk or exercise using the Parkway. We have children living on the road who attend the Our Lady RC Primary School over near Fishmoor Drive and it would create great difficulty for them if that right of way were removed not to mention the public right due to over three decades of use.

Thirdly we have already lost birds, including owls, bats, wild life and vegetation including trees regularly used by nesting birds because the trees on that land were illegally chopped down in the nesting season by Mr Cooney two years ago. I certainly witnessed him doing so. He said the trees were dead but they were covered in healthy foliage and nowhere near dead! The path on that land leads to a valuable area of conservation where there are deer, foxes, voles not to mention the variety of plants and flowers and trees. It is a rare area of greenery and parkland in an area of more and more houses and building. Please remember that without the trees we would not have life! How much more valuable can that be?! It should not be denied to the public or to the community at large. As an active litter picker in the area I have seen people becoming much more aware of the Parkway and appreciative of its existence.

I would be grateful if my objects be considered when the application is discussed Yours faithfully Jean Kennedy

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**Objection – Mrs M Hammond, 15 Swan Farm Close, Lower Darwen. Rec – 01/07/2019**

Dear sir/madam In response to the letter I received dated 19th June 2019, I am sending you this email with a very strong objection to the planning application on land between 21@23 Swan Farm Close Lower Darwen. I have been a resident here for 30 years and the parking situation is a problem and would only be made a lot worse if another property was added to the street. Cars park on both sides of the street and residents at 17, 19 and 21 have to park vertically along side each other as there is nowhere else for them to park. The bottom of Swan Farm needs to be clear at all times to allow access for all 4 properties of Millbrook Street whose garages back on to it. There is a public footpath on the proposed site with access to walks through natural countryside with an abundance of wildlife, and I feel the wildlife needs to be protected and enjoyed, not merely overlooked and destroyed!!!

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**Objection – Mr & Mrs K Billington, Millbrook Street, Lower Darwen. Rec – 01/07/2019**

To whom it may concern, I would like to raise an objection about the access for the proposed new build between 21 & 23 Swan Farm Close in Lower Darwen. We live on Millbrook Street but our garage is behind our house, the turning point to get down to our garage is between 21 & 23. If we go out at night and get back late every one has parked their cars and we have just enough room to get down to the garage. More cars parked there would be a nightmare.

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**Objection – Ian & Jackie Hoyle, 7 Swan Farm Close, Lower Darwen. Rec – 01/07/2019**

My husband and myself (Ian and Jackie Hoyle, 7 Swan Farm Close, Lower Darwen BB3 0QU) wish to oppose the recent planning application for the land between 21 and 23 Swan Farm Close.

Not only is there a public footpath that is used everyday on this plot by locals and dog walkers which we feel would be lost, but also, the road on Swan Farm Close is very narrow and cannot cope with the amount of vehicles owned by existing residents: cars have to be parked on the pavement on both sides of the road otherwise residents cannot drive past to their dwellings. We feel this would put an enormous strain on the parking and thoroughfare on this narrow close. Not to mention the utter chaos when building materials would be delivered, there is no way wagons would be able to negotiate this without accidents or damage to residents vehicles.

Residents at the bottom of Swan Farm Close (17, 19 & 21) would lose their parking spaces completely as they have to park vertically at the moment for movement by other residents vehicles. Where would the additional parking be located? Residents on Millbrook Terrace have their garages on Swan Farm Close which they need access to, so there is nowhere at all for additional parking spaces needed which another dwelling would create with their own vehicle(s) and the loss of existing parking.

Should you require any further clarifications please do not hesitate to contact us.

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**Objection – Cllr Gee. Rec – 02/07/2019**

I would like to register my objection to the planning application (ref 10/15/1238).

Due to the access of the site, the public right of way and the effects on the environment. This will be an over development on this small site and is totally not suitable for consideration.

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**Objection – Mr J Budnyk & Ms S Emmett, 19 Swan Farm Close, Lower Darwen. Rec – 04/07/2019**

Dear Mr Blackledge,

This letter is to confirm that myself and my partner object to the building of a property between 21 and 23 Swan Farm Close.

The reasons for this objection are as follows: Right of way to the path between 21 and 23 which has been available for many years.

Future parking problems which may occur.

Loss of habitat and wildlife which is abundant in this area.

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**Objection – Mrs B Catterall, 21 Swan Farm Close, Lower Darwen. Rec – 04/07/2019**

I am writing to say I am against this due to the limited access due to the increase of cars on the close at night and weekends. Access to my property no 21. Emergency services access. There is NO provisions in the planning regarding the spring that runs through the land where they intend to build

so this means the water runs direct into our property which happens at the moment due to the dike that had been filled in by the land owner i feel that this is a very important point i am putting to you.

**Objection – D Catterall, 21 Swan Farm Close, Lower Darwen. Rec – 05/07/2019**

I AM WRITING TO OBJECT TO  
THE PLANNING APPLICATION NO 10/15/1238.  
AT SWAN FARM CLOSE LOWER DARWEN  
MY OBJECTION IS THE ACCESS ON TO THE  
LAND IS LIMITED AND SINCE TO THE  
PLANNING 2 YEARS AGO THERE ARE A  
LOT MORE CARS ON THE CLOSE AND MORE  
CARS WOULD MAKE IT MORE CONGESTED  
ALSO THERE IS A FOOTPATH ON THE LAND

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**Objection – Mr & Mrs Catterall, 21 Swan Farm Close, Lower Darwen. Rec – 15/08/2019**

RESERVED MATTERS APPLICATION 10/19/0547

Our objections still stand from our previous objection letter.

The change of the footpath running alongside our property will create numerous problems i.e. anti social activities with youths congregating in the fenced passageway and graffiti.

We would like the hedge and tree to stay in place as it has become an haven for nesting birds and bats to feed around due to the trees on the site being destroyed

In the additional information letter and plan there is no new provisions in place for the spring as we were very lucky it was a drier than normal winter in 2018/19 other wise our property would have been flooded due to Mr. Cooney filling the ditch in the previous summer.

We would be grateful if you would take into consideration our concerning objections.

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**Objection – D Catterall, 21 Swan Farm Close, Lower Darwen. Rec – 10/05/2021**

We write to you to complain about the planning application for a house between 21 23 Swan Farm close Lower Darwen. Firstly access to the land, the volume of cars has increased and will increase even more with the developement that is going on in Dover street back accessing it from Swan farm. Parking for residents. We are not happy with the re direction of the footpath running alongside our property. Before thinking of planning the issue of the natural spring water is a major problem as it

was diverted when work was done before meaning the water runs directly onto our property now causing damage to our property

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**Objection – Mr & Mrs Catterall. Rec – 28/06/2021**

The footpath is clearly dimensioned and defined so therefore there is no need to remove the hedge which we have maintained for 35 years plus and we oppose it being at the side of our property and being fenced in which would allow congregation of teenagers drinking and smoking drugs this will lead to security problems for 21 23 19 17 15

There is still the ongoing concern of the natural spring, access congestion and wildlife. The turning point on the close is used every day by residents deliveries emergency services. It would not be practical for another driveway .

---

**Objection – Mrs King, 29 Swan Farm Close, Lower Darwen. Rec – 07/07/2019**

I would like to object to the plans of property being built between 21 & 23 Swan Farm Close.

My major concern is increased traffic and over crowded parking. Turning around is very difficult with limit space. There isn't enough parking at the bottom end as it is and therefore with a new property in place this will mean less parking as access will be needed. Our cul-de-sac is already used for car parking on match days, when Blackburn Rovers are at home.

I use the path myself when walking my dog to gain access to the fields behind.

**Objection – B Waring, 17 Swan Farm Close, Lower Darwen. Rec – 09/07/2019**

Ref. Reserved Matters Application 10/19/0547

I wish to register my objection to the above reserved matters application pursuant to outline application 10/15/1238, for land in between No.21 and No.23 Swan Farm Close, on Environmental and Health and Safety grounds.

**1 – Location, Land, Footprint**

The first observation is that unless Blackburn with Darwen Council has SOLD or GIVEN a sizeable strip of land to the Applicant, the footprint of the proposed development will not fit.

The site plan/proposed footprint for Outline planning permission 10/15/1238 drawing ref; 1592-02 is totally dissimilar, to application 10/19/0547 drawing ref; 1592-GTA-xx-xx-DR-A-0102 which shows a much larger site.

The kissing gate and fence were constructed in the 1990's for the purpose of preventing motorcycles from using the Scar (River Darwen Parkway), NOT as a boundary. This is a matter of public record.

**2 – Access – Safety issue**

The narrow entrance to the site is at the bottom of a cul-de-sac which is used by residents and delivery people alike as a turning point. The residents of Mill Brook Street turn their cars here to reverse down to their garages as does the Refuse Collection Truck.

Previous applications have failed because of poor access. Access to the site crosses the driveway of No.21.

Another driveway here would see THREE driveways emerge at the turning point. Surely this is cause for concern.

Additional vehicles in the close would be a cause for concern both from an environmental and safety aspect, especially as the increase in traffic is focussed in front of No.23 where my neighbour has a child with mobility issues and needs the parking space.

Parking has always been an issue and has got steadily worse down the years. Not all residents have a driveway or a garage and have therefore no alternative than to park in the street, at evenings and weekends it is necessary to park on the pavement to ensure access for residents and emergency services. On occasion it is difficult just to get into the Close.

### 3 – Footpath

There is a well I-trodden path which crosses the site then continues through council owned land before reaching a kissing gate. This path has been in daily use by the general public for in excess of 30 years, for the purpose of travelling to and from work, school and leisure, both on foot and bicycle. This footpath is diagonally in line with the only Zebra Crossing in Lower Darwen which crosses Fore Street at the roundabout.

Notwithstanding the motorcycles the path has existed trouble free in all that time. This is because it is out in the open. To relocate the path along the fence line of No.21 would involve uprooting the few remaining trees and create a narrow ginnel in between the two properties. It is a matter of public record that this type of enclosure is a breeding ground for anti-social behaviour. There is a better compromise.

### 4 – Ecology – Environment -Watercourse

There are several Water Springs behind Swan Farm Close which fill and recede depending on the weather. As they fill and overflow they create a stream across the application site. This stream travels along the top of the application site for a short distance then flows diagonally across the site to the corner at the back of No.21. Evidence is available in the archive of BwD planning department, applications 10/94/1332, 10/90/1671 etc.

Since the trees were felled in 2015 the issue with water has increased significantly. It is only thanks to the land management skills of our neighbour that we have not had an issue with flooding most especially in recent years.

Wild life is only now beginning to return to normal after the events of 2015. Swan Farm Close and the surrounding area has long been a haven for wild life which is infinitely diverse.

In conclusion, I would ask that the points that I have raised would be taken into consideration when assessing the application.

Evidence of all the above was submitted for the outline Application 10/15/1238 referenced DOC001 –DOC006 inclusive. Evidence is also available in the BwD Planning Department Archive.

### **Objection – B Waring. – Rec 01/10/2019**

B. Waring, Objection to Reserved Matters Application 10/19/0547, pursuant to outline application 10/15/1238.

Dear Sir

Ref. Reserved Matters Application 10/19/0547

Thank you for the recent communication regarding the revised location plan. In the absence of scale or co-ordinates I cannot judge accurately, however, I still believe that the amount of land claimed is still quite generous. There is also the matter of the path which crosses the

Further, should there not have been a revised plan/footprint to accompany the revision of the location plan? Reference item 1 of my original objection letter 09 July 2019.

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**Objection B Waring. Rec – 28/06/2021**

Dear Mr Blackledge

per our conversation 24/06/21 and with reference to online amended documents 26/04/21 re planning application 10/19/0547 (10/15/1238).

! - The footpath is clearly dimensioned and defined, therefore there is no need to remove the hedge row which exists along the boundary of No.21 Swan Farm Close. Nesting birds use this annually, it also affords a degree of privacy for No.21.

2 - The proposed development will overlook existing properties.

3 - The stone posts on Dwg.1592-GTA-xx-xx-DR-A-0101 were put there by Mr. Cooney about 2 years ago after he demolished the existing wooden fence, which was significantly lower down at BOTH ends. That wooden fence was in place to denote a children's playing area, the original purpose of part of the land. There is a letter in the BwD archive reminding the original owners of their responsibility in that regard. Photographs available if required.

4 - With regard to access, congestion, wildlife, water springs etc., please refer to the many letters and emails previously written by myself and neighbours with regard to this land and previous planning applications.

5 - Is it not a safety hazard to have 3 driveways converging in such a small area, which is also used as a turning circle? The refuge truck driver is going to love this!

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**Objection – Adele Butler, 23 Swan Farm Close, Lower Darwen. Rec – 09/07/2019**

I would like to register my objection to the proposed planning application between number 21 and 23 Swan Farm Close reference number 10/19/0547 on Health and safety and environmental grounds.

Health and Safety

I am already highly concerned about the amount of congested traffic on Swan Farm close. With most houses having two or more cars and or work vehicles. I am the mum of a disabled child who has mobility problems, I already struggle to park the car if the space in front of my house has been taken. The neighbour's try to keep the space free for me but obviously there are always lots of visitors. Swan Farm Close is already extremely congested especially in the evenings and weekends. Adding more traffic and another access point all outside of my house will definitely cause Health and Safety issues.

Environmental

The wildlife has only recently got back to normal after the damage that was done when they ripped out the trees next to my house a few years ago. I have only recently seen the deer that come past my back fence. They disappeared for a long time after all the upset. The birds, squirrels etc have only just got back to normal. It will have a detrimental effect on all of the wildlife.

Also flooding is an issue. At the moment when the spring at the back of my house overflows it runs across the proposed site from behind my house number 23 to behind number 21 and on to the river. The water pools in the centre of the proposed site where the house is to be built. Where is the water going to go if it cannot follow its natural course?

I have not had any flooding issues up to date.

Also I want to mention the public footpath that is used by many.

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**Objection – Mr & Mrs Berry, 27 Swan Farm Close, Lower Darwen. Rec – 15/07/2019**

1972 This land was on the original plans as 2 parking places, then triangular play area going up to No 31. so should not be built on.

We have lived here since 1972 Nov 30<sup>th</sup> and there has always been a footpath through there, and so should not be taking that land away.

It is well used by the public & residents, schools have children that walk through, workers, dog walkers ect.

Cars also have great difficulty trying to turn round at it is, Taxi's, cars making deliveries & residents.

The Footpath should remain, till that's sorted out, No build should be allowed.

**Objection Mr & Mrs Berry, 27 Swan Farm Close, Lower Darwen. Rec - 05/05/2021**

We are against these plans on the grounds. of trying to remove our right of way between 21 + 23.

We have lived here since 1972 and the Path has always be there and is well used by all walks of life, for schools, dog walks, bird watching.

That spot was on our original plans for 2 parking places and play ground the kids had great fun until all the trees were chopped down, during the bird season might I add.

Lorries that drive down to deliver goods can't and have to reverse back up, turn round, then back down to do so. Due to the narrow road & cars that have to park there.

## REPORT OF THE DIRECTOR

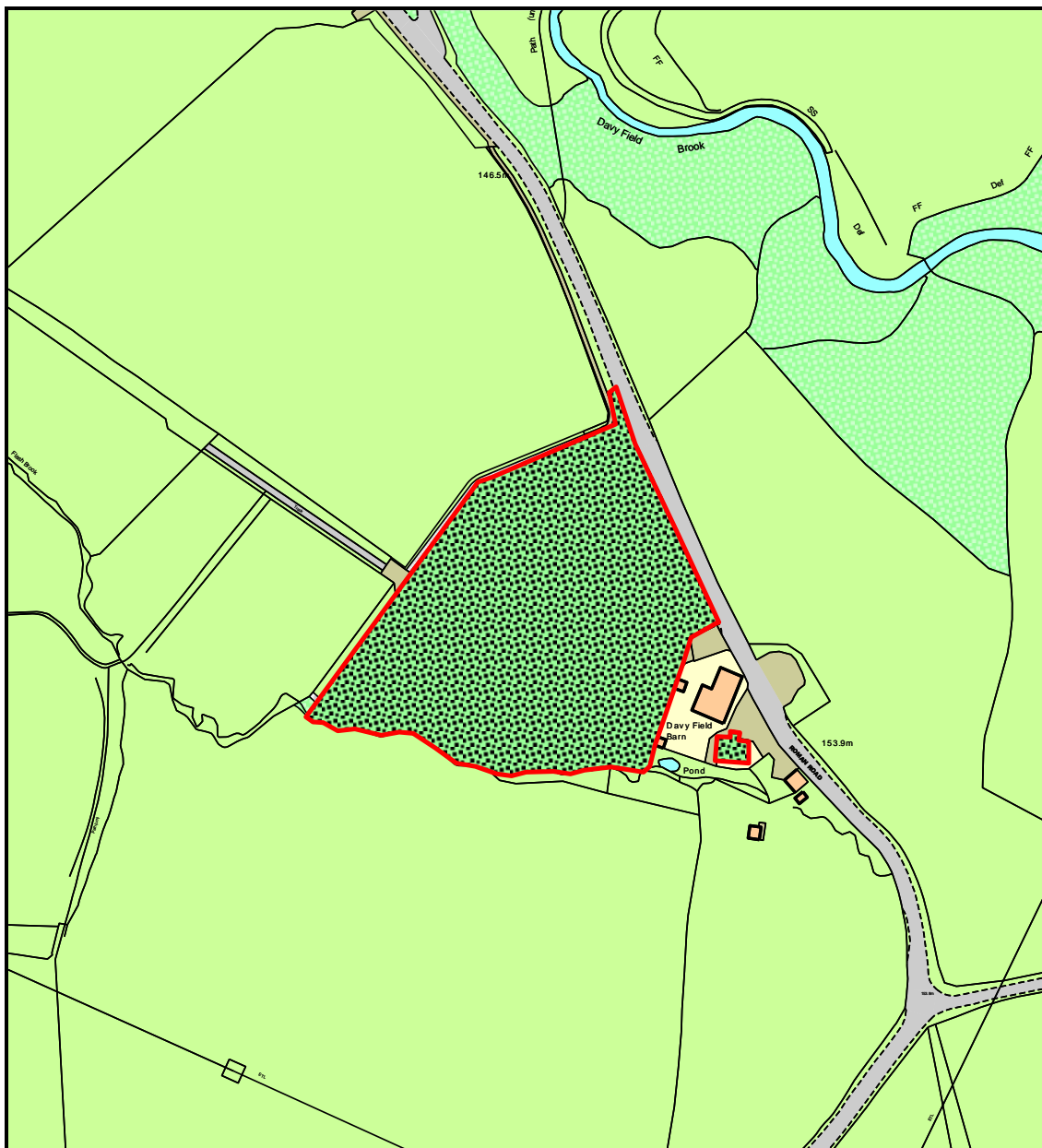
Plan No: 10/20/1036

**Proposed development: Full Planning Application for the erection of 19 no. dwellings, with associated infrastructure and landscaping works**

**Site Address:**  
Land at Davy Field Farm  
Roman Road  
Eccleshill  
BB3 3PJ

**Applicant: Applethwaite Homes**

**Ward: West Pennine**





## **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 Approve, subject to conditions, as outlined in Section 4 of this report.

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

- 2.1 The proposals constitute Major Development within the setting of Davyfield Farmhouse, a grade II listed building, within the boroughs designated countryside, allocated as Green Belt.
- 2.2 The proposals are brought before Planning and Highways Committee in accordance with the Scheme of Delegation, as the proposals constitute a departure from the Development Plan as the site is within the Green Belt and in a countryside area. In addition, Eccleshill and Waterside Parish Council also object to the proposals.
- 2.3 The proposals are on land which is considered to be Previously Developed and as such are acceptable in the Green Belt. It is also considered that the impact on the openness and permanence of the Green Belt will be minimal considering the existing buildings on site are to be moved and the site is to be cleared.
- 2.4 The Council's Conservation Officer is of the opinion that due to the listed building being orientated towards Roman Road and shielded from the development site, by Davy Field Barn, the proposals will have minimal harm to the setting of the designated heritage asset/ farmhouse. In addition, the repair works to the listed farmhouse which is considered to be in poor repair, is beneficial in ensuring that the listed building will be there for future generations to appreciate and enjoy.
- 2.4 The public benefits of utilising a previously developed site rather than a green field site, along with the proposals contributing to the Council having a healthy housing land supply, in excess of the minimum 5 year requirement is similarly given weight.
- 2.5 The proposals will result in a net gain to biodiversity through the provision of a replacement pond (which has dried up) and an extensive landscaping scheme that Officers have worked with the developers to secure.
- 2.6 The proposals will also provide a pleasant and safe diversion route for the Public Footpath and will provide a new pedestrian pavement, which will be off benefit to all highway users.
- 2.7 The proposal will deliver 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. 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.

- 2.8 Overall, on balance, and subject to planning contributions being sought by a S106 agreement and the conditions recommended within Section 4.0 of this report, the proposals are recommended for conditional approval.

### **3.0 RATIONALE**

#### **3.1 Site and Surroundings**

- 3.1.1 The application site is within the boroughs designated countryside area, designated as Green Belt, situated off Roman Road, which runs adjacent to the site's eastern boundary, adjacent to Davy Field Farm, a Grade II listed building, and Davy Field Barn. Flash Brook forms the southern boundary of the site.
- 3.1.2 The site was formerly occupied by 'Wellybobs Farm', which was an adventure farm open to the public, with both indoor and outdoor facilities. The site received planning consent for this use under planning reference 10/09/0858. The consent for the adventure farm comprised of the following: indoor petting area; outdoor petting area; outdoor play area; zip wire; 9 hole mini golf; indoor play barn (which had a timber play frame, bouncy castle slide, bouncy castle and toddler soft play zone); reptile area; go-kart track; café; ice cream parlour; gift area; and party area. Additionally, the site has a large area of hardstanding that was utilised for visitor parking in connection with the tourist attraction. This farm park ceased business in 2017.
- 3.1.3 The site is visible in the wider area; from the road network travelling to the north and south of the site, the M65 motorway travelling in east to west and vice versa, and from an extensive Public Right of Way (PROW) network exists in the locality which enables mid-long range views of the site. PROW no.37 (Eccleshill) crosses the site and is proposed to be diverted as part of the proposals.

#### **3.2 Proposed Development**

- 3.2.1 Permission is sought to demolish the existing structures on the site and erect 19 three and four bed dwellings with associated domestic garages, driveways, garden areas and an area of Public Open Space, which will include a pond.
- 3.2.2 The proposals also include diverting the Public Right of Way that runs through the application site, along the side of the access track to the development site.
- 3.2.3 The proposals are also put forward on the basis that the proposals will enable remedial works to be undertaken on the listed farmhouse.



Extract from amended site plan received 27<sup>th</sup> May 2021:

### 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:

- Policy CS1: A Targeted Growth Strategy
- Policy CS5: Locations for New Housing
- Policy CS6: Housing Targets
- Policy CS7: Types of Housing
- Policy CS16: Form and Design of New Development
- Policy CS17: Built and Cultural Heritage
- Policy CS18: The Borough's Landscapes
- Policy CS19: Green Infrastructure

### 3.3.3 Local Plan Part 2:

- Policy 1: The Urban Boundary
- Policy 3: Green Belt
- 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 39: Heritage
- Policy 40 : Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41: Landscape

### 3.3.4 Supplementary Planning Documents/ Guidance

- Residential Design Guide
- Green Infrastructure & Ecological Networks
- Air Quality Planning Advisory Note

## 3.4 **Other Material Planning Considerations**

3.4.1 Joint Lancashire Minerals and Waste Local Plan

3.4.2 Joint Lancashire Minerals and Waste Development Plan

3.4.3 Joint Lancashire Minerals and Core Strategy (2009)

3.4.4 National Planning Policy Framework (2019) (The Framework)

3.4.5 National Planning Practice Guidance

## 3.5 **Assessment**

### Principle of Development

3.5.1 Policy CS5 of the Blackburn with Darwen Core Strategy sets out the Council's intentions for the location of new housing. The hierarchy of the Policy indicates new housing being directed towards the inner urban area; though at part 2 it suggests that new housing may also take place in accessible locations elsewhere in the urban area. Part 3 indicates that some planned small scale development may occur in rural areas.

3.5.2 The site is located within a countryside area and is remote from rural services and amenities. This conflicts with the aims of Policy CS5. However, the

application site is within the Green Belt and therefore it is important to establish if the proposals are acceptable in this regard.

*Development in the Green Belt, and whether the proposal would be inappropriate development*

- 3.5.3 Paragraph 143 of the National Planning Policy Framework (the Framework) states inappropriate development in the Green Belt should not be approved except in very special circumstances. Paragraph 145 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, then lists some exceptions.
- 3.5.4 The site constitutes previously developed land. The Framework's definition of 'Previously Developed Land' is:
- 3.5.5 *Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*
- 3.5.6 Accordingly, given the former B2 Use of the site, the proposal is found to involve redevelopment of previously developed / brownfield land, consistent with above exception of partial or complete redevelopment of previously developed sites. Paragraph 145(g) is thus engaged which allows for the partial or complete redevelopment of previously developed land that does not have a greater impact on the openness of the Green Belt than the existing development.

*Openness and Permanence of the Green Belt*

- 3.5.7 The existing development comprises barns of varying heights and proportions, and also cover the areas where hardstanding exists which was used for car parking purposes when the farm park existed. It is clear that the proposals will in both footprint and volumetric calculations exceed the footprint and volume of the existing built form. Whilst this is the case, the impact on the openness of the Green Belt is considered to be less than the existing buildings as the dwellings are lower in height than the main building. The dwellings are also contained on the land which is previously developed land with countryside extending from the site on three of its four sides.
- 3.5.8 For the above reasons, the proposals are considered to fall within the permitted Green Belt exceptions and would have a lesser harm on the openness and permanence of the Green Belt. Therefore in this respect, the proposals are considered to accord with Policy 3 of the Blackburn with

Darwen Local Plan Part 2 and the Green Belt requirements within the Framework.

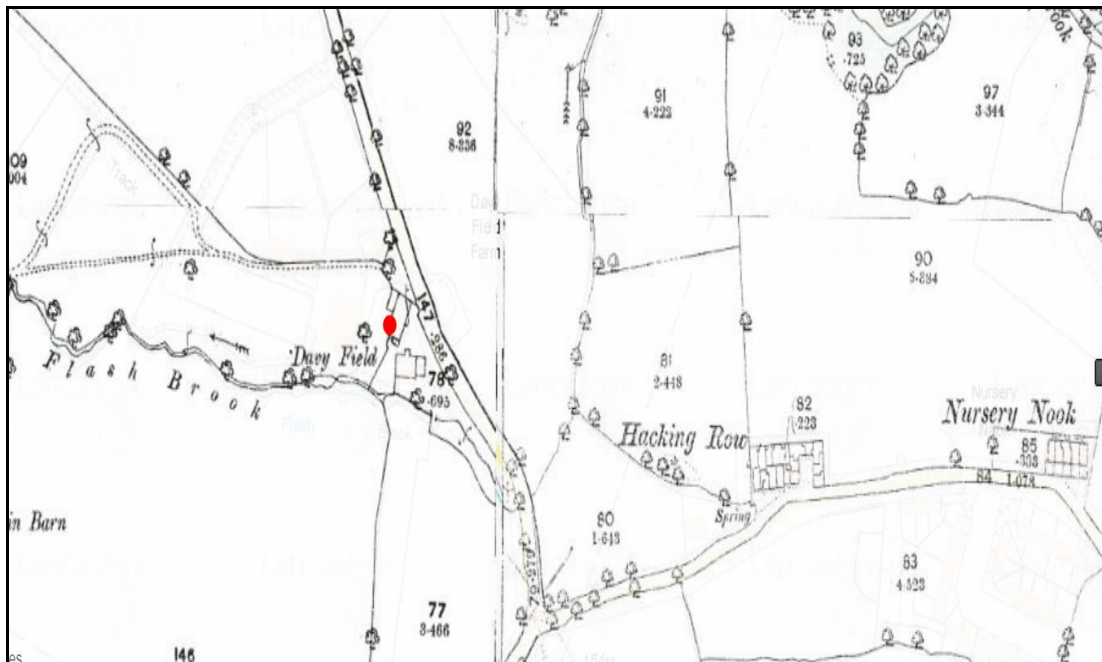
- 3.5.9 The site also falls within the boroughs Mineral Safeguarding Area. A Minerals Resource Assessment, carried out by GRM Development Solutions Ltd, therefore accompanies the application. It concludes that there are no significant mineral occurrences, mineral planning permissions, or mineral planning permission (points) in proximity to the site that would be prejudiced by the proposed development and the site is not in proximity to any coal mine plan extents, opencast coal prospecting sites or coal licence area centroids.
- 3.5.10 Further, the proposed development is less than 5ha in size, with a net development of just 0.77ha and the new build properties are planned within the existing hardstanding area associated with Davy Field Farm. Therefore, for the reasons outlined, it is considered highly unlikely that the non-mineral development proposed for the site will result in sterilisation of any practically extractable mineral resources.
- 3.5.11 In light of all of the above, the development is acceptable in principle.

#### Impact on the setting of Heritage Assets

- 3.5.12 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses. It is therefore necessary to consider the effect of the proposals on the setting of the listed building itself.
- 3.5.13 The heritage asset concerned is a grade II listed residential dwelling, Davyfield Farmhouse, formally spelt as 'Davy Field'. Davyfield Barn is a curtilage building to the listed farmhouse and is another heritage asset.
- 3.5.14 Davy Field Farmhouse probably dates from the C17 but is altered and is dated 1723 on the lintel above the door. The property is two storeys with a single storey rear outshut and prominent two storey gabled porch to the front elevation.
- 3.5.15 The building is whitewashed with a stone slate roof. The application is supported by a Heritage Impact Assessment. The author, Garry Miller, suggests a date of around 1680 – 1700.
- 3.5.16 The farmhouse faces north into a small yard area which is flanked by a large stone barn of a similar age. The barn, orientated at right angles to the farmhouse, forms the north west boundary to the small yard area.
- 3.5.17 The application site relates to land north west of the farmhouse and barn and would in part replace a range of modern agricultural sheds/buildings of no heritage significance.

## Setting

3.5.18 Historic maps show 'Davy Field' to the north with a large field enclosure bounded by Flash Brook with a path/track going across it westwards:



1843 - 1845 Map

3.5.19 The farmhouse has a north/south aspect with the front elevation facing onto the small yard adjacent the road. Its rear elevation faces across the brook to the fields south of the farm. Whilst the Council's Conservation Officer feels the farmhouse derives some of its significance from its surroundings, it derives most value from its relationship with the adjacent barn which encloses a small 'yard' to the front. In this respect, Officers think the sites historic importance to the setting is limited. This is reinforced by the fact that the application site is largely screened from the farmhouse.



3.5.20 Historic England's advice on Setting is contained in its Planning Note 3 (second edition) entitled; 'The Setting of Heritage Assets' describes the setting as being the surroundings in which a heritage asset is experienced and explains that this may be more extensive than its immediate curtilage and need not be confined to areas which have public access. Whilst setting is often expressed by reference to visual considerations, it is also influenced by the historic relationships between buildings and places and how views allow the significance of the asset to be appreciated.

3.5.21 Whilst the farmhouse does retain a wider rural setting, you do not view, to any great extent, the listed farmhouse and application site in the same context. The main views of the listed farmhouse and associated barn are mainly viewed from Roman Road. Given the presence of the modern agricultural building medium to long range views of the listed farmhouse from Roman Road are not openly available. The south facing rear elevation of the listed farmhouse is partially visible when travelling towards the site in a northerly direction from Blacksnape, Hoddlesden and Edgworth through the trees bordering Flash Brook.

3.5.22 From the site of the proposed dwellings, you do not achieve commanding views of the farmhouse and whilst the small estate of houses will view differently and produce a different landscape character/context this does not necessarily translate as making a contribution to the value of the setting of the listed building.

3.5.23 In conclusion, the application site does not currently contribute positively to the significance of the historic setting of the Grade II listed building and any harm, caused by the visual change in the wider context of the farmhouse will be very low. However, Officers do not necessarily agree that the removal of



the modern agricultural sheds would have a positive benefit on the setting, as this ignores the nature of the wider landscape character where it is more typical to view farmhouses and associated farm buildings, even modern farm development. In the planning balance, Officers regard this as being a neutral exchange.

- 3.5.24 More information on public benefits is included in the Planning Practice Guidance and can be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). These benefits are discussed below:

*Works to the farmhouse – public benefit*

- 3.5.25 The application includes a structural report carried out by Trevor Dawson. The executive summary concludes that the property is in a fair to poor condition and recommends various remedial works. The report provides an estimate of the costs of the remedial works to be approximately £63,000.
- 3.5.26 Whilst no detailed specification is included the works include general property repairs to the roof, chimneys and external joinery. All the work seems sensible maintenance which will help sustain its future. In terms of their value in relation to the 'public benefit' equation whilst Officers support the investment and think the repair works will be of benefit to the listed building the Structural Report confirms that the building is not immediately 'at risk' and the works could be regarded as catching up on a period of deferred maintenance. In this respect the works whilst of being benefit should be regarded as having a low public benefit value in the Councils Planning balance.
- 3.5.27 If the application is supported by Members the Local Planning Authority will need to secure the proposed repair works via a Condition which delivers the schedule of repair works, and secures a repair methodology. Such a condition is thus recommended, as is the timing for the repair works for the listed building.

Ground Conditions

- 3.5.28 Land stability and the consideration of the suitability of development with regard to ground conditions are material planning considerations as set out in paragraphs 170(e) and (f) and 178 of the National Planning Policy Framework (NPPF) and that the responsibility for securing a safe development in terms of land stability rests with the developer (para 179). This is subject to more detailed discussion in the National Planning Practice Guidance (PPG).
- 3.5.29 Policy 8 iii) concerns itself with ensuring previously developed land and whether it is, or can be made, safe for the occupiers of the development proposed. The application is supported by a Phase 1 Preliminary Risk Assessment. Officers have reviewed this and consider the report lacks information and in some parts provides contradictory advice on the level of remediation required. Due to these contradictions and the subsequent uncertainty, Officers recommend both of Blackburn's standard contaminated land conditions are attached to any resulting Decision Notice.

### Parking and Highway Safety

- 3.5.30 Local Plan Part 2 Policy 10 relates to highways matters. Development should not prejudice the safe and efficient movement of highway users and adequate on-site parking and manoeuvring should be provided in accordance with the Council's adopted space standards.
- 3.5.31 A detailed Transport Assessment (TA) and subsequent addendum have been submitted with the application. This evaluates the existing transport and highways context of the site, including access, 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. The assessment takes account of all committed development local to the site and forecast increases in transport movements associated with allocated development sites across the Borough.
- 3.5.32 This has been reviewed, and the Highway Officer considers that sustainability of all modes of transport, policy has been adequately assessed. It is acknowledged that the requirement of link to the existing footway along the applicant's boundary along Roman Road is supported and should be provided. The Highway Authority welcome this and request it be attached as a Grampian condition for the developer to bear all costs associated with the works.
- 3.5.33 The trips associated with this new development are below the threshold of 30 two way trips, and it is considered that there is no need to request any further junction assessments and the proposal is deemed to be acceptable in terms of impact upon the highway.
- 3.5.34 The existing access to the farm, installed to serve the former Wellybobs business, is to utilise the existing access. The width of the access and access road is 5.0m and is wide enough to accommodate two way vehicle movement, this should also be maintained for the full length of access road and a slight widening of the existing access road is proposed on the bend.
- 3.5.35 The Highway Officer requested that a pedestrian footway was proposed on one side of the road only. The red edge for the site has been increased slightly to abut the existing field boundary to provide footways on both sides of the road.
- 3.5.36 The minor extension of the red edge has also allowed the Public Footpath to be diverted along this extended edge rather than as it was initially proposed, across the area of Public Open Space and out through the development layout. This amended proposed diversion, is considered to be far more preferable and will provide a more open and pleasant route for walkers.
- 3.5.37 The Highway Authority reviewed the initially submitted proposals and raised a number of minor issues for the developers to address, such as the driveway lengths, the need for footways to be implemented on both sides of the access road, sightlines from the entrance and confirmation of both vehicular and pedestrian clearance and sightlines from driveways. These amendments

have not been reviewed and therefore an update will be provided within the Update Report. Notwithstanding this, Officers are comfortable that the proposals are acceptable from a Highway perspective, and planning conditions can be imposed to address any issues. Accordingly the proposals accord with Policy 10 of the Local Plan Part 2.

#### Residential Amenity

- 3.5.38 Policy 8ii) requires development to contribute positively to the overall physical, social, environmental and economic character of the area, as well as securing satisfactory levels 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.
- 3.5.39 The nearest dwellings to the development site are Davy Field Farmhouse, included within the red edge, and Davy Field Barn, owned by the applicant. The proposed dwellings have been sited so not to cause any loss of amenity to the existing, and any future, occupants of the farmhouse and converted barn.
- 3.5.40 In terms of the internal arrangements of the site, all dwellings accord with the Council's standard separation distances, as a minimum. The proposals also provide parking and garden areas, and refuse storage areas. The area of Public Open Space is also well related to all the new properties. The proposals will thus provide satisfactory living accommodation for future occupiers.
- 3.5.41 The site is located adjacent to Roman Road and in close proximity to the M65 motorway. The site is also relatively close to the SUEZ waste recycling centre where the extant permission exists for an energy recovery centre – planning permission 10/19/0495. The Noise Report accompanying this application indicated noise is likely to be an issue in this location. Therefore in order to ensure the amenity of future occupiers are not harmed by this development, the Council Environmental Protection department have recommended a condition be imposed requiring a written glazing and ventilation scheme that demonstrates adequate provision for both habitable room soundproofing and ventilation within the proposed dwellings to ensure the likely noise nuisance is controlled.
- 3.5.42 In light of the above, the proposals accords with Policy 8ii) of the Local Plan Part 2.

#### Design and Visual Amenity

- 3.5.43 Local Plan Policies 8i) and 11 concern themselves with the design of new development with them requiring development to present a good standard of design and will be expected to:

i) Demonstrate an understanding of the wider context; and

ii) Make a positive contribution to the local area.

3.5.44 Section 12 of the NPPF also seeks to achieve well-designed places stating at paragraph 124; *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

3.5.45 In October 2018, the Government introduced a national design guide emphasising the need for well-designed development.

3.5.46 The application site is within an open countryside location, physically separate from the urban edge of Blackburn which is defined by the M65 motorway bridge to the south of the site. The proposals will see the demolition of the buildings formally associated with the former Wellybobs Farm Park. The removal of these in itself will be an enhancement to visual amenity.

3.5.47 The erection of 19 new dwellings will result in a change to the rural farmstead character of the site and wider landscape which is visible from the surrounding Public Right of Way network extending from the site in north, south and east directions. The site is also visible from a PROW to the north-west.

3.5.48 The dwellings proposed are all to be faced in stone and slate and to ensure all external materials are sympathetic to the sites rural context, it is recommended a condition be imposed requiring these details to be submitted to and approved in writing by the Local Planning Authority.



Extract of proposed house type G



Extract of proposed house type H



Extract of proposed house type J

3.5.49 Officers have worked with the developers to secure appropriate and sensitive landscaping for this rural site and more sensitive boundary treatments.

3.5.50 The amended planting scheme will have the effect of softening the built development and will help break up the roof lines of the new houses when viewed from outside of the site. The tree lined road that uses larger native growing trees within a mixed native hedge is also welcomed in this location.

3.5.51 Subject to conditions securing these amendments the proposals should appear comfortable in this setting and thus accord with Policy 8i), 11 and 41 of the Local Plan Part 2.

### Climate Change

3.5.52 Local Plan Part 2 Policy 36 considers the effect of developments on climate change and requires all development to “be located and designed so as to minimise its susceptibility to the predicted effects of climate change over the lifetime of the development.”

### *Air Quality*

3.5.53 Local Plan Part 2, Policy 8 also discusses the Air Quality impact of developments. All properties will need to have a suitable external weatherproof socket to allow electrical vehicle charging to take place. Other

climate change and air quality mitigation measures should be incorporated in forthcoming developments. Conditions are recommended to secure these.

#### *Flood Risk and Drainage*

- 3.5.54 Local Plan Part 2, Policy 9 concerns itself, amongst other things, with the drainage of surface water and states that “Development with the potential to create significant amounts of new surface water run-off will be expected to consider and implement where required, sustainable drainage systems (SuDS) or other options for the management of the surface water at source.”
- 3.5.55 Paragraph 163 of the National Planning Policy Framework (NPPF) requires that “when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.”
- 3.5.56 In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
- 3.5.57 Following United Utilities reviewing the submitted Flood Risk Assessment, they can confirm the proposals are acceptable in principle to United Utilities subject to conditions being imposed requiring the development be carried out in accordance with principles set out in the submitted Flood Risk Assessment and Drainage Strategy (Ref No.30807/LRD, Dated October 2020).
- 3.5.58 The Local Lead Flood Authority has assessed the proposals and similarly raises no objections to the proposals subject to the surface water drainage being carried out in accordance with the submitted Flood Risk Assessment.
- 3.5.59 Subject to the imposition of the recommended planning condition both consultees are satisfied that the proposals will not increase flood risk.

#### Biodiversity

- 3.5.60 Policy 9 of the Blackburn with Darwen Local Plan Part 2 concerns itself with protecting biodiversity. Paragraph 170 of the National Planning Framework currently requires: “*Planning policies and decisions should contribute to and enhance the natural and local environment by: ... d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*”
- 3.5.61 A Preliminary Ecological Appraisal of the site that was undertaken in February 2020, (Envirotech, Dated 3<sup>rd</sup> February 2020) accompanies the application. The surveys appear to have followed best practice guidelines and been undertaken by a suitably qualified ecologist.

#### *Designated Sites*

- 3.5.62 The site does not have any nature conservation designations, nor are the proposals likely to impact upon any such site. It does lie within the Impact Risk Zone, identified by Natural England for the West Pennine Moor Site of Special

Scientific Interest (SSSI), however it does not meet the description of activities which are likely in impact on the protected sites.

#### *Habitats*

- 3.5.63 The habitats on the site predominantly offer very limited ecological value, being comprised largely of improved grassland, hard standing, buildings, tall ruderal vegetation and amenity grassland. Two ponds have been identified within the ecology report, one of which will be lost as a result of the proposed development. While accepting that this pond and the site are unlikely to support great crested newts, and may not hold water through the year, Officers have still request a replacement pond within the scheme to deliver biodiversity enhancement as well as mitigation for the habitat loss which can be incorporated into a SUDS scheme as per recommendations in the ecology report.
- 3.5.64 There is a small section of hedgerow on the site which is predominantly hawthorn, and will need to be removed to accommodate the development, and again replacement planting for this scheme has been secured.
- 3.5.65 The main habitat of interest is directly adjacent to the south of the proposed development, along Flash Brook and the associated woodland habitat. This habitat should be adequately buffered from the proposed development as the layout of the site is largely maintaining semi-natural vegetation next to the woodland, and Officers thus recommend a Construction Environmental Management Plan (CEMP) for Biodiversity be secured by the recommended condition.

#### *Species*

- 3.5.66 The three buildings on the site were assessed for their bat roost potential and to look for bats or evidence of roosting bats. No bats or evidence of bats were found. Building 1 and 2 had negligible potential to support bats, and building 3 had negligible-low potential. The features were inspected and no evidence of bats were found. No potential bat roost features were identified within the trees on the site during the ecology survey. A precautionary inspection for bats and evidence of bats is advised for building 3, which should be included with the CEMP.
- 3.5.67 The ecology survey incorrectly states that there are no records of otter within 2km. There are records of otter within 500m of the site, on Davyfield Brook to the north of the development site, which joins with Flash Brook to the west of the site. An otter survey was carried out, and no evidence of otter was found, although suitable habitat was present. Given the known presence of otter in the local area and suitable habitat features along the brook, it is reasonable to assume that otters are likely to be using Flash Brook at some points through the year. The Brook and associated habitats will be retained and measures within the recommended CEMP should be included to limit disturbance to otter.

- 3.5.68 The ponds and terrestrial habitat on the site were assessed for their potential to support great crested newts, including the use of HSI calculations. The terrestrial habitat on the site has very limited potential to be suitable for newts being hard standing and short improved grassland. The pond on the site also had a very low score on the HSI (0.28) suggesting it is a poor suitably for great crested newts. While the HSI score is not a replacement for survey work, and a low score does not remove the risk of great crested newts being found on the site, it can be used, with other field information to decide whether or not further survey work is required. In this instance the Council's Ecologists accept the conclusions of the report, that it is not reasonably likely that great crested newts would be present within the ponds, and therefore do not request further survey information in relation to great crested newts. However, the Council's Ecologists request the CEMP includes measures to protected any amphibians which may be present on the site and the applicant be made aware that should great crested newts be discovered on site work would need to stop and further advice sought, as outlined in 6.3.6 of the ecology report. An informative can be put on the Decision Notice notifying the applicant of the statutory protections.
- 3.5.69 The trees and vegetation/scrub on the site could support potentially support breeding birds, and the nests of all wild birds are protected under the Wildlife and Countryside Act, 1981 (as amended).
- 3.5.70 Himalayan balsam was recorded on the site and within the woodland associated with the site. This species is listed on Schedule 9 of the Wildlife and Countryside Act, 1981, as amended, making it an offence to plant or spread this species in the wild.
- 3.5.71 Any loss of habitats (ponds, trees and hedgerows on the site) should be compensated for within the landscaping of the site, as per 7.1.3 and 7.2.2 of the ecology report and the amended landscaping scheme has sought to provide the necessary mitigation.
- 3.5.72 Under the NPPF (section 170d and 175d) development should be aiming to deliver enhancements for biodiversity. Given the scale of the proposals, it is expected that a development such as this (major development) to demonstrate it is achieving this objective, and in line with the upcoming Environment Bill, the Council's Ecologists recommend that a 10% net gain for biodiversity be delivered, should the proposals at this site be taken forward, and suggest that it would be appropriate for the DEFRA Biodiversity Metric 2.0 (or equivalent if this model is superseded) to be used to evaluate the biodiversity value of the site and to demonstrate if this goal has been achieved. In addition to this enhancement measures such as the provision of integrated bat and bird boxes should also be explored, as well as potential to enhance the woodland corridor and retained pond.
- 3.5.73 All retained trees must be adequately protected from any adverse impacts of the development, in line with BS 5837:2012.
- 3.5.74 Given all of the above, and in order to ensure that harm to biodiversity is mitigated and also a net-gain to biodiversity is achieved Officers advise that a



CEMP (biodiversity) should be secured and such a condition is recommended. This should incorporate the various recommended method statements within the ecology report and include details of protection of existing and retained habitats (including the riparian corridor and pond), protection of species (such as method statement for the drawn down of the pond to protect amphibians as well as site clearance, timing of works for nesting birds, and measures to protect bats, badgers, and otters) and the prevention of spread and treatment of invasive species. Once approved in writing by the LPA, the CEMP should be followed in full.

3.5.75 Any new proposed external lighting should be designed to minimise impact on nocturnal wildlife, in line with best practice guidelines. Within this development a dark corridor along Flash Brook and associated habitats is particularly key with the potential for otters and bats to be using this corridor.

3.5.76 A condition should also be used so that any site clearance, vegetation or tree removal should be timed to avoid the main bird nesting season (March - August inclusive) unless it can otherwise be demonstrated that no active bird nests are present.

3.5.77 A Method Statement to prevent the spread of Himalayan balsam during the works should be secured through a pre-commencement condition (or this can be accommodated in the CEMP – see above).

3.5.78 An informative should be attached to any planning permission which is granted, to make the applicant aware of the potential for bats, otter, great crested newts and other protected species to be present within the site. Should they find or suspect any such species on the site during the development, work should cease and the LPA should be contacted for further advice.

#### 3.5.79 Planning Gain/ Section 106 Financial Contributions

3.5.80 Planning contributions have been requested for Education, Highways, Public Open Space, and Affordable Housing. Subject to negotiation, agreement has been reached regarding the viability of this site and s106 contributions to be a total of £125,315. This is broken down as follows:

- Education (additional primary school places in the area) - £40,000
- Affordable Housing - £84,074
- Monitoring Costs - £1,241

Total £125,315

3.5.81 Payment timings are to be as follows:

1 year after commencement: 50%

2 years after commencement: 50%

3.5.82 A Section 106 Agreement has been drafted and is ready to be signed should Members approve the application.

#### **4.0 RECOMMENDATION**

4.1 Approve subject to:

**(i) Delegated authority is given to the Strategic Director of Place to approve planning permission, subject to an agreement under Section 106 of the Town & Country Planning Act 1990, relating to the payment of £125,315; Payments are to be made prior to commencement of development:**

- **£40,000 for education;**
- **£84,074 for affordable housing; and,**
- **£1,241 for monitoring costs**

**Should the Section 106 agreement not be completed within 6 months of the date of the planning application being received, the Strategic Director of Place will have delegated powers to refuse the application.**

(ii) The following conditions:

1. The development must be begun not later than the expiration of three years from the date of this permission.

REASON: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

LP01 Rev. A: Location Plan;  
0001 Rev. I: Proposed Site Layout;  
BT01: Boundary Treatments;  
VP01: Volume Plan;  
WM01: Waste Management Plan;  
1826-01 Rev C: Detailed landscape proposals;  
2930-01 Rev. A: Visibility Plan;  
19-145-HT-E: House Type E;  
19-145-HT-G: House Type G  
19-145-HT-H: House Type H  
19-145-HT-J: House Type J  
19-145-GA01-A: Garage

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. No development shall take place until an Environmental Management Plan (EMP) has been submitted to and approved in writing by the Local Planning Authority. The EMP shall demonstrate compliance with:
- (i) the mitigation measures and reasonable avoidance measures set out in Section 7 of the 'Preliminary Ecological Appraisal' by Envirotech Ecological Consultants dated 03 February 2020;

The EMP shall include a timetable for the implementation/duration of any measures identified in (i). Development shall thereafter be carried out in strict accordance with the measures and timetable contained within the duly approved EMP.

REASON: To ensure that appropriate measures are implemented as part of the development to mitigate the impact of operations during the construction, operational and decommissioning phases of development, to provide adequate compensation for any habitat loss arising as a result of the development, to ensure that the development does not adversely affect the favourable conservation status of protected species and to secure appropriate biodiversity enhancements as part of the development in accordance with the requirements of Policy 9 of the Blackburn with Darwen Local Plan and the National Planning Policy Framework.

4. No development shall take place until a scheme for tree protection measures (both above and below ground) to be implemented during the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- (i) Details of a construction exclusion zone (including protective fencing of a height and design which accords with the requirements BS 5837: 2012) to be formed around the root protection areas of those trees to be retained along Flash Brook;
- (ii) Details of any excavation to take place within the root protection areas of those trees to be retained;
- (iii) Details of the foundations of any building, hardstandings and/or boundary treatments to be constructed within the root protection areas of those trees to be retained.

The development shall thereafter be carried out in strict accordance with the protection measures contained within the duly approved scheme throughout the entirety of the construction period.

REASON: To ensure that adequate measures are put in place to protect existing trees which are to be retained as part of the development before any construction works commence and in the interests of safeguarding biodiversity, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Local Plan and the National Planning Policy Framework.

5. No development shall commence until a Construction Method Statement shall be submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement with associated plan shall provide for:

- I) the parking of vehicles of site operatives and visitors;
- II) Loading and unloading of plant and materials;
- III) Storage of plant and materials used in constructing the development;
- IV) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- V) Wheel washing facilities;
- VI) Measures to control the emission of dust and dirt during construction;

- VII) A scheme for recycling/disposing of waste resulting from demolition and construction works; and,  
VIII) Measures to safeguard the construction site from crime and disorder.

REASON: In order to avoid the possibility of the public highway being affected by the deposit of mud or loose materials which could create a potential hazard to road users, in order to protect the amenity of the occupiers of the adjacent properties, in order to protect the visual amenities of the locality, and in order to safeguard the site from crime and disorder in accordance with Policies 8, 10 and 11 of the Blackburn with Darwen Borough Local Plan Part 2 (2015) and the National Planning Policy Framework.

6. No part of the development hereby approved shall commence until a scheme for the construction of the site egress and the off-site works of highway improvements to the new footway to link up to the existing footway along Roman Road has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority and implemented to the satisfaction of the Local Planning Authority. The works shall be completed, prior to the first use of the new egress.

REASON: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the necessary highway scheme/works are acceptable before work commences on site in accordance with Policy 10 of the Blackburn with Darwen Local Plan Part 2.

7. No clearance of any vegetation in preparation for or during the course of development shall take place during the bird nesting season (March to August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird nesting season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

REASON: In order to prevent any habitat disturbance to nesting birds in accordance with the requirements of Policy 9 of the Blackburn with Darwen Local Plan Part 2 (2015), the provisions of the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.

8. No works shall take place until a Habitat and Landscape Management Plan (HLMP) for all landscaped areas of the site (excluding privately owned domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The HLMP shall include details of the following:

- (i) protection measures for Flash Brook and the surrounding trees during the course of construction;
- (ii) management and maintenance measures for the landscaping of the site, including the Public Open Space
- (iii) long term design objectives;
- (iv) management responsibilities;
- (v) maintenance schedules; and
- (vi) a timetable for implementation.

The HLMP shall thereafter be implemented in full accordance with the duly approved details and timetable contained therein.

REASON: In order to ensure adequate protection of existing landscape features of ecological value and to achieve appropriate landscape and biodiversity enhancements as part of the development in accordance with the requirements of Policies 8, 9 and 41 of the Blackburn with Darwen Local Plan and the National Planning Policy Framework.

9. Prior to commencement of development, a scheme employing the best practicable means for the suppression of dust during the period of demolition/construction shall be submitted and approved in writing by the Local Planning Authority. The approved measures in the scheme shall be employed throughout this period of development unless any variation has been approved in writing by the Planning Authority.

REASON: To ensure that satisfactory measures are in place to alleviate any dust & dirt impact at adjacent residential premises.

10. No development shall take place until a method statement for the removal/control of any invasive plant species (as defined within the Wildlife and Countryside Act 1981, as amended) which fall within the site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include:
  - (i) measures to prevent the spread of invasive species during any operations (e.g. strimming, soil movement or land remodelling works) and to ensure that any soils brought to the site are free of the seeds, root or stem of any invasive plant (as defined by the Wildlife and Countryside Act 1981, as amended).
  - (ii) a timetable for implementation (including any phasing for removal/control on different parts of the site);

The development shall thereafter be carried out in accordance with the details, timetable and phasing contained within the duly approved method statement.

REASON: To ensure the satisfactory treatment and disposal of invasive plant species and site preparation works before any development commences on affected areas of the site in accordance with the requirements of the National Planning Policy Framework and the Wildlife & Countryside Act 1981 (as amended).

11. Prior to the commencement of development hereby approved, the developer must submit to the Local Planning Authority for written approval:
  - (i) Two copies of a comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Where necessary, detailed proposals for subsequent site investigation should also be included, clearly based on the CSM.
  - (ii) Two copies of the findings of the approved site investigation work (where necessary), including an appropriate assessment of risks to both human health and the wider environment, from contaminants in, on or under the land (including ground gas). If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, along with an updated CSM. No deviation shall be made from this scheme without the written agreement from the Local Planning Authority.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Local Plan Part 2.

12. No above-ground works shall take place until a scheme to protect future occupiers from passing road noise from Roman Road and the M65 motorway has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a written glazing and ventilation scheme that demonstrates adequate provision to prevent traffic noise within the dwellings hereby approved.

The approved scheme must be implemented and retained for the duration of the approved use. The scheme shall thereafter be implemented in accordance with the duly approved details prior to occupation of any of the dwellings hereby approved.

REASON: To ensure the implementation of appropriate noise attenuation measures for the proposed dwellings in order to achieve satisfactory living conditions for future occupiers of the development in accordance with the requirements of Policy 8 of the Blackburn with Darwen Local Plan Part 2 and the National Planning Policy Framework.

13. Notwithstanding any description of materials in the application and the requirements of condition no. 2 [approved plans] of this permission, no above ground works shall take place until samples or full details of all materials to be used on the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

REASON: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Policies 8 i.), 11 and 41 of the Blackburn with Darwen Local Plan Part 2 and the National Planning Policy Framework.

14. No above-ground works shall begin until, a comprehensive and detailed schedule or works, together with detailed drawings and a schedule of materials relating to the repair work to Davy Field Farmhouse, shall be submitted to and approved in writing by the local planning authority. The schedule and drawings shall be in accordance with the Condition Survey accompanying the application and include all proposed work to windows, doors, brickwork, stonework, including bonding and plaster jointing, timber work (including jointing), plasterwork, roof material and rainwater goods and shall include details of design and appearance.

REASON: To ensure the listed building is repaired and restored sympathetically to preserve the character and appearance of the Listed Building, in accordance with Policy 39 of the Blackburn with Darwen Local Plan Part 2 and the National Planning Policy Framework.

- A condition requiring the full repair of Davy Field Farmhouse within a timely manner will be imposed. The full wording of this will be provided in the Update Report.
15. Details of finished floor levels and external ground levels for each plot shall be submitted to and approved in writing by the Local Planning Authority before any development at that plot takes place. The development shall thereafter be implemented in accordance with the duly approved details.

REASON: To ensure a satisfactory relationship between the new dwellings and between the development and surrounding buildings before any ground works take

place to establish site levels in the interests of residential and visual amenity in accordance with the requirements of Policies 8 and 11 of the Blackburn with Darwen Borough Local Plan Part 2 (2015), the Blackburn with Darwen Residential Design Guide Supplementary Planning Document and the National Planning Policy Framework.

16. No above ground works shall take place until a scheme for the provision and maintenance of an 8 metre buffer zone (measured from the bank top of the watercourse) alongside the watercourse of Flash Brook has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- (i) a plan showing the extent and layout of the buffer zone; and
- (ii) details to demonstrate how the buffer zone will be protected during construction; and
- (iii) details of how the buffer zone will be maintained and managed after the development is completed.

The scheme shall be implemented in accordance with the duly approved details, and the buffer zone maintained as such thereafter.

REASON: To protect the riparian habitat of the watercourse, to ensure satisfactory access to maintain the watercourse and to preserve and enhance its ecological interest in accordance with the requirements of Policy 9 of the Blackburn with Darwen Local Plan, and the National Planning Policy Framework.

17. 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.

REASON: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policy 10 of the Blackburn With Darwen Borough Local Plan Part 2.

18. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment and Drainage Strategy (Ref No. 30807/LRD, Dated October 2020). No surface water will be permitted to drain directly or indirectly into the public sewer. 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 and to accord with the requirements of Local Plan Part 2, Policy 9 and the National Planning Framework and Planning Practice Guidance.

19. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the landscaping scheme for the site shown on drawing no. 1924-01-C shall be carried out during the first planting after the development is substantially completed and the areas which are landscaped shall be maintained as landscaped areas thereafter in accordance with the details shown on the approved plan. Any trees, hedges or shrubs removed, dying, being severely damaged or

becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

REASON: To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the street scene, the countryside, and to provide biodiversity enhancements in accordance with the requirements of Policy 9 of the Blackburn with Darwen Local Plan Part 2, and the National Planning Policy Framework.

20. 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.

REASON: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policy 10 of the Blackburn With Darwen Borough Local Plan Part 2.

21. Prior to the occupation of the development hereby approved, two copies of a comprehensive Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and updated CSM. All the installed remediation must be retained for the duration of the approved use, and where necessary, the Local Planning Authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, that the risks it presents have been appropriately assessed, and that the site can be made 'suitable for use', as such, does not pose a risk to future users of the site or the wider environment in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Local Plan Part 2.

22. Prior to occupation of any of the dwellings hereby approved, the following mitigation measures shall be implemented:
- a. There shall be one electric vehicle charging point at each house with a garage or driveway. An appropriate charging point for a single dwelling will have a Type 2 connector and a minimum rating of 3.7kW 16A. External points will be weatherproof and have an internal switch to disconnect electrical power; and,
  - b. Gas fired domestic heating boilers shall not emit more than 40mg NO<sub>x</sub>/kWh.

REASON: In accordance with Policy 36 of the Blackburn with Darwen Borough Local Plan Part 2 and Paragraph 110 of the National Planning Policy Framework 2019, which states that developments should be designed to enable charging plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

23. Notwithstanding any details contained within the application, a scheme for the installation of any external lighting on the building(s) and the external areas of the site shall be submitted to and approved in writing by the Local Planning Authority before any lighting is installed. The scheme shall include details of the lighting's: (i) position and height on the building(s) and/or site; (ii) spillage, luminance and angle of installation; and (iii) any hoods to be fixed to the lights. Any external lighting shall only be installed in accordance with the duly approved scheme.



REASON: To ensure that any external lighting to be installed at the site does not cause a nuisance to surrounding occupiers, biodiversity (Flash Brook), or detract from visual amenity in the surrounding area as a result of light pollution in accordance with the requirements of Policies 8, 9, 11 and 41 of the Blackburn with Darwen Local Plan Part 2 and the National Planning Policy Framework.

24. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

REASON: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

25. Prior to the occupation of the development hereby approved, the car parking spaces identified on Drawing Number; 001 Rev. I shall be implemented and thereafter retained.

REASON: To ensure that off-street parking is maintained for the safe, efficient and convenient movement of all highway users and occupiers of the development in accordance with Policies 8, 10 and 11 of the Blackburn with Darwen Borough Local Plan Part 2.

26. 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.

REASON: To ensure that the estate streets serving the development are maintained to an acceptable standard in the interest of residential / highway safety in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

27. Visibility splays shall not at any time be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

REASON: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

28. Notwithstanding the provisions of Classes A to H of Part 1 of the Town and Country Planning (General Permitted Development) Order 2015, or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the new dwelling unless planning permission has first been granted by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and the countryside in which it is set, and the amenities of nearby residents in accordance with Policies 8, 11 and 41 of the Blackburn with Darwen Local Plan Part 2.

29. Notwithstanding the provisions Schedule 2 Part 14 Classes A-I of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, or any Order revoking and re-enacting that Order, no microgeneration equipment shall be attached to the new dwelling unless planning permission has first been granted by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality and the amenities of nearby residents in accordance with Policies 8, 11 and 41 of the Blackburn with Darwen Local Plan Part 2.

## 5.0 PLANNING HISTORY

- 5.1 The table below provides the planning history for the application site:

*Site of proposed new dwellings*

Planning App	Development Description	Decision	Approved Date
10/05/1036	Demolition of outbuildings and conversion of barn to one dwelling within curtilage of Listed Building	Approve	19/12/2006
10/05/1037	Demolition of outbuildings and conversion of barn to one dwelling within curtilage of Listed Building (Listed Building Consent app to 10/05/1036)	Consent	19/12/2006
10/09/0858	Change of use from farm/farm buildings to a commercial farm park with new carpark and access from Roman Road	Approve	25/01/2010
10/10/0440	Variation of condition No 10 on 10/09/0858 (Extension of	Approve	21/06/2010

	footway frontage)		
10/11/0652	Regularisation of extant planning permission 10/09/0858 to ensure that operation on site is consistent with that set out in the approved permission	Approve	07/03/2015

*Grade II Listed Building – Davy Field Farmhouse*

<b>Planning App Ref.</b>	<b>Development Description</b>	<b>Decision</b>	<b>Approved Date</b>
10/77/2118	Outline - Conversion of farmhouse to licensed restaurant with flat over	Refuse	10/02/1978
10/04/0413	Mono pitched roof conservatory replacing Annex/Foyer	Approve	05/07/2004
10/04/0273	Build conservatory in place of porch	Approve	05/07/2009
10/05/1036	Demolition of outbuildings and conversion of barn to one dwelling within curtilage of Listed Building	Approve	19/12/2006
10/05/1037	Demolition of outbuildings and conversion of barn to one dwelling within curtilage of Listed Building (Listed Building Consent app to 10/05/1036)	Consent	19/12/2006
10/07/1038	Conversion of existing barn to dwelling with retention of part of existing lean to	Approve	26/11/2007

## **6.0 CONSULTATIONS**

- 6.1 Due to the proposals constituting Major Development, them affecting a Public Right of Way and the setting of the Grade II listed Davyfield Farm and being classed as a departure from the Development Plan, the proposals have been

advertised by Press Notice, Site Notice and 4 nearby properties have been consulted.

6.2 One representation has been received from the public raising concerns relating to allowing development in the Green Belt and the sites access to amenities and services. The representation is reported in full in Section 8 of this report,

6.3 Two separate objections have been received from Eccleshill and Waterside Parish Council. The objections from the Parish Council are shown below.

### 6.3 Eccleshill and Waterside Parish Council

The Parish Council has objected to the proposals at both the time of the initial application and on receipt of the amendments. Their latest objection is included below:

“At the Parish Council Meeting on 14 June 2021, the Parish Councillors of Eccleshill and Waterside unanimously agreed to object to the above application for the following reasons:

- The proposed properties are to be built on “Greenbelt Land”. The greenbelt was in place to stop the ribboning of villages into each other. This development goes against those principles.
- There are currently a number of developments happening in and around the village so there is no need for further houses to be built.
- This proposed development does not benefit the local population as the houses will be unaffordable.

Can you please bring this objection to the attention of the planning committee when they next meet.

*Kind regards  
Rory Needham  
Clerk to Eccleshill and Waterside Parish Council”*

## **Statutory Consultees**

### 6.4 Arboriculture

Response to the final amendments:

“The amended proposed landscaping (drawing c-1826-01 Revision C) is much better and suitable for approval.”

Second Response:

Having a good look through the proposed landscaping and I think it is a fairly well thought out scheme that uses, mostly, the correct species of trees and hedging. Ash is listed (*Fraxinus excelsior*) which cannot legally be used. The planting will have the effect of softening the built developments and will help break up the roof lines when viewed from outside of the site. I particularly like the tree lined road that uses larger native growing trees within a mixed native hedge.

I share your concern with some of the tree planting to be in relatively close proximity to the properties, especially on the southern boundary. If these trees could be moved back slightly from the boundary line it will help post development when the properties are occupied as they are south facing and trees can become problematic. It is the same with the proposed tree planting on the open grassed area to the north, please consider moving the trees further into the open space.

The proposed pond does appear to be in a rather unusual location, maybe the Ecologists would comment on this?

The landscaping comes with the maintenance and management that is required for approval.

Overall, a decent scheme that when established will look good and add to the overall biodiversity of the site.

Initial Response:

“The applicant has submitted a detailed tree survey that accurately grades the trees in accordance with BS 5837.

Although there isn't any Arb Impact Assessment detail, the tree survey shows that the trees presumed to be removed and the species poor hedgerow, are of a low grade.

The submitted landscaping proposals are suitable for approval. The scheme shows the planting of mostly native trees with odd ornamental tree and the planting of mostly native hedging. There is sufficient specification detail and

the requirement maintenance and management detail is also present.

I have no objection to the proposals.”

6.5 **Cleansing** – No objections, subject to adequate bin storage and the refuse wagon being able to reach the collection point.

6.5 **Conservation Officer** – No objections – the full comments are reported within Sections 2.5.12 – 3.5.27.

## 6.6 **Greater Manchester Ecology Service**

### Response to amendments:

Thank you for consulting GMEU on the amended plans for this site.

“There is now a replacement pond proposed within the scheme and an increase in the area of species rich lawn mix as well as tree planting and native hedgerow planting. I would recommend that a condition is used to secure a Landscape and Ecological Management Plan to secure the long term management of these features

I would also still recommend that enhancements such as the provision of bat and bird boxes incorporated into the new buildings is secured through the planning system.

My other previous comments (see below) still remain relevant.”

### Response to initial submission:

“Having considered the available information, I have the following comments to make.

A Preliminary Ecological Appraisal of the site was undertaken in February 2020, (Envirotech, Dated 3<sup>rd</sup> February 2020). The surveys appear to have followed best practice guidelines and been undertaken by suitably qualified ecologist.

### Designated Sites

The site does not have any nature conservation designations, nor are the proposals likely to impact upon any such site. It does lie within the Impact Risk Zone, identified by Natural England for the West Pennine Moor (SSSI), however it does not meet the description of activities which are likely in impact on the protected sites.

### Habitats

The habitats on the site predominantly offer very limited ecological value, being comprised largely of improved grassland, hard standing, buildings, tall ruderal vegetation and amenity grassland. Two ponds have been identified within the ecology report, one of which will be lost as a result of the proposed development. While accepting that this pond and the site are unlikely to support great crested newts, and may not hold water through the year, I would still request a replacement pond within the scheme (to deliver biodiversity enhancement as well as mitigation for the habitat loss) which can be incorporated into a SUDS scheme as per recommendations in the ecology report. There is a small section of hedgerow on the site which is predominantly hawthorn, and will need to be removed to accommodate the development, and again replacement planting for this scheme would be advised.

The main habitat of interest is directly adjacent to the south of the proposed development, along Flash Brook and the associated woodland habitat. This habitat should be adequately buffered from the proposed development as the layout of the site is largely maintaining semi-natural vegetation next to the woodland, and we would request a CEMP (biodiversity) during construction is secured.

### Species

The three buildings on the site were assessed for their bat roost potential and to look for bats or evidence of roosting bats. No bats or evidence of bats were found. Building 1 and 2 had negligible potential to support bats, and building 3 had negligible-low potential. The features were inspected and no evidence of bats were found. No potential bat roost features were identified within the trees on the site during the ecology survey. A precautionary inspection for bats and evidence of bats is advised for building 3, which should be included with the CEMP.

The ecology survey incorrectly states that there are no records of otter within 2km. There are records of otter within 500m of the site, on Davyfield Brook to the north of the development site, which joins with Flash Brook to the west of the site. An otter survey was carried out, and no evidence of otter was found, although suitable habitat was present. Given the known presence of otter in the local area and suitable habitat features along the brook, it is reasonable to assume that otters are likely to be using Flash Brook at some points through the year. The Brook and associated habitats will be retained and measures within the CEMP should be included to limit disturbance to otter.

The ponds and terrestrial habitat on the site were assessed for their potential to support great crested newts, including the use of HSI calculations. The terrestrial habitat on the site has very limited potential to be suitable for newts being hard standing and short improved grassland. The pond on the site also had a very low score on the HSI (0.28) suggesting it is a poor suitably for great crested newts. While the HSI score is not a replacement for survey work, and a low score does not remove the risk of great crested newts being found on the site, it can be used, with other field information to decide whether or not further survey work is required. In this instance I would accept the

conclusions of the report, that it is not reasonably likely that great crested newts would be present within the ponds, and therefore do not request further survey information in relation to great crested newts. However I would request the CEMP includes measures to protect any amphibians which may be present on the site and the applicant it made aware that should great crested newts be discovered on site work would need to stop and further advice sought, as outlined in 6.3.6 of the ecology report.

The trees and vegetation/scrub on the site could support potentially support breeding birds, and the nests of all wild birds are protected under the Wildlife and Countryside Act, 1981 (as amended).

Himalayan balsam was recorded on the site and within the woodland associated with the site. This species is listed on Schedule 9 of the Wildlife and Countryside Act, 1981, as amended, making it an offence to plant or spread this species in the wild.

## **Recommendations**

Any loss of habitats (ponds, trees and hedgerows on the site) should be compensated for within the landscaping of the site, as per 7.1.3 and 7.2.2 of the ecology report.

Under the NPPF (section 170d and 175d) development should be aiming to deliver enhancements for biodiversity. Given the scale of the proposals, I would expect a development such as this (major development) to demonstrate it is achieving this objective, and in line with the upcoming Environment Bill, I would recommend that a 10% net gain for biodiversity delivered, should the proposals at this site be taken forward. I would suggest that it would be appropriate for the DEFRA Biodiversity Metric 2.0 (or equivalent if this model is superseded) to be used to evaluate the biodiversity value of the site and to demonstrate if this goal has been achieved. In addition to this enhancement measures such as the provision of integrated bat and bird boxes should also be explored, as well as potential to enhance the woodland corridor and retained pond.

All retained trees must be adequately protected from any adverse impacts of the development, in line with BS 5837:2012. In this instance I would advise that a CEMP (biodiversity) should be secured through a pre-commencement condition. This should incorporate the various recommended method statements within the ecology report and include details of protection of existing and retained habitats (including the riparian corridor and pond), protection of species (such as method statement for the drawn down of the pond to protect amphibians as well as site clearance, timing of works for nesting birds, and measures to protect bats, badgers, and otters) and the prevention of spread and treatment of invasive species. Once approved in writing by the LPA, the CEMP should be followed in full.

Any new proposed external lighting should be designed to minimise impact on nocturnal wildlife, in line with best practice guidelines. Within this



development a dark corridor along Flash Brook and associated habitats is particularly key with the potential for otters and bats to be using this corridor.

A condition should be used so that any site clearance, vegetation or tree removal should be timed to avoid the main bird nesting season (March - August inclusive) unless it can otherwise be demonstrated that no active bird nests are present (or this can be accommodated in the CEMP – see above).

A Method Statement to prevent the spread of Himalayan balsam during the works should be secured through a pre-commencement condition (or this can be accommodated in the CEMP – see above).

An informative should be attached to any planning permission which is granted, to make the applicant aware of the potential for bats, otter, great crested newts and other protected species to be present within the site. Should they find or suspect any such species on the site during the development, work should cease and the LPA should be contacted for further advice.”

## **6.7 Housing Growth**

Housing Growth would be supportive of the above planning application subject to proposals meeting building regulations and planning policies.  
Regards

Subhan Ali  
Strategic Development Manager (Housing)

## **6.8 Highway Authority**

The submission details have been reviewed, and a site investigation has been undertaken.

The proposal received is for the erection of 19 no. dwellings, with associated infrastructure and landscaping works

### **Parking**

The parking should be in accordance with adopted parking standards which sets a requirement as follows:

- 2 spaces for a 3bed
- 3 spaces for a 4+ bed

All car parking spaces on the drives should measure at 5.5m (in accordance with the adopted Residential Design Guide). The spaces do not currently comply, please request revision. All garages should be 3m x 6m. I have reviewed the drawings received and although the garages are slightly under by 300mm.

### **ACCESS & LAYOUT**

The existing access to the farm (and also previously welly bobs business) is to utilise the existing access. The width of the access and access road is 5.0m and

presently wide enough to accommodate two way vehicle movement, this should also be maintained for the full length of access road

There is a footway proposed on one side of the road, we would advocate footway is provided on both sides of the road where houses fronts carriageway. However the layout of the road and its suitability to the environment that it is in, pays homage to Manual for Street, this is certainly welcomed.

The road ends with a turning head, a swept path has been provided within the TS which demonstrates that the tuning manoeuvre can be undertake. The manoeuvre highlights the internal road on the bend requires widening to accommodate two vehicles passing each other, please request amendment.

Sightlines details have not been provided, please request these for assessment. Clearance for all drives for both vehicles and pedestrians sightlines need to be considered. Details of boundary treatments adjacent to drives should also be provided.

### **Transport Statement**

This has been reviewed, sustainability of all modes of transport, policy has been adequately assessed. It is acknowledged that the requirement of link to the existing footway along the applicant's boundary along Roman Road is supported and should be provided. We welcome this and request it be attached as a Grampian condition for the developer to bear all costs associated with the works.

The trips associated with this new development are below the threshold of 30 two way trips, we do not therefore request any further junction assessment and deem the proposal to be acceptable in terms of impact upon the highway.

### **Off-site highways works**

Please attach a Grampian condition; for the following works:

- New footway to link up to the existing footway along Roman Road

We would request that all of the above works are secured under a Grampian condition; detailed scheme to be received for approval, and works to be completed on occupation of first property

In principle, we would offer no objections subject to the above issues being addressed satisfactorily.

**6.9 Public Protection** - No objections, subject to the recommended conditions.

**6.10 Public Right of Way** – No objections to the proposed amended diversion route of the Public Footpath.

**7.0 CONTACT OFFICER: Claire Booth MRTPI, Senior Planning Officer**

**8.0 DATE PREPARED: 05 July 2021**

## 9.0 SUMMARY OF REPRESENTATIONS

### **Objection – P Cooper. Rec - 14/12/2020**

Dear Sir/Madam

There are concerns for the planning application 10/20/1036 for 19 houses on Davy Field farm.

Initial changes on the property were made with the aid of a European Grant but planning permission was not complied with on numerous counts which may impact on further applications.

The area is surrounded by green belt therefore the quantity quality and style of proposed buildings needs stricter regulations.

Green belt heritage and wildlife of the area must be protected and preserved.

Davy Field farm lies on Roman road which is a narrow road with a blind spot on the approach to the junction of Johnson road . Public transport is poorly provided therefore private car use is increased. Additionally these roads are subject to heavy commercial wagons going to businesses at Eccleshill and Waterside any extra traffic will exacerbate the traffic chaos and increase the risk of accidents, particularly with entry and exit to the junction. Flooding at the junction is also an issue. These need to be addressed.

The planning needs to ensure the public footpath on the property is not compromised . Given the number of houses to be built on other sites in close proximity in Darwen the council needs to address the infrastructure of the area. A comprehensive policy would ensure there is sufficient capacity for increased demand for schools health services and hospitals currently this is not the case. This will lead to these services unable to cope with demand therefore residents will suffer low quality services which could lead to the detriment of residents. Infrastructure capacity should not be a catch up process.

Yours sincerely

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### **Objection – Rory Needham, Clerk to Eccleshill & Waterside Parish Council. Rec - 23/06/2021**

**Ref: Full Planning Application - The erection of 19 no. dwellings, with associated infrastructure and landscaping works**

**At**

**Land at Davyfield Farm**

**Roman Road**

**Eccleshill**

**BB3 3PJ.**

At the Parish Council Meeting on 14 June 2021, the Parish Councillors of Eccleshill and Waterside unanimously agreed to object to the above application for the following reasons:

- The proposed properties are to be built on “Greenbelt Land”. The greenbelt was in place to stop the ribboning of villages into each other. This development goes against those principles.

- There are currently a number of developments happening in and around the village so there is no need for further houses to be built.
- This proposed development does not benefit the local population as the houses will be unaffordable.

## **REPORT OF THE DIRECTOR**

**Plan No: 10/21/0148**

**Proposed development: Full Planning Application: Erection of Use Class E Convenience Store with Staff / Storage at First Floor and 16 Customer Parking Spaces and Delivery Area.**

**Site address:**

**Former Hollins Grove Liberal Club**

**Falcon Avenue**

**Darwen**

**BB3 1QX**

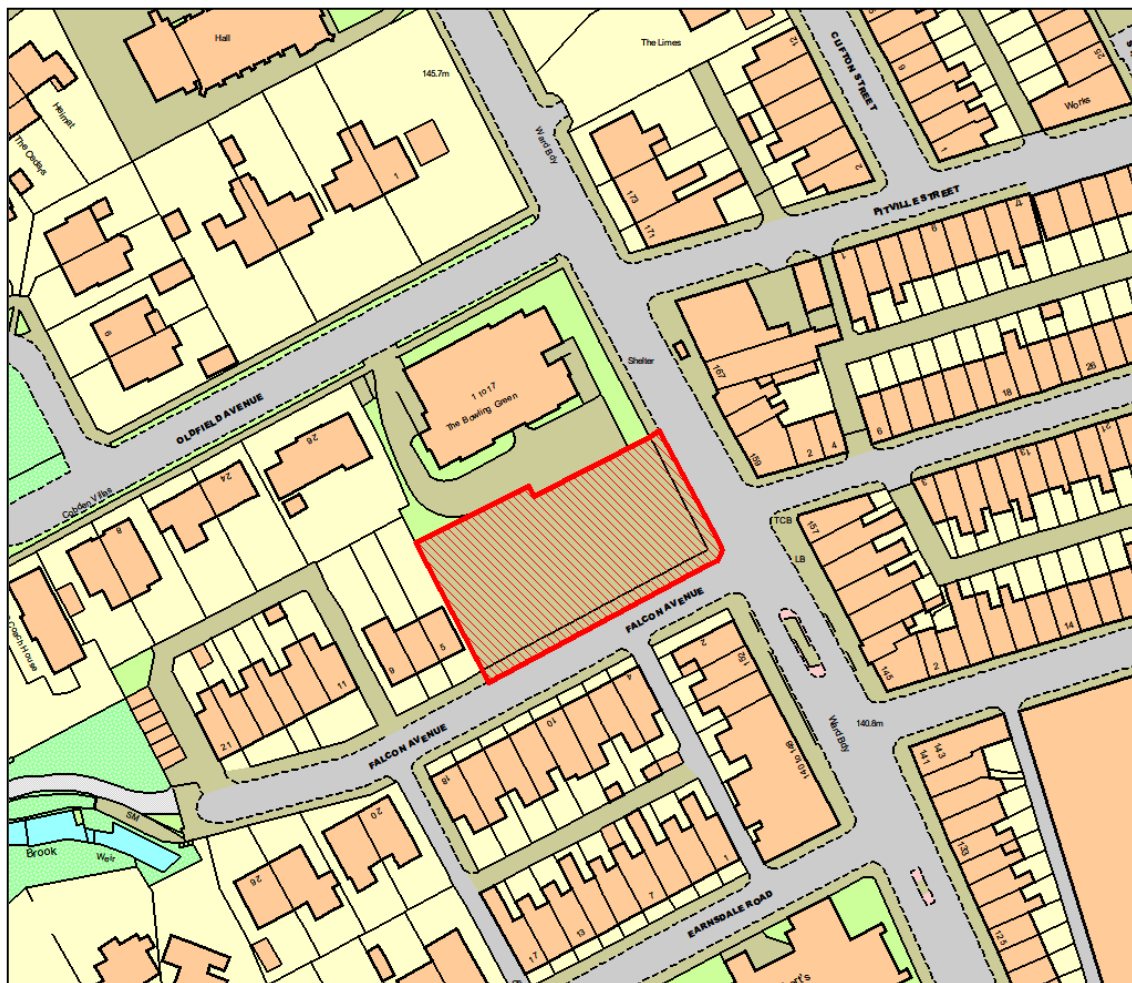
**Applicant: Thistlewood Properties Ltd**

**Ward: Darwen West**

**Councillor Dave Smith**

**Councillor Brian Taylor**

**Councillor Stephanie Brookfield**



## **1.0 SUMMARY OF RECOMMENDATION**

### **1.1 APPROVE – Subject to conditions set out at paragraph 4.1.**

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

- 2.1 The planning application is submitted following pre-application dialogue on the merits of the proposed development, at which time support in principle was offered, subject to a subsequent detailed assessment at full application stage. It is reported to Committee at the request of the Chair, following receipt of a significant number of neighbourhood representations. This is in accordance with the Chair referral scheme.
- 2.2 Assessment of the application finds that the proposal will deliver a high quality retail development with associated off-street parking provision, which will assist in widening the retail offer in the borough. This is in accordance with the Council's strategic aims and objectives for economic growth and expansion of public facilities and services, without prejudice to existing retail provision in the borough's Town and District Centres. 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 (the site) measures 0.14 hectares. It is located within the Urban Boundary of Darwen, at the junction of Blackburn Road and Falcon Avenue, consisting of previously developed land formerly occupied by Hollins Grove Liberal Club and associated car park. The site fronts Falcon Avenue to the south, from where access is taken; the eastern boundary adjoins Blackburn Road, whilst the northern and western adjoin residential uses. The existing Co-op Store -140-148 Blackburn Rd – is located circa 50m to the south of the site, along Blackburn Road.
- 3.1.2 The surrounding area is generally characterised as mixed residential and commercial.
- 3.1.3 In accordance with the Development Plan (Adopted Policies Map – Darwen), the site is positioned to the immediate north west of the Duckworth Street District Centre (ref. 27/14 in Local Plan Part 2). The existing Co-op, as noted above, is located within the District Centre. The extracted site allocations map, below, circles the site and indicates the adjacent District Centre, in red.



Extracted from edgeplan Planning, Design & Access Statement, Feb 2021.

### 3.2 Proposed Development

- 3.2.1 Full planning permission is proposed for a new Co-op convenience store, comprising 248sqm net sales area (421sqm gross internal floor area), with storage /staff rooms at first floor, 16no. customer parking spaces, two of which are disabled bays, and a delivery area, as set out in the submitted drawings and supporting documents.
- 3.2.2 The existing site access is to be utilised to service the car park and delivery area. A new pedestrian access via Blackburn Road is proposed following removal of a section of the existing stone wall boundary treatment.
- 3.2.3 The store's customer entrance will be located to the eastern elevation, towards Blackburn Road. Proposed external materials include white render, stone and light grey insulated cladding panels. Glazing and signage will provide further visual interest to the front elevation to provide an attractive and interesting street frontage. It should be noted that signage will be subject to a separate application for Advertisement Consent, should this application be approved. The extracted site plan and elevations, below, illustrate the proposal (note that the final elevation of the sequence should read 'west elevation').



Extracted site plan; StudioPH Architecture, 20/1/2021.



Extracted site plan; StudioPH Architecture, 20/1/2021.



3.2.4 Full details of the proposal are set out in the submitted drawings, supporting statement and technical reports.

3.2.5 It is submitted that a new purpose built location will overcome all the constraints of the existing store and provide a better shopping experience for local residents and staff welfare facilities. The existing store will be made available for reoccupation by new retail businesses.

### **3.3 Development Plan**

3.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

3.3.2 The Development Plan comprises the Blackburn With Darwen 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:

#### **3.3.3 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 CS22: Accessibility Strategy

#### **3.3.4 Local Plan Part 2 (LPP2):**

- 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 27: District Centres – a Framework for Their Development
- Policy 29: Assessing Applications for Main Town Centre Uses

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

#### **3.4.1 BWD Air Quality Planning Advisory Note**

#### **3.4.2 National Planning Policy Framework (The Framework):**

The Framework sets out the government's aims and objectives against which planning policy and decision making should be considered. At its heart is a presumption in favour of sustainable development, which should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified. The following sections of the Framework are considered relevant to assessment of the proposal:

- Section 6: Building a strong, competitive economy
- Section 7: Ensuring the vitality of town centres
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places

#### 3.4.3 National Planning Policy Guidance (NPPG)

### 3.5 **Assessment**

3.5.1 The Development Plan reaffirms The Framework's principles of sustainability which includes support for sustainable economic development and encouragement of effective re-use of land; subject to the principles of high quality design and securing a good standard of amenity for all existing and future occupants of land and buildings.

3.5.2 In assessing this application, the following important materials considerations have been taken into account:

- Principle of the development;
- Amenity impact;
- Environment impact;
- Highways - Accessibility and Transport; and
- Design – Layout and Character / Appearance.

#### 3.5.3 Principle

Policies CS12 and 27 guide the principle of the development. Policy 27 sets out that:

*Within and adjacent to the District Centres as shown on the Adopted policies Map,...development will be supported where it encourages mixed uses and where it responds to the scale and function of the centre in question. Proposal which fulfil these requirements will be permitted in the following circumstances:*

*i) New build proposal should be proportionate to the scale and function of the centre. New retail, leisure, office and service use developments should demonstrate that they cater for local needs and should be accompanied by an impact assessment if they involve the creation of new floorspace above the thresholds set out in Policy 29. The assessment should consider the impact of the proposal on existing, committed and planned public and private investment in the centre and other nearby centres.*

3.5.4 The site is unallocated and lies to the immediate north of Falcon Avenue. The Duckworth Street District Centre extends from the edge of the town centre at Vale Street to the immediate south of Falcon Avenue. Accordingly, the site is accepted as adjacent to the District Centre (or edge of centre) and, therefore, consistent with the locational requirement of the policy.

- 3.5.5 As a store with a maximum unit size of 421sqm, it is within the maximum District Centre / edge of centre threshold of 500sqm, as set out in retail hierarchy table at Policy 29 of the LPP2, extracted below. The proposal is also satisfactory in that it will cater for local needs. A supporting Retail Impact Assessment and / or a Sequential Test is not, therefore, required.

*Policy 29 Table 1: Indicative maximum development and unit sizes for centres at different levels of the retail hierarchy*

Position within hierarchy	Centre	Indicative maximum unit size
1	Blackburn town centre	No limit
2	Darwen town centre	4,000 sq m as food store, otherwise 1,000 sq m
3	District centres	500 sq m

- 3.5.6 That the existing Co-op within the District Centre will be vacated should be recognised in the assessment. Whilst a vacant unit is undesirable, the applicant has stated a commitment to its reuse or to its sub-division to form additional units, offering the opportunity for introduction of new businesses into the Centre, of an appropriate scale. As a building owned by the applicant, occupancy is in their economic interest, as well as those of the Council in ensuring the continued viability and vitality of the Centre. The presence of the proposed Co-op immediately adjacent ought to assist in this regard, with the two sites being mutually beneficial to the centres sustainability.
- 3.5.7 The benefits of a purpose built store with self-contained parking and servicing also weighs in favour of the proposal.
- 3.5.8 The proposal is also consistent with the strategic growth objectives of Core Strategy policies CS1 and CS11.
- 3.5.9 Accordingly, the principle of the proposal is found to be in accordance with the Development Plan and The Framework.
- 3.5.10 Amenity  
Policy 8 requires development to contribute positively to the character of the area and to secure a satisfactory level of amenity and safety for occupants or users of the development itself and for surrounding uses; with reference to unstable land, contamination, pollution or nuisance, privacy / overlooking, the relationship between buildings, crime reduction and community safety.

- 3.5.11 The store building will be in single and two storey form, with a maximum height to ridge of circa 8.9m. Its position in relation to the apartments to the north, along Oldfield Avenue, is in accordance with the Council's minimum separation standard of 13.5m ie. habitable apartment windows to blank / non-habitable elevation interface. No minimum standard applies to the interface between the non-habitable side elevation of no. 5 Falcon Avenue and rear (westerly) elevation of the store. Satisfactory levels of residential amenity are, therefore, maintained with reference to daylight / sunlight admissions, outlook and privacy.
- 3.5.12 A noise survey is submitted with the application, on account of the sites position adjacent to residential uses. The survey focusses on noise emissions from new refrigeration and air conditioning plant to be installed at the store. Following review of the survey, the Council's Public Protection consultee offers no objection, subject to plant / equipment noise limitation to be secured via an appropriately worded condition.
- 3.5.13 Residential amenity will be further safeguarded from excessive noise disturbance via conditions limiting opening hours of the store to between 07:00 and 23:00 hours, and deliveries into the site to between 08:00 and 20:00 hours.
- 3.5.14 Residential amenity will be safeguarded during construction works via conditions limiting construction to between the hours of 08:00 and 18:00 Monday to Friday, 09:00 to 13:00 on Saturdays and not at all on Sundays or Bank Holidays; and to require submission of a Construction and Environmental Management Plan (CEMP), to guard against matters such as dust, floodlighting & noise / vibration impacts.
- 3.5.15 As recommended by the Council's Public Protection consultee, potential sources of ground contamination shall be considered through assessment of a geo-environmental report and remediation strategy, as necessary, to be secured via condition.
- 3.5.16 As a proposal involving re-use of vacant, previously developed land, a positive contribution to the economic and environmental character of the area is assured.
- 3.5.17 Accordingly, amenity impact arising from the proposal is found to be in accordance with the requirements of Policy 8 and The Framework.
- 3.5.18 Environment  
Policy 9 requires that development will not have an unacceptable impact on environmental assets or interests, including but limited to climate change (including flood risk), green infrastructure, habitats, species, water quality and resources, trees and the efficient use of land.
- 3.5.19 Drainage:  
The site is located within Flood Zone 1, in accordance with the Environment Agencies flood map, which represents the lowest risk of flooding. A site specific Flood Risk Assessment is not, therefore, required to support the

application. The Council's drainage consultee (as Local Lead Flood Authority) and United Utilities offer no objection to the proposal, subject to submission of a foul and surface water drainage strategy to be secured via condition.

3.5.20 Trees:

An Arboricultural Impact Assessment is submitted with the application which identifies two trees within the site that are protected by Preservation Order (T1 & T2 – Common Lime). These trees will be unaffected.

3.5.21 The assessment notes that, in order to accommodate the development, a category C tree will be lost (T3 – Common Hawthorn). The tree is acknowledged as making very little contribution to visual amenity and its loss is not considered a development constraint. This is confirmed by the Council's Arboriculture consultee, who offers no objection to the proposal.

3.5.22 A detailed landscaping scheme will be secured via condition which will include mitigation for the loss of the tree.

3.5.23 Protection of retained trees within the site, to avoid works within the root protection areas, will be secured via condition.

3.5.24 Ecology:

As previously developed land, the site is accepted as low in ecological value. The above noted landscaping requirement should ensure an appropriate net gain in biodiversity.

3.5.25 Accordingly, environmental impact arising from the proposal is found to be in accordance with the requirements of Policies 9 and 40, and The Framework.

3.5.26 Highways / Access and Transport

Policy 10 requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced and that appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards.

3.5.27 The proposal includes dedicated on-site parking for 16 vehicles (14 standard bays and 2 disabled bays), as well as 6 cycle spaces. Provision is considered to be sufficient to support the development, when considered against the Council's baseline standards, taking into account the sustainable location of the site of the likely localised pedestrian footfall. A swept path analysis confirms adequate manoeuvrability within the car parking and servicing area. Provision of self-contained parking and servicing is recognised as a significant improvement on the arrangements in place for the existing Co-op, which relies on on-street provision.

3.5.28 A Transport Statement (TS) is submitted with the application which has been reviewed by the Council's Highways consultee, who is in agreement that the traffic impact of the proposal on the local highway network, in general, would not be excessive. Localised impact at the junction of Falcon Avenue and along Falcon Avenue arising from customers and deliveries was initially recognised as a concern. Such concern has been expressed from residents

of Falcon Avenue, citing potential additional burden on on-street parking which many residents of Falcon Avenue rely upon. In this context, the proposal involves implementation of parking restrictions along a section of Falcon Avenue, between the proposed new access, which will be positioned circa 13m to the west of the existing access off Falcon Avenue, and Blackburn Road. This will result in the loss of 2 on-street parking spaces, taking into account the pre-existing (single yellow line) parking limitation along a northern section of Falcon Avenue, forward of the site. The applicant deems this necessary to enable a reasonable ease of passage for all vehicles entering and leaving the site.

3.5.29 Consequently, in order to ensure a robust assessment of on-street parking demand and capacity, a parking survey of Falcon Avenue was subsequently submitted and reviewed by the Council's Highway's consultee. The survey did not address likely demand arising from businesses along the A666 and recreational demand from visitors to Sunnyhurst Woods. Notwithstanding this omission, it is recognised that the lost spaces are to aid traffic flow on the initial stretch of Falcon Avenue and access to the car park. It is further recognised that leaving the parking as is, would likely lead to traffic turning into Falcon Avenue having to wait for vehicles emerging from Falcon Avenue to clear the junction (as on-street parking on both sides would create an informal give way) which would be a safety concern. The situation could, therefore, be considered an improvement, notwithstanding the absence of accident statistics to suggest there is an existing problem.

3.5.30 Moreover, the availability of other on-street parking in close proximity, along Hollins Grove Street, Earnsdale Road, Oldfield Avenue and Pitville Street is accepted as sufficient, being within a suitable walking distance, to offset the loss of the 2 spaces.

3.5.31 Whilst parking demand arising from the reoccupied existing Co-op store will arise, it is considered unlikely to be beyond or even equivalent to current demand, given the convenience nature of the store and the generally transient customer base that it attracts. Therefore, taking account of the on-site parking provision of the proposed store, a net increase in on street parking demand is considered unlikely.

3.5.32 The applicant's commitment to a 'fair use' policy allowing customers of the store to visit nearby businesses while leaving their car in the store car park, should be acknowledged as a benefit.

3.5.33 Improved signage and road markings to the Falcon Avenue and Blackburn Road junction are deemed necessary to maintain appropriate levels of highway safety and efficiency. These measures will be secured via condition.

3.5.34 The need to decommission 5 parking bays to enable deliveries of up to 3 – 4 per day is accepted. Submission of a Delivery Management Plan is, however, recommended to ensure appropriate management in the interests of safeguarding highway safety and efficiency, as well as residential amenity.

3.5.35 Matters raised in the initial response to review of the highway impacts, including those set out in TS audit, have been sufficiently addressed by the applicant during assessment of the application. The following (highway) matters are to be secured via condition, in addition to those stated above:

- Details indicating closure of the existing entrance radii into the site and reinstatement of footway;
- Full details of PTW & cycle spaces; and
- Sightlines to be kept clear in perpetuity.

3.5.36 A pedestrian access from Blackburn Road is deemed acceptable in principle. A proposed reduction in height of the stone boundary wall to 1.2m is also supported, as it benefits sight lines at the junction of Falcon Avenue and Blackburn Road. The precise position of the access and engineering / cross sectional detail of the wall reduction, land indicating retained land levels etc will be secured via condition.

3.5.37 The aforementioned CEMP will address highway impacts arising from construction, including wheel wash and road cleansing during construction phase.

3.5.38 Accordingly, it is considered that there is insufficient justification to recommend refusal of the application due to unacceptable highway impacts arising from the proposal which is found, on balance, to be in accordance with the requirements of Policy 10 and The Framework.

3.5.39 Member's are advised that highway assessment is considered in the context of The Framework's clear direction set out at paragraph 109 which states:

*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.*

#### 3.5.40 Design / Character and Appearance

Policy 11 requires a good standard of design and will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area. This includes enhance and reinforcing the established character of a locality. Particular aspects of character that must be taken into account and reinforced in new developments include the following:

- Building shapes, plot and block sizes, styles, colours and materials that contribute to the character of streets which should be used to complement local character; and
- Relationship of buildings to the street.

3.5.41 Local distinctiveness is recognised as mixed, featuring buildings of varied scale and design, which host a range of uses. The proposed building is two storey's high with a single storey projection to the rear. Its primary elevation

will face the car park within the site, whilst the gable end will be side-on to Falcon Avenue.

3.5.42 With reference to external materials, the car park and Falcon Avenue facing elevations of the store will incorporate sandstone at ground floor level, reinforcing a material common to Darwen, providing an attractive and welcoming frontage. An accessible, glazed entrance, directly off the car park, is proposed. Additional glazing to the car park elevation features prominently, serving to reduce solid wall massing and legibility of the stores main entrance. The single storey element of the building will be constructed in light grey insulated panels.

3.5.43 Overall, the building is proportionate in scale to the plot size and the wider context and will make a positive contribution to street character. The addition of tree and shrub planting as part of a detailed landscape strategy, as noted above (secured via condition), will provide additional enhancement.

3.5.44 Accordingly, the development constitutes good design which is found to be in accordance with Policy 11 and The Framework.

#### 3.5.45 Summary

This report assesses the full planning application for the erection of a convenience store (Use Class E) with staff / storage at first floor, 16 customer parking spaces and a delivery area. In considering the proposal, a wide range of material considerations have been taken into account. The assessment demonstrates that the planning decision must be made in the context of assessing the merits of the proposal balanced against any potential harm that may arise from its implementation. This report finds that the proposal meets the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, adopted Supplementary Planning Documents and the National Planning Policy Framework.

## 4.0 RECOMMENDATION

### 4.1 Approve.

**Delegated authority is given to the Strategic Director of Place to approve planning permission, subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received 16<sup>th</sup> February 2021 and with the following drawings numbered: (to be added).



REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. Prior to commencement of the development hereby approved, written and illustrative details of the external walling, roofing and window materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details.

REASON: To ensure that the external appearance of the development is satisfactory; in accordance with Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.

4. Prior to the commencement of development hereby approved, the developer must submit to the Local Planning Authority for written approval:
  - i) A comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Where necessary, detailed proposals for subsequent site investigation should also be included, clearly based on the CSM.
  - ii) Findings of the approved site investigation work (where necessary), including an appropriate assessment of risks to both human health and the wider environment, from contaminants in, on or under the land (including ground gas). If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, along with an updated CSM. No deviation shall be made from this scheme without the written agreement from the Local Planning Authority.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

5. Prior to the occupation of the development hereby approved, a comprehensive Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and updated CSM. All the installed remediation must be retained for the duration of the approved use, and where necessary, the Local Planning Authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, that the risks it presents have been appropriately assessed, and that the site can be made 'suitable for use', as such, does not pose a risk to future users of the site or the wider environment, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

6. Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the LPA should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the LPA. No deviation shall be made from this scheme without the written express agreement of the LPA.

REASON: To protect the health of future occupiers of the site, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

7. Construction of the development hereby permitted shall only take place between the following hours:  
Monday to Friday: 08:00 to 18:00;  
Saturday: 09:00 to 13:00; and  
Not at all on Sundays or Bank Holidays.

REASON: To safeguard the amenities of the adjoining premises and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

8. The use hereby permitted shall operate between the hours 07:00 and 23:00.

REASON: To safeguard the amenities of the adjoining premises and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

9. The cumulative noise from plant and associated equipment at the site shall not exceed the following rating levels, specified in Table 4 of the Plant Noise Guidance document (Document Ref: 89595):  
- Daytime (07:00 – 23:00 hrs): 43dB(A); and  
- Night-time (23:00 – 07:00 hrs): 37 dB(A).

REASON: To safeguard the amenities of the adjoining premises and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

10. Deliveries of goods into the site shall not take place between the hours of 20:00 and 08:00, with the exception of delivery of newspapers.

REASON: To safeguard the amenities of the adjoining premises and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

11. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:  
(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This

investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and

(iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policy 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

12. Foul and surface water shall be drained on separate systems.

REASON: To secure proper drainage and to manage the risk of flooding and pollution, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

13. Prior to commencement of the development hereby approved and notwithstanding the submitted details, a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of materials to be used for hard surfaces and native tree and shrub planting, to compliment local priority habitat and to provide for a net gain in biodiversity. Hard surfaces shall be implemented in accordance with the agreed details. Planting of trees and shrubs shall also be implemented in accordance with the approved details, during the first available planting season following completion of the development. Trees dying or becoming diseased, removed or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs.

REASON: To ensure an appropriate appearance to the site and in the interests of amenity and ecology, in accordance with Policy 9 and 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

14. No works to trees shall occur or demolition commence between the 1st March and 31st August in any year unless and until a detailed bird nest survey, undertaken by a suitably experienced ecologist, has been submitted to the Local Planning Authority in writing, confirming that no active bird nests are present.

REASON: To ensure the protection of nesting birds, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

15. The development shall be carried out in strict accordance with the submitted Arboricultural Impact Assessment, prepared by SEED, dated 12<sup>th</sup> February 2021 (1197-AIA-V1-A). Specified tree protection measures shall be adhered to throughout the period of construction.

REASON: Trees represent a public benefit by way of visual amenity and should therefore be protected at all times, in accordance with Policies 9 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

16. Prior to commencement of the development hereby approved, a Construction and Environmental Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be strictly adhered to throughout the construction period. The Statement shall provide for:
- i) the management of construction traffic;
  - ii) the parking of vehicles of site operatives and visitors;
  - iii) loading and unloading of plant and materials;
  - iv) storage of plant and materials used in constructing the development;
  - v) wheel washing facilities, including a method statement outlining how the developer intends to use and manage the facility. The approved wheel wash shall be put in place at all vehicle access points onto the public highway when work commences and shall remain in operation throughout the period of development;
  - vi) measures to control the emission of dust, dirt and vibration; and
  - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

REASON: In order to guard against disruption to highway users; to avoid hazardous deposits of debris onto the highway and to protect the amenity of the occupiers of the adjacent properties, in accordance with Policies 8, 9 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

17. Prior to operational use of the store hereby approved, and notwithstanding the submitted details, a Delivery Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall specify frequency of daily deliveries; their routine arrival and departure times; necessary decommissioning of on-site parking spaces at such times and other general management arrangements necessary to adequately guard against adverse impacts on the local highway network and neighbouring amenity. The plan shall be implemented in accordance with the approved details for the duration of the operational use of the store.

REASON: To minimise the risk of unacceptable impacts upon the highway network and to neighbouring residential amenity, in accordance with Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan.

18. Prior to commencement of above ground works, a Traffic Management Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for renewed and extended

road markings, signage and associated works, as necessary, at the junction of Falcon Avenue and Blackburn Road. The scheme shall be implemented in accordance with the approved detail, prior to commencement of the operational use of the store hereby approved.

REASON: To ensure the safe, efficient and convenient movement of all highway users, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

19. Prior to commencement of any above ground works, a detailed scheme for the proposed height reduction to the boundary wall adjacent to Blackburn Road shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposed elevation drawings indicating the position of the pedestrian access and cross sectional drawings indicating retained land levels as well as engineering specifications. The works shall be carried out in accordance with the approved detail, prior to commencement of the operational use of the store hereby approved.

REASON: To ensure the safe, efficient and convenient movement of all highway users, to safeguard retained trees, in accordance with Policies 9 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

20. Visibility splays shall not at any time be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

REASON: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policy 10/11/40 of the Blackburn with Darwen Borough Local Plan Part 2

## **5.0 PLANNING HISTORY**

- 5.1 Proposed new children's nursery with two self-contained apartments (10/14/0180) - refused in December 2014 due to amenity & parking; and

Proposed residential development comprising nine 2-bedroom apartments (10/16/0067) - approved in April 2016. This permission has not been implemented.

## **6.0 CONSULTATIONS**

- 6.1 Public Protection

Contaminated land: No objection, subject to standard conditions.

General amenity, no objection subject to condition:

### **Hours of Use Restriction**

The use hereby permitted can only operate between 07:00 and 23:00

Reason: To ensure that noise from the permitted development does not give rise to a loss of residential amenity.

### **Plant Noise**

The cumulative noise from plant and associated equipment at the site shall not exceed the rating level specified in Table 4 of the Plant Noise Guidance document (Document Ref: 89595) submitted in support of the application.

Reason: To ensure that noise from the permitted development does not give rise to a loss of residential amenity.

### **Deliveries**

Deliveries and the unloading of delivery vehicles can only take place at the site between the hours of 08:00 and 20:00.

Reason: To ensure that noise from the permitted development does not give rise to a loss of residential amenity.

### **Condition – Hours of Site Works**

The construction of the development hereby permitted shall only take place between the hours of 08:00 and 18:00 Monday to Friday, 09:00 to 13:00 on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To ensure that noise from the permitted development does not give rise to a loss of residential amenity.

### **Informative - Construction Noise**

All activities associated with the construction works shall be carried out in accordance with British Standard 5228: Code of Practice for Noise & Vibration Control on Construction & Open Sites – Parts 1 and 2.

Reason: To ensure that noise and vibration from the construction phase of permitted development does not give rise to a loss of residential amenity.

## **6.2 Drainage (BwD – Lead Local Flood Authority).**

**No objection subject to condition:**

No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to an approved in writing by the Local Planning Authority. The scheme shall provide for:

- i) Separate systems for the disposal of foul and surface water;

- ii) a detailed drainage strategy to demonstrate that the post-development discharge rate to any soakaway, watercourse or sewer does not exceed the pre-development rate of 5 litres per second;
- iii) the drainage strategy shall include details of the peak surface water runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 100 year (+40% climate change allowance) rainfall event and shall demonstrate that the peak post-development runoff rate does not exceed the peak pre-development greenfield runoff rate for the same event;
- iv) details of any necessary flow attenuation measures, including the use of SuDS where appropriate;
- v) details of flood exceedance routes (both on and off site);
- vi) details of how surface water will be managed and pollution prevented during the construction phase; and
- v) a timetable for implementation, including details of any phased delivery.

The development shall be implemented in strict accordance with the approved details.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policies 8 and 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

### **6.3 United Utilities**

**No objection subject to conditions:**

No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policies 8 and 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

Foul and surface water shall be drained on separate systems.

REASON: To secure proper drainage and to manage the risk of flooding and pollution, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

### **6.4 BwD Cleansing**

**No objection.**

### **6.5 Arboricultural Officer**

**No objection:**

In principle, I have no objections to the proposals. The applicant has submitted a detailed Arb Impact Assessment that accurately grades the trees in accordance with the BS 5837.

In terms of the trees and the RPA, the design and access statement section 6.27 states:

The Proposed Development does not result in any new RPA incursions. Parking spaces are proposed within the indicated RPA of T1 and T2 (common lime). The design has sought to work within the constraints of existing hard-surfacing on the site. The proposed parking spaces will not result in any new RPA incursions. The resurfacing within these areas will not be detrimental to the health or long-term retention of T1 and T2.

If you could highlight in your response that the protection, or no incursion, into RPA over and above what is already in place is paramount for the safety and protection of the trees long term, that would be appreciated. Any excavation or re-surfacing in this area would be problematic for the trees.

There is to be a low grade tree removed from the site, however, the indicative planting on the proposed site plan is more than adequate mitigation.

## 6.6 Local Highways Authority No objection:

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PROW – no implications

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The submission details have been reviewed, and a site investigation has been undertaken. The proposal seeks Erection of Use Class E Convenience store with Staff/Storage at First Floor and 16 Customer Parking Spaces and Delivery Area.

### Parking

The proposal is measured against the adopted parking standards, the floorarea specified within the application form is 421sqm/1 space per 16sqm = 26 spaces allowed. The submitted drawings presents 16 car parking spaces (this includes 2 disabled spaces).

It is to be noted that 5 of these spaces will be out of action for most of the day as the delivery vehicles to the site would need to utilise these spaces to enable the vehicle to turn within the site in order to exit in forward gear. (Delivery number range from 3-4 every day).

Provision for cycling parking is provided within the curtilage, these are sited near the entrance and deemed acceptable, we do however seek further details to understand how the cycles will be made secure and covered – please request further details or condition accordingly.

No provision has been made for PTW parking within the site, please seek further details.

The layout of the car park presented, conforms to the car parking size and dimensions.

The number of spaces is considerably less the maximum allowed. Having visited the site on numerous occasions, the on street parking availability is at capacity. The statement offered in support of the application request further restrictions are considered on Falcon Avenue to aid movement of vehicles/delivery vehicles into and out of their site. This will further impact on the on street provision which cannot sustain any loss of car parking. The present provision provides essential parking to the residents of Falcon Avenue, together with parking for the retail/ professional shops in the immediate locality sited on the A666, namely photographer's studio, tuition centre, doctor's surgery, and also the existing retail co-op shop.



### Access

A new vehicular access is proposed from Falcon Road into the site, this is positioned away from the junction, and the placement of this is acceptable. There are however concerns with the width of the access as this will place pedestrians at undue risk. Also the width of the access differs between the plan shown within the TS and the proposed site layout, please seek further clarification.

- In order to assess the suitability of an access, details of sightlines are to be considered, please request these for approval.
- No Boundary treatment is indicated on plan, please confirm
- The old entrance radii has been closed up, yet the radii kerb still remain, it is noted that that this will be closed and reinstated back to full footway. Please condition.
- Any markings for the car park are to be contained within the curtilage.

A separate pedestrian access is proposed from the highway, this is acceptable.

### Servicing

The retail unit is to be serviced 3-4 times a day by a 10m rigid vehicle. Swept path analysis have been provided with the Transport Statement. The swept path demonstrates the manoeuvres would require parked vehicles to be removed from Falcon Road. Minimal disruption to Falcon Road could be considered as manageable, however the number of delivery vehicles expected to the site on a daily basis, together with the request to remove further parking and place restrictions on Falcon Road is not. It should be noted, that to place any parking restrictions would need to undergo separate consultation through the Highways Act, and should therefore not be considered as a solution/resolution in support of vehicle movements into and out of the site.

### Transport Statement

This has been reviewed, and the report is attached. Further works is requested.

### Other

Construction method statement would be required to support the demolition and construction of the development – no details are received, please request information or condition for submission.

Mattes also to be considered are:

- 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)
- 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, I have appraised the documents received. The proposal would have a significant impact upon the highway network and the immediate area. The additional vehicles and the loss of on street parking in the locality would have a significant impact upon the locality and safety.

I presently would reserve from making a formal recommendation, and would give the applicant/agent the opportunity to respond to the matters raised, together with undertaking further assessment in response to the Transport Statement.

**Please note:** Prior to the commencement of any works that affect or adjoin the adopted highway – contact is to be made with the local highway authority officer Simon Littler on Mob: 07766 578007

Please attach standards conditions/Informatives: Highways 1, 2, 3, 7, 8, 10, 11, 12, 13, 14, 15, and 17

Saf - 9th April 2021

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Additional details received 4th May 2021

Walter has provided some comments in response to their rebuttal, I have added to that and also reassessed the content of their response in full below

If I can firstly start with:

Some of the matters responded which are deemed acceptable subject to conditions in support;

- The application confirms locations of PtW and cycle spaces. It advises on the type of cycle system to be employed. However, no details are presented on the coverage, please condition.
- Closure of the existing access and reinstatement to footway can be conditioned.
- Sightlines may be clear, but would request that they are kept clear in perpetuity (please condition)
- We agree to the Construction Method Statement being conditioned

In response to the remaining matters

Is it our opinion that the parking on street which will be affected by this development is not 2 spaces as suggested, but 4-6 spaces? This is significant, I would again stress the need to manage the deliveries. I note that a delivery management plan is being prepared, and will be sent on...please forward for review.

In addition to the above, please also consider... the following. In response to the survey on street...

*The image is from google street view and dates from 2016 pre-covid. The comments regarding recent/current situation could be the case for some time and without before or after data such claims are difficult to substantiate.*

*A fair use policy would be acceptable to local businesses if this can be ensured, but a survey would be useful to allay any concerns from residents.*

*There will undoubtedly be some issues but it may also be the case that some existing issues could be down to Co-op shoppers parking on-street as there is currently no parking available. Without a detailed study it is going to be very difficult to fully understand the implications of the development proposals and indeed the future occupation of the existing store. I believe there is justification to request a survey but given the current situation is not likely to be reflective of typical conditions and on balance the impact is likely to be low. A compromise would be to undertake an assessment of parking accumulation based on the number of*

*residential properties along Falcon Avenue, factoring in TRICS trip rates, car ownership levels, etc. This will give us the assurances that a thorough assessment has been undertaken to allay any At least this way we can confirm to residents that an assessment has been undertaken.*

This leaves the remaining matter with regards to understanding the extent of surfacing, lining and marking request...this is not being used to make the development acceptable, but to assist in safe manoeuvres into and out of Falcon Avenue, both for sightlines and vehicle's waiting to turn right from A666 into Falcon Avenue.

These works should you be minded to approve the application will accompany the request for TRO, in support of the removal of parked vehicles on Falcon Avenue to aid the service delivery vehicles turning into and out of the site. Please Attach a Traffic Management condition to the application.

Saf – 24<sup>th</sup> May 2021

**From Walter Aspinall, following review of the parking survey:**

The parking assessment considers the space available and the demand from residential properties on Falcon Avenue only. There is likely to be demand from the businesses along the A666 and also recreational demand from visitors to Sunnyside Park (as noted in James Berggren's response below) but this has not been considered. The note simply identifies the number of spare spaces that are available on Falcon Avenue for such uses throughout the day.

It has already been stated that there is considered to be sufficient parking (within the car park) to support the development against the BwD baseline standards. The issues is then the loss of 2 on-street parking spaces and if this is significant enough to be 'severe'. The spaces are being lost to aid traffic flow on the initial stretch of Falcon Avenue and the access to the car park. Leaving the parking as is, would likely lead to traffic turning into Falcon Avenue having to wait for vehicles emerging from Falcon Avenue to clear the junction (as on-street parking on both sides would create an informal give way) which would be a safety concern. This could be considered an improvement although there are no accident stats to suggest there is an existing problem.

With other parking nearby on Hollins Grove St, Earnsdale Ave, Oldfield Ave, Pitville St, etc. I would expect the applicant would only come back to suggest there is ample on-street parking availability within a comfortable walking distance to offset the loss of those 2 spaces.

As such, I don't consider there to be sufficient grounds to recommend a refusal.

#### **6.7 Public consultation**

Neighbourhood consultation letters were sent out on 3<sup>rd</sup> March 2021, to 46 addresses local to the application site. In addition, a site notice was displayed. In response, 6 objections and 1 general comment were received (see Summary of Representations):

**7.0 CONTACT OFFICER: Nick Blackledge - [Senior Planner]**

**8.0 DATE PREPARED: 25<sup>th</sup> June 2021**

## 9.0 SUMMARY OF REPRESENTATIONS

### **Objection – Joanne & Russell Lambert, 14 Falcon Avenue, Darwen. Rec - 08/03/2021**

F.A.O Mr Nick Blackledge & Mr Gavin Prescott BwD Planning Dept. Cllr. Dave Smith

Re: Planning Application Ref: 10/21/0148 Co-op Falcon Avenue

Good Afternoon, I hope this email finds you well. I'm hoping you can be of some assistance to us and us to you too.

My name is Joanne Lambert, my husband Russell and I are residents at 14 Falcon Avenue, Darwen. We have recently been made aware along with other residents, of a proposed new Co-op building to be erected on the site of the old Liberal Club.

We are not opposed to the idea in general and welcome any reasonable regeneration, we are faithful customers of the Co-op, but as residents, along with our neighbours, do have the following concerns if we may be respectfully allowed to raise these matters, they are as follows:-

1. The access is proposed to be on Falcon Ave. This raises the following concerns.

- a) Increase in vehicle & pedestrian footfall using the Co-op. This increase will be generated by the fact that there is a proposed customer parking & it's a bigger store. If this can please be looked at and see if access can be straight off Blackburn Road instead of entering a residential Avenue, we feel this would make more sense.
- b) The safety entering & leaving the Avenue on a busy main road with an increased number of vehicles we feel it will be an increased risk of accidents and inconvenience to residents, it is already a difficult junction to negotiate as it stands now, with traffic volume and the traffic light system on Blackburn Road it can be frustrating.
- c) Notable reduction already in residents parking due to other businesses in the area using the Avenue for parking, as well as visitors to the woods. Residents already struggle to park on the Avenue and have constant damage caused to their vehicles & properties by traffic using the Avenue as a turnaround point including some residents driveways. There are a number of elderly residents and some with disabilities who need to be able to park their vehicles on the Avenue where they live which isn't always possible. The new Co-op plans, as it stands, will lose parking at the bottom of the Avenue on both sides to allow large delivery wagons access and parking restrictions will need to be put in place i.e. double yellow lines etc. Although there is a proposed car park which is great, this will not always be used and cars will continue to use the Avenue as stated. Of note as well, we get a lot of traffic using the back street at the bottom of the Avenue to avoid the traffic lights on Earnsdale Rd & Blackburn Road which causes problems in itself and feel this will also increase. Proposed deterrent maybe put a bollard in middle of back street.

2. The aesthetics of the building and surrounding area needs to be in keeping with a residential Avenue and the environment. Lots of trees/shrubs/plants/baskets etc. need to be planted to help disguise & blend in and the building itself be sympathetic to area and not look like a breeze block town centre supermarket.

3. The proposed walls surrounding the new build need to be of substantial height, not only for aesthetics to cordon off and disguise, but to help deter anti-social behaviour, i.e. lower walls invite people to sit and congregate/drinking etc. The increased footfall and location we feel from experience, will bring with it anti-social behaviour.

4. Noise disturbance from deliveries wagons in early morning which are usually around 0530-0600 seven days a week. This would affect not only Falcon residents but also those on Oldfield Avenue.
5. Car lights shining into residents houses if access is on Falcon Avenue as they leave the car park.
6. Increase in rubbish and waste. Request more bins in area and also that the Co-op industrial size waste bins are locked away and covered as there have been problems in the past with old Co-op bins with people scavenging through them and waste strewn in back street and caused an increase in rats and other vermin.
7. Of note, but obviously not a constant problem, in the winter months when it snows, the Avenue can become treacherous and difficult to access which I know can be helped with gritting etc. but felt we should mention it for the future should it arise, they need to be aware for safety.
8. Privacy and security. If the access is on Falcon Avenue then more people will be using the Avenue, the access is opposite peoples houses and a feeling of being overlooked/watched when leaving our houses observed by those coming and going, a small thing you may think, but not a nice one for residents and a feeling of vulnerability.
9. How big/high/imposing will the Co-op be, this is a residential Avenue not near the town centre so I would hope that the size will be moderate and again in keeping with the area.
10. Although not directly pertaining to the new build, we have also been made aware that the current Co-op building has had plans to be turned into two separate units, which may in the future also have bearing and further complications re the parking and access for Falcon Avenue residents and may need to be looked at alongside the new build.
11. Again not directly involving the new build. The five Capita Council owned garages at top of Falcon Avenue next to the woods, which some residents rent have now been sold and unknown if they are still going to be garages, again parking issues. Apologies though no further details on this but felt it needed to be mentioned.

As we initially said none of us are opposed to the Co-op building on this land and we would welcome it but hope we can assist and work together with you all to be able to come to a reasonable, amicable and liveable conclusion. As a resident and I think I speak for us all, all we want is a safe, pleasant, no hassle place to live and be a community that helps out when we can. Our concerns are genuine and in no way do we wish to be awkward or petty on the contrary. If you require any further information or any clarification on any details mentioned above, please do not hesitate to contact me.

Thanking you for your time in this matter.

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**Objection – Joanne & Russell Lambert, 14 Falcon Avenue, Darwen. Rec - 16/06/2021**

Planning Ref.No. 10/21/0148

Proposed Co-op New Build, Falcon Avenue, Darwen To Whom it May Concern

Further to my recent discussion with Mr Blackledge, please see below our concerns and proposals for the proposed new Co-op on Falcon Avenue. Some of the concerns below we have already sent in previously as requested by yourselves back in March, but we have now added to this list as things are progressing and for the Planning Officer & Committee to respectfully take these into consideration and to advise and meet with us when appropriate if needed to do so.

1. The Co-op access is proposed to be on Falcon Ave. This raises the following concerns.

a) Increase in vehicle & pedestrian footfall using the Co-op. This increase will be generated by the fact that there is a proposed customer parking & it's a bigger store. This is a small residential Avenue that struggles now with the volume of traffic for surrounding businesses and strongly feel it cannot accommodate such an increase in vehicles and pedestrians. This seriously needs to be readdressed as there appears to be no thought or consideration given to the Falcon Avenue residents. We feel very strongly about this and strongly oppose this decision to have the access on Falcon Avenue.

b) The safety entering & leaving the Avenue on a busy main road with an increased number of vehicles we feel it will be an increased risk of accidents which is already an issue at this junction and inconvenience to residents, it is a difficult junction to negotiate as it stands now, with traffic volume and the traffic light system on Blackburn Road it can be very frustrating, there are many occasions as it stands now that when trying to exit the Avenue you end up having to reverse back up to allow traffic from Blackburn Road to enter, this will only get worse with the access on Falcon, also on occasions we can get stuck waiting on the Avenue when delivery trucks or bin wagons etc. are on the Avenue....watching these then try to reverse back down or turn around can be quite 'heart in the mouth' moment and has resulted in minor collisions/damage to residents parked cars in the past.

c) Notable reduction already in residents parking due to other businesses in the area using the Avenue for parking, as well as visitors to the woods. Residents already struggle to park on the Avenue and have damage caused constantly to their vehicles & properties by traffic using the Avenue as a turnaround point including some residents driveways. There are a number of elderly residents and some with disabilities who need to be able to park their vehicles on the Avenue where they live which isn't always possible. We ourselves on quite a few occasions have had to park half way up Earnsdale Road which is completely unfair due to the situation with none residents parking on Falcon Avenue.

d) The new Co-op plans, as it stands, will lose parking at the bottom of the Avenue on both sides to allow large delivery wagons access and I'm assuming parking restrictions will need to be put in place i.e.double yellow lines etc. Who will 'Police' this as I guarantee that people will still park on the double yellows which will cause problems for access. Although there is a proposed car park which is good, this will not always be used and cars will continue to use the Avenue as stated. Of note as well, we get a lot of traffic using the back street at the bottom of the Avenue to avoid the traffic lights on Earnsdale Rd & Blackburn Road which causes problems in itself and is a danger and feel this will also increase. Proposed deterrent maybe put a bollard in middle of back street.

e) The Highway's department I believe have granted this access on Falcon as a viable approval as they say there are other streets within walking distance to park i.e. Clarence Street, Pitville Street, Oldfield Avenue. These Streets aren't used now by visiting customers to surrounding businesses, as Falcon Avenue is the easier option and even advertised as their parking for some businesses,

furthermore, I know of and can confirm that a resident of Clarence Street regularly parks his white van on Falcon Avenue as he is unable to park on Clarence Street!!! why do Highway's think this is going to change and that people will park two streets away from premises they are visiting.... I'm telling you now it will not happen, some people are lazy and want the easier option and no thought for other people, especially in inclement weather! If you are all honest with yourselves & stop and think about this, you will admit this too, so please don't say this is a viable reason because trust me it's not. It is also extremely unfair & unacceptable to expect the residents of Falcon to use other streets to park if no room to park on their own Avenue where they live.

2. The aesthetics of the building and surrounding area needs to be in keeping with a residential tree lined Avenue and the environment. Lots of trees/shrubs/plants/baskets etc. need to be planted to help disguise & blend in and the building itself be sympathetic to the area and not look like a breeze block town centre supermarket.

3. The proposed walls surrounding the new build need to be of substantial height, along with railings and shrubs, not only for aesthetics in keeping with a residential street but to also cordon off and disguise, but mainly and importantly to help deter anti-social behaviour which is already a problem especially with the Co-op selling alcohol.. i.e. lower walls invite people to sit and congregate/drinking/drugs taking etc. and on occasions in the past have used the lower back street to urinate and even defecate, this has been addressed in the past but what we do not want now is to have other easy options as low walls from an alcohol selling premises, inviting anti social disgusting behaviours and I'm sure the Co-op and it's staff will not want this either. The increased footfall and location we feel from experience, will bring with it most certainly anti-social behaviour.

4. Noise disturbance from deliveries wagons in early morning which are usually around 0530-0600 seven days a week, this is something we can hear now when delivering on Earnsdale Road so will be louder on Falcon/Oldfield as houses on the plans back right up to the delivery area. This would affect not only Falcon residents but also those on Oldfield Avenue.

The delivery wagons are quite some size, gaining access to Falcon from the main road will be very tight and would require them to be able to swing in with some degree of expert manoeuvring and then how will they turn and leave? The delivery vans they have now on Earnsdale Road for the current Co-op isn't without its incidents and have witnessed and know of numerous times they have been reversing into Westminster Rd to turn around and they have demolished the corner bollard there on quite a few occasions. With that in mind, Falcon is a tighter road to turn in to and does leave cause for some serious concerns re damage to residents walls and cars etc.

5. We believe the proposed opening times are to be from 6am to 11pm which in itself is an issue for residents if the access is on Falcon Avenue. Constant traffic noise, i.e. engines, doors slamming, car lights shining into residents houses as they leave the car park in the evening, general chattering etc. This will impact on the residents and their peace and quiet which I feel is not unreasonable to challenge and question at certain times of day.

6. Increase in rubbish and waste. Request more bins in area and also that the Co-op industrial size waste bins are locked away and covered as there have been problems in the past with old Co-op bins with people scavenging through them and waste strewn in back street which caused an increase in rats and other vermin.

7. Of note, but obviously not a constant problem, in the winter months when it snows, the Avenue can become treacherous and difficult to access which I know can be helped with gritting etc. but felt we should mention it for the future should it arise, they need to be aware for safety.



8. Privacy and security. If the access is on Falcon Avenue then more people will be using the Avenue, the access is opposite peoples houses and a feeling of being overlooked/watched when leaving our houses observed by those coming and going, a small thing you may think, but not a nice one for residents that are left with a feeling of vulnerability and safety is an also an issue. The hours it will be open will leave residents being overlooked and a feeling of being watched all day and late into the evening, leaving our houses when feeling like you are being observed is quite unnerving when people are watching you leave a house potentially empty, this is not uncommon in my professional experience of how house burglaries happen.

9. How big/high/imposing will the Co-op be, this is a residential Avenue not near the town centre so I would hope that the size will be moderate and again in keeping with the area. I am aware that the original owner Karl Baxter's plans for residential apartments that were first put through before the land was sold to the Co-op had a height restriction and had to be changed, I would like to hope that this new build is subject to the same restrictions and will not be an imposing monstrosity blocking out light to residents houses both on Falcon and Oldfield.

10. Although not directly pertaining to the new build, we have also been made aware that the current Co-op building on Blackburn Road has had plans to be turned into two separate units, which may in the future also have bearing and further complications re the parking and access for Falcon Avenue residents and may need to be looked at alongside the new build.

11. Again not directly involving the new build. The five Capita Council owned garages at top of Falcon Avenue next to the woods, which some residents rent have now been sold and unknown if they are still going to be garages, again parking issues. Apologies though no further details on this but felt it needed to be mentioned.

12. The noise from the large generators that will be on the back of the new build premises that backs onto house no.5. How loud are they and how much will they overlook their back garden, will they be screened with tree etc so residents are not looking out on an industrial carbuncle. The generators on the Co-op now on Blackburn Road can be heard halfway up the Avenue and I know for a fact that residents lower down say they sound like helicopters running at night. These generators on the plans look very close to houses and this is a real concern for noise and emissions, especially when these will be larger generators as this is a larger building and more equipment.

13. I believe the signage that is to go on the Co-op will not only be on the front but also to the side facing the residents houses on Falcon Avenue. Is this sign on the side necessary, how big will it be, will it be illuminated. This is a problem again for residents facing, as looking out of our windows onto this is not really in keeping with a residential Avenue and we do not want to be looking at any signage. The front facing sign and maybe an nice looking aesthetic sign where the wall is above Blackburn Road could be a better option. We feel the sign facing the residents houses is of of no use for advertising and we already know what the building is. We feel the building needs to be aesthetically screened with trees, shrubs, hanging baskets and a wall to have a better outlook for residents. We Strongly oppose the side sign on the building facing residents houses.

14. There are concerns also for the road surface and strength of the road on Falcon Avenue and if it is actually built for such high volume use of traffic, it has become busier this past few years and the surface isn't great and has had repairs at the bottom of the Avenue/Blackburn Rd quite a few times and as it stands now, needs holes filling again and repairs. How will it cope with the massive increase of cars and delivery wagons when it will be in constant use 7 days a week with only the hours of 11pm to 6am when it will be lesser used? The increase in traffic will not only cause damage to the road we feel this will also affect the foundations of our houses.

15. If the entrance is on Falcon Avenue, has the safety of the residents been taken into consideration, there are varied age groups from elderly to toddlers that live on the Avenue and again mention the back street being used as a thoroughfare to avoid traffic lights, the increase in cars again poses a risk to resident safety.

16. We would also like to question the issue of house prices, we would like to know if this new build will decrease the value of our houses, our feelings are, that if there is going to be decreased parking if this Co-op is approved and that in turn this will be no longer a quiet residential street that was safe for children etc., the size of the houses are family houses, families have cars, this will no longer be a desirable area and will impact on our house prices. This is a genuine concern and we would like to know.

17. Lastly, for the moment, there has been mention by Mr Blackledge for the potential of Residents Parking for the Falcon Avenue residents being put in place, we strongly feel that this needs to be an option to be looked at and put through as a proposal. Highways have already stated there is surrounding ample close walking distance parking in the area for customers visiting businesses etc so this would not impact on loss of business and Falcon residents will be able to park safely should the new Co-op go ahead.

We thank you for your time in this matter and respectfully request that our genuine concerns are looked in to.

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**Objection – Jill Smith, 10 Falcon Avenue, Darwen. Rec - 08/03/2021**

As a resident living opposite the area for the planning application 10/21/0148 I have a few concerns.

1, Main objection is entrance/exit directly on a residential street. A street which is a no through road that's excessively used for turning and parking for the many businesses in the area:- Music school

Doctors

Dental technicians

Progress (tutoring

School)

Also one of the main entrances for Sunnyhurst woods. Residents have already complained about damage to cars and this is going to bring more vehicles onto the street, making entering and exiting the Avenue extremely difficult.

The proposed entrance and exit are adjacent to a back alley which is already used as a rat run to avoid traffic lights this will be much worse if the cars can drive directly onto car park. An accident waiting to happen.

2, Will there be excessive lighting on the car park?

3, What time and how often are deliveries, will there be excessive noise early mornings or even in the evening

4, I am concerned the small proposed wall and car park will be a meeting place for teenagers.

5, where will the refuse bins be allocated. Will they be hidden away then we don't get dumpster divers throwing rubbish all over

6, what will the aesthetics of the building be like. Could we have more trees and shrubs down the Avenue.

Thanks for your time

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**Objection – Mariessa Ganem, 16 Falcon Avenue, Darwen. Rec - 08/03/2021**

Hello,

I am writing in regards to the planning application for the Former Hollins Grove Liberal Club, Falcon Avenue, Darwen, BB3 1QX.

I have spoken to other residents on the street and we are all very excited for something to be built on this land as it has been eyesore for years, however we do have a few concerns:

- **Entrance to the Co-op on Falcon Avenue** - this is a concern to all due to how busy the street is now with people parking for Sunnyhurst Woods and (when open) Darwen School of Music, Imran's Barbers, Progress Education Centre, Doctors Surgery and other shops along Blackburn Road. For the entrance of the Co-op to be on Falcon Avenue you would need 2 way traffic which isn't possible at the moment due to cars being parked on both sides. Even when the other side is clear you still need to mount the kerb to allow both vehicles to pass. I understand the 2 trees on Blackburn Road are protected and so they won't be cut down as ideally this is where the entrance/exit needs to be.
- **Delivery Trucks** - Having previously lived on Earnsdale Road (the next street) and seeing them parked up I know the size of these trucks and I know for definite there is no chance a truck that size would be able to pull into the street and turn into/out of Co-op without potentially hitting a residents parked car (if cars were to be parked on both sides). This could be solved by adding double yellow lines on the opposite side

to the houses but then residents would not have enough room to park on the street as most houses own between 1 and 2 cars.

- **Extra Footfall** - The Co-op will inevitably bring more footfall to the street and so we are worried about the dangers of it being a place for teenagers to hang around. The plans state that the walls will be dropped to a 1 metre height which in our opinion is too low as it makes it easy for people to just sit on.
- **Road Surface** - the current state of the road surface on Falcon Avenue is pretty bad and if there is more traffic then this is only going to get worse, would this be something that is looked into being fixed?
- **Parking on the Car Park** - would this be down to Co-op or the council? Could residents park on the car park if there is no room on Falcon Avenue?

Overall, like I said we think this is a good idea and are happy for the planning to be approved, but the main concern is the access and how much more traffic the street is going to get when it's already so busy. If the entrance could go onto Blackburn Road then I think everyone would be happy with this but I do understand that with it being so close to Falcon Avenue it could be a potential collision site.

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**Objection – Mr & Mrs Scott, 2 Falcon Avenue, Darwen. Rec - 17/03/2021**

Dear sir/madam

I am emailing in regards to a planning proposal ref 10/21/0148. Coop erection of new store on the old liberal club site, falcon ave Darwen.

I live at Number 2 falcon ave and have run my business from here for 16 years so I am used to how busy it can be I live on the main road too as I live on the gable end above my shop. I have mainly one major concern regards to the plans and this is to the proposed entrance of the car park of the new site.

There has always been two openings on falcon ave, top and bottom , the one at the bottom next to the main Road A666 was bricked up years ago after some maintenance work and changes.

The other entrance at the top of the site still exists is still accessible today although people have started parking over the entrance but it is already a perfect turning point for cars and bigger vehicles as it is much wider and customers and residents are used to it being there ,it would make a perfect turning point for wagons delivering as it is much wider and was always there for that reason when the site was a liberal club . Its always prevented the ever increasing influx of traffic congregating around the junction near the main road, it can already be grid lock on falcon ave. I see by looking at the plans it appears they are planning on putting a complete new entrance half way along the site, which is too close to the main road and existing parking for residents like ourselves at number 2 and residents in the flats on Blackburn road and other businesses, If we have any more yellow lines Placed on falcon ave just so a new entrance can be put in place this does not make sense we will lose our parking and my husband is disabled . The coop are not the only business that need customers to park , I have a salon, there is a doctors, two tuition sites, takeaways, not forgetting the future businesses of the existing coop which is a large site.

Finally and even more concerning is that the Proposed new entrance will be right next to my house and our back alley, occasionally at the moment drivers use this back alley as a rat run to avoid the new traffic lights at hollings grove . if this proposed entrance to the coop Car park is right adjacent to the our back alley this will only increase the amount of cars that come through it to go straight across onto the car park! And this is not a road it is actually a private back alley.

So in brief to summarise my only objection to the new coop site is the entrance to the car park , I'm not opposed to customers and Wagon deliveries turning into falcon ave but object strongly to a new opening where they propose it to be! It will create congestion at the junction, could result in people losing their parking spaces for residents and businesses and cause major unease for residents if they use our back alley to quickly get onto the car park.

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**Objection – Elaine Marsden on behalf of Vera Charnock, 18 Falcon Avenue, Darwen.**  
**Rec - 23/03/2021**

Dear Gavin, dear Nick,

Further to your correspondence of the 3rd March, 2021, please see below comments on behalf of my mother, Vera Charnock, resident at 18, Falcon Avenue, BB3 1QX, in objection to this planning application in its current form:

**1. Opening hours**

Opening hours stated within the Planning Application form are 6am until 11pm daily, as compared with the current hours at the Blackburn Road store, which are 7am until 10pm daily. The current store is on a main road, and is not in the direct vicinity of residential properties. However the proposed store is within a residential zone and the extended opening hours would lead to increased noise disruption early in the morning and late into the evening with respect to pedestrians and vehicles accessing the facilities at the store. The impact of disturbance associated with this additional customer traffic has not been adequately addressed within the planning proposal.

**2. Access to delivery vehicles**

Proposed Site Plan 0175(P)103A shows the site access to be on Falcon Avenue. The Delivery Vehicle Swept Path Assessment clearly shows that large vehicle access to the site will be at the limit of the available turning space. Delivery vehicles will need to traverse the full width of Falcon Avenue in order to enter and leave the premises, and there is also potential for them to mount the pavement causing a danger to pedestrians. It is unlikely that the current road surface is designed to take frequent passage of HGV vehicles, and there is concern about damage to the road surfaces. There is also potential for damage to the footpath adjacent to 2 Falcon Avenue, as well the issue of any parked vehicles within the scope of the swept path which would reduce the ease of passage as described. It is felt that site access would be better situated on Blackburn Road, where the road surface integrity and road width are better suited to this type of heavy traffic, and where disturbance to residents would be minimised.

**3. Anti-social behaviour**

There are a number of commercial areas in Darwen which have become an attraction to gatherings of groups of youths, resulting in anti-social behaviours such as outdoor drinking, littering, vandalism and intimidation. This is well documented by complaints to Blackburn with Darwen Police. There have been intermittent problems in the Falcon Avenue area in the past, resulting from the commercial premises locally on Blackburn Road. It is of concern that the open car park will serve to encourage groups to loiter, and the low boundary walls (per Proposed Site Plan 0175(P)103A) will serve to encourage some customers to sit on them for extended periods, potentially causing a variety of associated problems for residents. The low

boundary wall should be reconsidered in favour of shrub planting only, or amended to incorporate suitable railings on top of the boundary walls to discourage customers from sitting for extended periods of time, for example drinking alcohol purchased at the shop.

#### **4. Litter control**

The Proposed site plan 0175(P)103A does not show any additional waste disposal bins outside the premises, only the single council bin at the junction of Falcon Avenue and Blackburn Road. Neither is litter control mentioned in the Waste Management Strategy document. The business is responsible for all packaging waste produced at the site, not just bulk waste. The planning application needs to address the issue of public waste bins to be situated at the premises for use by customers, and demonstrate a policy for litter pickup in the area.

#### **5. Signage opposing Falcon Avenue**

The Proposed Building Elevation Plan 0175(P)123 shows two signage zone on the South elevation, facing directly towards the houses opposite. The plan does not show what size this signage will be, and whether it will be illuminated. It is insufficient in this planning application to state that any signage proposal will be under a separate Adverts planning application, as it gives no indication of whether illuminated signage on the development could be potentially intrusive to the the residences opposite.

#### **6. Build Size**

The Proposed Building Elevation Plan 0175(P)123 states in the drawing notes 'Do not scale from this drawing, use only written dimensions'. However, the written dimensions are absent from the drawing and therefore no indication of the size of the proposed premises have been provided. Nor do the other documents submitted show the building dimensions. This is not satisfactory and needs to be corrected so that residents can adequately assess the impact of the size of the new build on their properties.

#### **7. Plant noise**

The Plant Noise Design Guidance document appears to suggest that the results shown in the Table 1 summary do not meet the necessary requirements of the guidelines on Maximum Refrigeration Plant Noise Emissions detailed in Table 5. It would be helpful for clarity if the applicable limits were shown on the time history graph Appendix C7, page 17, so that there is visibility to the lay person whether those requirements have indeed been met.

Thank you for your consideration of these points.

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**Comment – Ann Fitzgerald, Puerto, Oldfield Avenue, Darwen. Rec – 23/03/2021**

Dear Gavin

I have lived in Oldfield Avenue, in the house immediately adjacent to the Bowling Green Apartments effectively on the corner off the of the proposed site, for six years. Whilst I welcome development of this unused site, I have a number of comments. I have scanned through all the documentation and, if I have missed reference to the issues I raise, I apologise.

**Access**

I note the following:

- As far as access is concerned, there is no suggestion in the documentation that an in person survey has taken place at the site by a transport specialist or that input has been provided by a specialist with local knowledge. This would possibly explain the following.
- As far as I can see, neither the Planning, Access and Design Statement or the Transport Statement acknowledge the existence of a three phase traffic signal very close to the site. This signal controls traffic on the A666, Earnsdale Road and Hollins Grove Street.
- The Transport Statement does refer to a 'signalised pedestrian crossing approximately **immediately** south of the junction. It does not reference the fact that this signalised crossing, **immediately** south of the junction, is actually part of traffic signal scheme, specifically controlling the traffic travelling north to south on the busy A666 a major route from Blackburn to Bolton.
- Modelling relating to various aspects of the development has taken place based on data from similar sites around the country.
- I am concerned that, given the absence of reference to the three phase signals and the specific traffic issues already present at the site, these have not been factored into this modelling that has taken place and, more importantly, into the assumptions generated by this modelling.

This signalling scheme has itself proved controversial with the local MP engaging on behalf of locals on a number of occasions. I cannot personally comment on how it has impacted traffic flow in Darwen (as the lights were installed around the time I moved in) but would like to share the following:

- Blackburn Road, the A666, is a very busy road. At peak times there is considerable traffic backed up from the lights, particularly in the north to south direction, specifically the signal the Transport Plan acknowledges is **immediately** south of the junction with Falcon Avenue (but refers as a pedestrian crossing).
- On a map of the site, it might immediately appear that Hollins Grove Street (part of the signalling scheme) is just another side street. In fact, it an alternative route providing access to and from the motorway. I, like many others, always use the Lower Eccleshill/Hollins Grove Street route from the motorway to avoid the heavy traffic backed up along the A666 from the Hollins Grove lights.
- As the signals are programmed to allow merely seconds, after a wait of several minutes, to turn out of Hollins Grove Street and Earnsdale Road, cars come out

of them very quickly and often jump the lights - right on top of the Falcon Avenue junction.

- It is difficult to pull out onto the A666 from side roads nearby, particularly so turning right. From Oldfield Avenue, and therefore similarly Falcon Avenue, it is pretty much impossible to turn right without cars on Blackburn Road braking to allow you to pull out in front of them. You need to be pretty assertive to get out onto the main road.
- Even a couple of cars stopped at the lights would block the exit turning right from Falcon Avenue because of the positioning of the signal.
- There is already considerable traffic pressure on Falcon Avenue, given that it is a cul de sac with just one point of entry and exit, in addition to use by residents and visitors to the existing Co-op site.
- At the end of Falcon Avenue is one of the main entrances to Sunnyhurst Woods, a very popular Darwen amenity.
- On Blackburn Road, between Falcon Avenue and the current Co-op site, there is a tuition centre (therefore children being dropped off and picked up) a barbers and a hairdresser. There are retailers and a music tuition centre on the other side of the Blackburn Road.
- New retail units proposed at the site of the existing Co-op are also going to generate demand on parking near the site potentially negating the effects of additional parking spaces.
- The back street behind the existing Co-op is, I hear, also used by drivers to avoid waiting at the signals on Earnsdale Road allowing them to exit left from Falcon Avenue which is not signal controlled.
- Currently visitors to the existing Co-op park on Earnsdale Road, Hollins Grove and Falcon Avenue. That means that a significant proportion of visitors are dispersing from the site via signal controlled junctions. The new car park will mean all traffic related to the store will exit to Blackburn Road via Falcon Avenue which is not signal controlled.
- Falcon Avenue is a fairly narrow side street. I am unconvinced that, even with further parking controls at the end of the road, it will be easy for larger cars, vans, delivery lorries, to pass each other - particularly if vehicles are positioned in the road to make that difficult right turn.
- Even with additional parking controls, if these are not regularly enforced people making short stops will ignore them as they do now. To put this into context, there are restrictions on the time allowed for parking in some locations on Bolton Road but retailers at the site who have seen a traffic warden enforcing the restrictions only once in a decade.

Given the above, we are looking at an increased number of vehicles trying to exit a junction where their path is either blocked by cars at the lights or they are trying to force their way into a busy queue of impatient traffic which, at peak times, has queued from the motorway - whilst other cars are joining the A666 at speed from Hollins Grove Street and Earnsdale Road.

There is the real potential for the vehicles trying to exit the site blocking entry into Falcon Avenue with a knock on effect on the already busy traffic on this part of Blackburn Road, particularly cars are still stopping on the parking controlled area.



I would strongly suggest that a representative of the planning committee visit the site late afternoon/early evening - ideally post lockdown - to gain a full understanding of the issues and that modelling is commissioned on the impact of the development on traffic at this junction.

## **Parking**

There are already considerable pressures on car-parking in the area:

- Terraced houses with no off street parking on Falcon Avenue, Hollins Grove, Earnsdale Road and Blackburn Road.
- A main entrance to Sunnyhurst Woods at the end of Falcon Avenue.
- The retail/tuition units on Blackburn Road between Falcon Avenue and Earnsdale Road and opposite on the other side of the road.
- Parking restrictions along Blackburn Road, Earnsdale Road and Hollins Grove Street.

As far as I can see the new development will ease parking relating to the Co-op itself but:

- It will also reduce available parking by adding further parking restrictions on Falcon Avenue and removing several on-street spaces where the new entrance to the site will be situated.
- New retail units at the existing Co-op site could effectively negate the gain of creating car parking at the new Co-op. (Unless there are plans to allow customers of other nearby retailers to use the new car parking?)
- As described above, if the new car park is difficult to exit, people simply won't use it more than once and will move to parking on nearby streets with easier access/exit.

I know it is policy to try and reduce car use. However, our local topography, weather and our public transport infrastructure for many people make a car an essential. Realistically, the new pressures on parking are not going to make people in the area give up their cars, they are simply going to displace the parking to somewhere else. Unfortunately, and this is where my own personal interest comes in, the obvious place is going to be Oldfield Avenue which is the nearest road with no parking restrictions.

## **Fences/Planting**

What is not immediately apparent on the plans submitted is the elevation of the nearest properties on Oldfield Avenue. Bowling Green Apartments and my own house next door.

Most of the plans don't show my house but I am almost adjacent to the site at the North West corner where the service yard of the development will be located but at a higher elevation, equivalent to the upper floor of the Bowling Green Apartments, looking down into the site. Whilst a 2m/2.5m fence is substantial, it won't make a great difference at our level.

There is some reference to planting suitable shrubs and trees in the planning documents but no reference specifically to the West and North borders of the site.

Mature trees appropriate to the location would be helpful in softening the impact of the development and mitigating noise to some degree (particularly with regard to the location of the service yard and HVAC equipment) if it is not possible to raise the height of the fences.

I understand that it might be considered an aesthetic issue and not subject to the letter of planning requirements but I would hope the tenant, given its ethical stance, would wish to be a good neighbour in terms of softening the impact of the site on neighbours.

I hope these comments are of value. I'm copying in my local councillors for information

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## REPORT OF THE DIRECTOR

Plan No: 10/21/0341

**Proposed development: Full Planning Application for: Proposed single storey satellite renal dialysis unit, associated parking and services area.  
(Revision to previously permitted scheme ref 10/17/0177)**

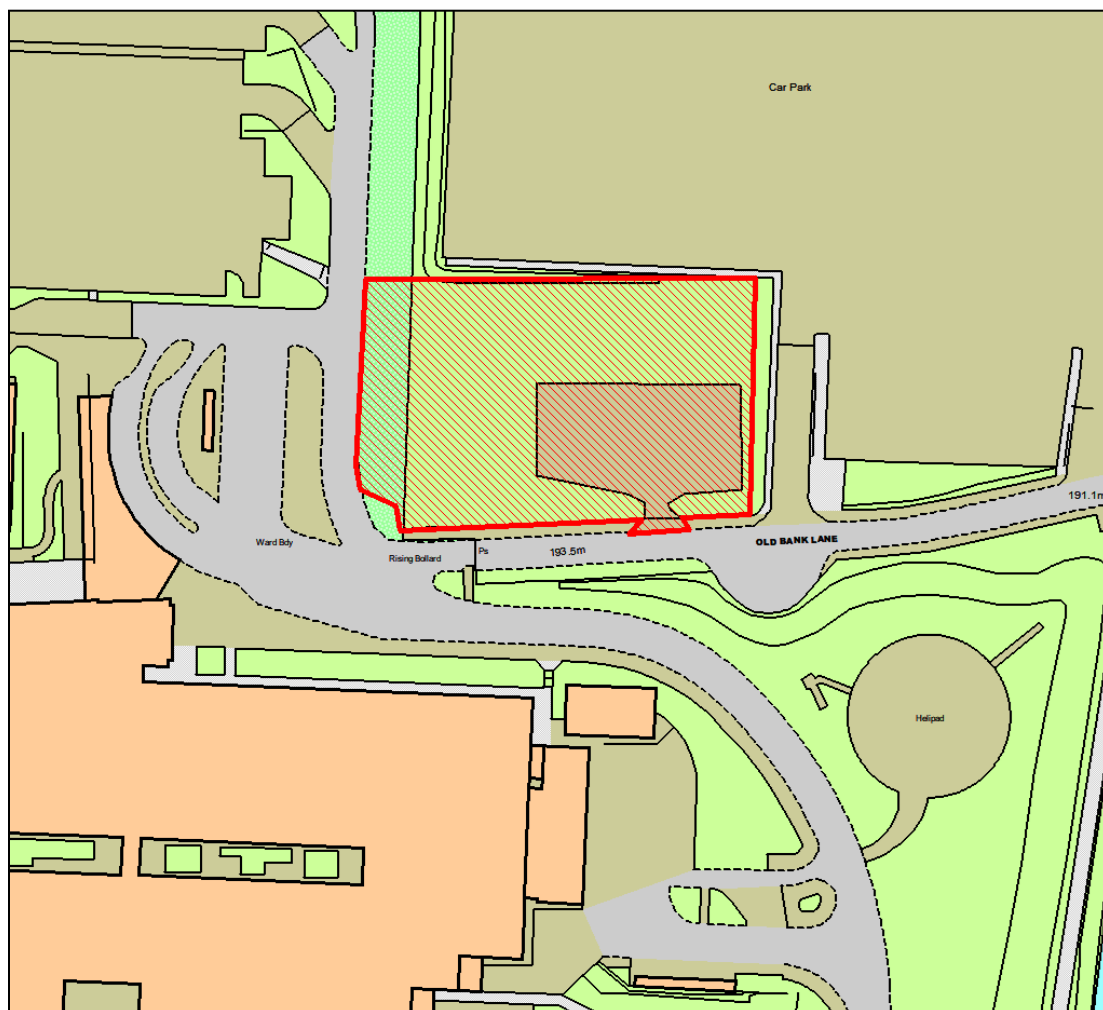
**Site address:**

**Land Adjacent to Royal Blackburn Teaching Hospital, East Lancs  
Hospitals NHS Trust  
Old Bank Lane  
Blackburn  
BB2 3HH**

**Applicant: Diaverum Facilities Management Ltd**

**Ward: Audley & Queens Park**

**Councillor Yusuf Jan-Virmani  
Councillor Salim Sidat  
Councillor Altaf Ibrahim-Patel**



## **1.0 SUMMARY OF RECOMMENDATION**

### **1.1 APPROVE – Subject to conditions set out at paragraph 4.1.**

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

- 2.1 The application is reported to Committee due to it being a major application type (over 1000sqm of floor space) on land that is unallocated in the Local Development Plan. This is in accordance with the Council's adopted scheme of delegation.
- 2.2 Assessment of the application finds that the proposal will deliver a high quality, specialist health care facility that will provide essential life-saving care for patients with chronic kidney disease, closer to their homes. This is in accordance with the Council's strategic aims and objectives for economic growth and expansion of public facilities and services. 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 (the site) comprises approximately 0.4 hectares of land, rectangular in shape, on the north side of Old Bank Lane. The site has recently been in use as a temporary car park for contractor's vehicles in connection with building work taking place within the wider hospital complex.
- 3.1.2 The site falls outside the defined confines of the Royal Blackburn Hospital but is positioned immediately adjacent, to the north east of the main hospital campus. Adjacent to this site (to the east) is Newfield School with the surrounding area comprising of mixed use residential, industrial and office use buildings. To the north of the site is Queen's Park, a grassland park and to the south are two reservoirs; Fishmoor and Guide reservoirs. To the west and south are facilities associated with the hospital, including parking areas, a helipad and buildings. To the north and east of the site is open undeveloped land, comprising mainly rough ground.
- 3.1.3 The surrounding area is of mixed use dominated by the Royal Blackburn Teaching Hospital with parcels of new build housing and commercial properties on the edge of a large industrial area to the south.
- 3.1.4 The aerial image below identifies the application site and its immediate surroundings:



Extracted from Knightsplc Planning Statement, March 2021.

## 3.2 Proposed Development

- 3.2.1 Full planning permission is sought for a single storey satellite renal dialysis unit, comprising 24 stations, with associated parking (18no. spaces) and services area, as set out in the submitted drawings and supported documents.
- 3.2.2 This application is effectively a resubmission of a previously permitted scheme for the erection of a new renal dialysis unit at the application site. with the design of the unit amended to take account of the change in operator of the unit and latest good practice in terms of the operation / layout of units of this nature. The previous scheme (ref. 10/17/0177, approved on 25 April 2017) was not implemented within three years and so has expired. This expired application is an important material consideration in the assessment and determination of this application.
- 3.2.3 The purpose of the proposal is to provide a permanent purpose built renal unit to replace a temporary prefabricated unit located near the site, within the grounds of Royal Blackburn Teaching Hospital, for which planning permission was granted in February 2011 (ref. 10/11/0153).
- 3.2.4 Recognising the rationale of the proposal; it is submitted that there is an existing comprehensive service for end stage renal failure, which is currently provided within the temporary unit which is now not suitable for use for patients, as it is too small and with no scope for expansion. Satellite renal units of this nature are aimed at providing essential life-saving care closer to patients' homes, which is vital given how frequently they need treatment and how long it lasts on each visit. Consequently providing such specialist units in suitable locations results in significant reductions in travel time which therefore enhances the patients' quality of life. Additionally, the increase in number of renal stations would also provide more healthcare away from acute hospital settings and closer to home. This is encouraged in the NHS Five Year Forward View, with the aim of providing better care for patients within their local communities, reducing the number of unplanned bed days in hospital and reducing net costs to the healthcare system.

- 3.2.5 The applicants asserts their intention to commence work as soon as possible, given the pressing local need for the new unit.
- 3.2.6 The proposed building is illustrated in the following images, extracted from the submitted Design & Access Statement (Diaverum, Marc 2021).





### **3.3 Development Plan**

3.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

3.3.2 The Development Plan comprises the Blackburn With Darwen 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:

#### **3.3.3 Core Strategy:**

- Policy CS1: A Targeted Growth Strategy
- Policy CS11: Facilities and Services
- Policy CS13: Environmental Strategy
- Policy CS16: Form and Design of New Development
- Policy CS22: Accessibility Strategy

#### **3.3.4 Local Plan Part 2 (LPP2):**

- Policy 2: The Inner 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 36: Climate Change

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

#### **3.4.1 National Planning Policy Framework (The Framework):**

The Framework sets out the government's aims and objectives against which planning policy and decision making should be considered. At its heart is a presumption in favour of sustainable development, which should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified. The following sections of the Framework are considered relevant to assessment of the proposal:

- Section 6: Building a strong, competitive economy
- Section 8: Promoting healthy and safe communities
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places

#### **3.4.2 National Planning Policy Guidance (NPPG)**

### **3.4 Assessment**

3.5.1 The Development Plan reaffirms The Framework's principles of sustainability which includes support for sustainable economic development and encouragement of effective re-use of land; subject to the principles of high quality design and securing a good standard of amenity for all existing and future occupants of land and buildings.

3.5.2 In assessing this application, the following important materials considerations have been taken into account:

- Principle of the development;
- Amenity impact;
- Environment impact;
- Highways - Accessibility and Transport; and
- Design – Layout and Character / Appearance.

#### **3.5.3 Principle**

In land use terms, the principle of the development is accepted, in accordance with The Framework's presumption in favour of sustainable development, which should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified; subject to assessment of the following matters:

#### **3.5.4 Amenity**

Policy 8 requires a satisfactory level of amenity and safety is secured 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.

3.5.5 The sites relative isolation from any sensitive land uses ensures no amenity threat to the surrounding area.

3.5.6 Geo-environmental reports have been submitted with the application to consider the threat of ground contamination to users of the facility. The reports have been reviewed by the Council's Public Protection consultee, who offers no objection to the proposed remediation strategy which is required to provide a cover system to areas where small deposits of asbestos were found. Validation of remediation will be secured via condition.

3.5.7 Submission of an electric vehicle charging point scheme is recommended by Public Protection. The scheme will be secured via condition.

3.5.8 Accordingly, amenity impact arising from the proposal is found to be in accordance with the requirements of Policy 8 and The Framework.



### 3.5.9 Environment

Policy 9 requires that development will not have an unacceptable impact on environmental assets or interests, including but limited to climate change (including flood risk), green infrastructure, habitats, species, water quality and resources, trees and the efficient use of land.

### 3.5.10 Ecology:

The Council's ecology consultee has reviewed The Habitat Survey submitted with the 2017 application which is also submitted with this application. An updated survey undertaken in March 2021 is also submitted. The surveys identify that the site is principally formed by tussocky semi-improved grassland. Additional features of ecological interests include scattered trees and small ponds outside of the site's boundary. The submission identifies no species of importance within the site, though does indicate that several habitats may be affected by the development.

3.5.11 The surveys also indicate that the site is within 500m of ponds that have the potential to accommodate great crested newts. The appraisal offers two options; (1) use of a condition requiring 'Recommended Reasonable Avoidance Measures' (2) Pre-determination eDNA survey of the identified ponds to help verify if newts use them – if presence of newts identified, the proposal would then need to proceed in accordance with the avoidance measures. Given that the ponds do not directly affect the site and that surveys undertaken failed to identify the presence, it is considered reasonable to proceed under option (1) with the matter being secured via condition.

3.5.12 The following ecological matters are also recommended to be secured via condition, replicating those applied to the 2017 permission:

- No work to trees or shrubs during bird nesting season (March – August inc);
- Provision of bat and bird boxes; and
- Provision of a landscaping scheme.

### 3.5.13 Drainage:

A site-specific Flood Risk Assessment and drainage strategy are submitted with the application. These have been reviewed by the Council's Drainage consultee (as Local Lead Flood Authority) and United Utilities, who offer no objection subject to drainage being implemented in accordance with the approved strategy, and submission of maintenance / management scheme for the lifetime of the development. Both matters will be secured via condition.

### 3.5.14 Trees:

A Tree Survey is submitted with the application. Trees to be lost are limited to low grade scrub and ornamental conifers. The better group of trees to the west of the site are outside the development footprint and are protected by an existing fence. The Council's Arboricultural consultee offers no

objection to the proposal, subject to a landscaping scheme, including replacement tree planting, to mitigate loss of existing trees.

3.5.15 Accordingly, environmental impact arising from the proposal is found to be in accordance with the requirements of Policies 9 and 40, and The Framework.

3.5.16 Highways / Access and Transport

Policy 10 requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced and that appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards.

3.5.17 The proposal provides for 18 spaces within a dedicated car park area adjacent to the new building. This falls below the Council's adopted standard.

3.5.18 The application is supplemented by a Transport Statement that indicates that 70% of patient will arrive by either organised patient transport service or by friends or relatives (NB: The dialysis process takes in the order of 3 to 4 hours). Further mitigation is provided by the proximity to the hospital's large public car park, the sustainable location of the site and critically that the proposal will replace an existing facility within the hospital grounds.

3.5.19 No objection is offered by the Council's Highways consultee.

3.5.20 Accordingly, the proposal is found to be in accordance with the requirements of Policy 10 and The Framework.

3.5.21 Design / Character and Appearance

Policy 11 requires a good standard of design and will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area. This includes enhance and reinforcing the established character of a locality. Particular aspects of character that must be taken into account and reinforced in new developments include the following:

- Building shapes, plot and block sizes, styles, colours and materials that contribute to the character of streets which should be used to complement local character; and
- Relationship of buildings to the street.

3.5.22 A single storey building with pitched roof is proposed. The entrance to the building is articulated by this section of the building being taller than the remainder, with full height glazing and a mono-pitch roof. Construction materials are shown to include side and vertical hung wall cladding in a range of colours with feature brickwork sections. The roof is constructed with profiled steel cladding.

3.5.23 The general form of the building is broadly consistent with other buildings in the immediate locality (hospital and school) and is without detriment to the character and appearance of the area in general.

3.5.24 Further consideration of the materials / colours will be secured via condition.

3.5.25 Implementation of the above noted landscaping scheme will enhance the development and assist in integrating it within the natural environment.

3.5.26 Accordingly, the development constitutes good design which is found to be in accordance with Policy 11 and The Framework.

3.5.27 Summary

This report assesses the full planning application for the erection of a single storey satellite renal dialysis unit with associated parking and service area. In considering the proposal, a wide range of material considerations have been taken into account. The assessment demonstrates that the planning decision must be made in the context of assessing the merits of the proposal balanced against any potential harm that may arise from its implementation. This report finds that the proposal meets the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, adopted Supplementary Planning Documents and the National Planning Policy Framework.

## 4.0 RECOMMENDATION

### 4.1 Approve.

**Delegated authority is given to the Strategic Director of Place to approve planning permission, subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received 1<sup>st</sup> April 2021 and with the following drawings numbered: (to be added).

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. Prior to the commencement of above ground works, details of all external walling and roofing materials, and their colour to be used in the construction of the building work shall be submitted to and approved in

writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To ensure that the external appearance of the development is satisfactory in accordance with Policy 11 of the Blackburn with Darwen Borough Local Plan, and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.

4. Prior to the occupation of the development hereby approved, two copies of a comprehensive Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme, as set out in the Phase 2 Ground Investigation, produced by Sladen Associates, dated March 2017. All the installed remediation must be retained for the duration of the approved use, and where necessary, the Local Planning Authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, that the risks it presents have been appropriately assessed, and that the site can be made 'suitable for use', as such, does not pose a risk to future users of the site or the wider environment in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

5. Prior to occupation of the development hereby approved, an electric vehicle charging scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved detail upon occupation of the development.

REASON: in the interests of air quality management and protection of health, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

6. The development hereby approved shall be undertaken in accordance with the reasonable avoidance measures set out on pages 12 and 13 of the CES Ecology: 'Extended Phase 1 Habitat Survey - February 2017'.

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

7. Flood lighting within the application site shall be undertaken in accordance with the recommendations set out in section 5.15 of the CES Ecology: 'Extended Phase 1 Habitat Survey - February 2017', submitted 28th February 2017.

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

8. The development hereby approved shall be undertaken in accordance with the working practices set out in sections 5.17 and 5.19 of the CES Ecology: 'Extended Phase 1 Habitat Survey - February 2017' , submitted 28th February 2017

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

9. Prior to occupation of development hereby approved, a scheme detailing the provision of bat and bird boxes, including their position and appearance, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented upon occupation of the development and thereafter retained.

REASON: To safeguard biodiversity interests, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

10. Prior to occupation of development hereby approved a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Trees and shrubs shall be planted on the site in accordance with the landscaping scheme during the first available planting season. The scheme shall include details of materials to be used for hard surfaces, and details of species to be planted, with their siting and planting distances, and shall be implemented during the first available planting season after the commencement of development. Trees and shrubs dying or becoming diseased, removed or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs.

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

11. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment & Drainage Strategy (ref 13626-FRA & Drainage Strategy-02, Issue 02, dated 17/03/2021). For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, no surface water will be permitted to drain directly or indirectly into the public sewer.

The development shall be completed in accordance with the approved details.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policy 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

12. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
  - a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
  - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

REASON: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development, in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

13. Foul and surface water shall be drained on separate systems.

REASON: To manage the risk of flooding and pollution, in accordance with Policy 9 of the Blackburn With Darwen Borough Local Plan Part 2

14. Construction work shall take place in strict accordance with the details set out in the submitted Construction Method Statement produced by Sandycroft Construction, dated 9<sup>th</sup> March 2021. All measures which form part of the approved details shall be adhered to throughout the period of construction.

REASON: In order to avoid the possibility of the public highway being affected by the deposit of mud/or loose materials which could create a potential hazard to road users, to protect the amenity of the occupiers of the adjacent properties and to protect the visual amenities of the locality, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

## 5.0 PLANNING HISTORY

Current / proposed site:

Reference	Description	Decision & Date
10/17/0177	Development of an existing vacant site to form Satellite Renal Dialysis Unit (use class D1)	Approved 25/04/2017

Site of the temporary renal unit within hospital grounds:

Reference	Description	Decision & Date
10/14/0226	Internal alterations / fit of existing hospital ward to form new renal dialysis unit and external alterations and signage	Approved 12/03/2014
10/13/0116	Variation of Condition 1 on approved application 10/11/0153	Approved 13/03/2013
10/11/0153	Temporary prefabricated unit for use as Renal Dialysis unit	Approved 27/04/2011

Extracted from Planning Statement; Knightsplc, March 2021.

## 6.0 CONSULTATIONS

### 6.1 Public Protection

No objection:

Air Quality:

There is no consideration of the AQ planning advice note, although it is understood that traffic increase will not be huge we would expect some provision of EV charging infrastructure. We are aware of EV infrastructure associated with the wider hospital site.

This can be conditioned as it was previously. It would be sensible to include some infrastructure at the facility itself.

#### Condition – Electric Vehicle Charging Points

Prior to the commencement of the approved use, the applicant shall submit a scheme detailing the provision of electric vehicle charging points to be installed on the hospital site that can be accessed by staff and patients using the dialysis facility. Prior to the commencement of the approved use the agreed scheme shall be implemented and thereafter retained.

Reason – to improve the electrical vehicle charging infrastructure

Informative – the scheme can comprise part of the wider site travel plan.

#### Contaminated land:

I'm agreement with the conclusions of the Phase 2 report that a limited cover system is required in a small area of the site where asbestos was found in small quantities. As such, were this application to be successful, I **would recommend Blackburn's standard prior to occupation validation contaminated land condition is attached to any resulting Decision Notice.**

In order to satisfy this condition a final Verification Report should be submitted this should include photos of the agreed 600mm cover system with measurements to show it's minimum depth. We routinely request that any top soil used in cover systems is sampled for contamination at a rate of 1/50 tonnes (unknown source) or 1/100 tonnes (certified greenfield). Cover system guidelines are online. In addition if any unexpected contamination required remediation is detected during construction please include details together with any relevant import/export certificates if material is moved on and off site.

#### 6.2 Drainage (BwD – Lead Local Flood Authority)

No objection, subject to implementation of submitted drainage scheme.

#### 6.3 United Utilities

No objection:

Following our review of the submitted Flood Risk Assessment & Drainage Strategy, 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:

##### *Condition 1 – Surface water*

*The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment & Drainage Strategy (ref 13626-FRA & Drainage Strategy-02, Issue 02, dated 17/03/2021). For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, no surface water will be permitted to drain directly or indirectly into the public sewer.*

*The development shall be completed in accordance with the approved details.*

#### 6.4 Ecology

No objection:

##### Summary

Whilst the ecological report is now 4 years old , given the low ecological value of site and construction of a large car park to the north and east, largely isolating the



site from open countryside I am satisfied that no further information or measures are required.

#### Great Crested Newts

Whilst the likelihood of great crested newts being present is very low given the barriers between the site and the ditch highlighted as having potential, ***I see no reason not to reapply the previously accepted condition 9 relating the reasonable avoidance measures for great crested newts in the CES report.***

#### Bats

Again the risks are very low that this site is of importance for foraging and commuting bats and presumably lower now a car park has been constructed. ***However again I see no reason not to reapply condition 10 of the existing permission.***

#### Nesting Birds

A small amount of bird nesting habitat is proposed for removal. No standard nesting bird condition appears to have been applied to the existing condition. I therefore recommend a condition along the following lines is applied to any permission.

***No works to trees or shrubs shall occur between the 1<sup>st</sup> March and 31<sup>st</sup> August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.***

#### Brown Hare, badger and Hedgehog

In 2017 these species were highlighted as potentially using the site, though I suspect this risk was very low. The risk is now even lower and I would say negligible for brown hare and badger now the site has been isolated from open countryside by a car park. The risk of hedgehog being present is also reduced as some of the scrub previously present has been removed and again the site is now relatively isolated. The previously applied condition 11 in my opinion is no longer necessary and an informative will now suffice relating to mammals along the following lines.

***The applicant is reminded that, under the Wild Mammal (Protection) Act 1996 it is an offence to inflict unnecessary suffering to wild mammals such as hedgehog and brown hare. Planning consent does not provide a defence against prosecution under this act. And***

***The applicant is reminded that under the Protection of Badgers Act 1992 it is an offence to intentionally or recklessly interfere with a badger sett. If a badger sett is found on or near the developments site work should cease immediately and a suitably experienced ecologist employed to advise on how best to proceed.***

#### Contributing to and Enhancing the Natural Environment

Section 170 of the NPPF 2019 states that the planning policies and decisions should contribute to and enhance the natural and local environment. Condition 12 of the

existing permission requires provision of bird and bat boxes and 13 landscaping. *Given the proposed layout and impact on habitats and species I am satisfied that these are adequate and can be reapplied.*

**6.5 Arboricultural Officer**

**No objection:**

I have no objections to the proposals.

The trees on the site that will be impacted upon are all low grade mostly scrub and ornamental conifers. The better quality group of trees to the west are outside the footprint are protected by way of an existing fence line. In this instance, there is no need for an Arb Method Statement.

We could request, via condition, a mitigating landscaping scheme that covers the loss of trees on the site.

**6.6 Public consultation**

Neighbourhood consultation was carried out by letter to a single address on 12<sup>th</sup> April 2021 and by display of site notices. In addition, a press notice was published on 26<sup>th</sup> April 2021. No comments were received.

**7.0 CONTACT OFFICER: Nick Blackledge - [Senior Planner]**

**8.0 DATE PREPARED: 30<sup>th</sup> June 2021**

## REPORT OF THE DIRECTOR

Plan No: 10/21/0371

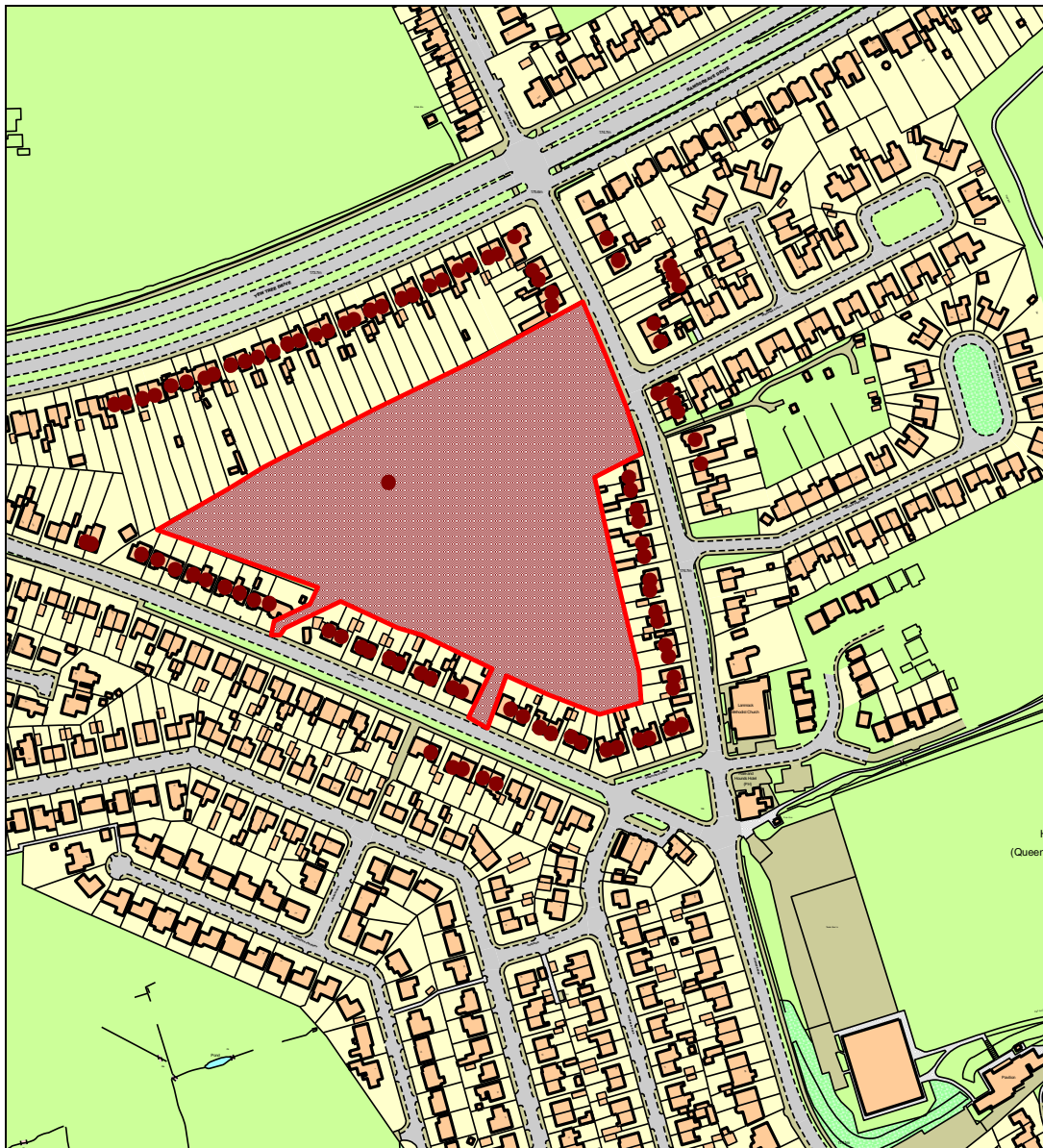
**Proposed development:** Various single-storey extensions to existing school to provide additional classroom facilities with service areas and provision of new car park area with access gained from Whinney Lane

**Site address:** Lammack Primary School, Lammack Road, Blackburn, BB1 8LH

**Applicant:** Blackburn with Darwen Borough Council

**Ward:** Billinge and Beardwood

**Councillor Julie Taylor**  
**Councillor Tasleem Fazal**  
**Councillor Jackie Flloyd**



## **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 The proposed development is recommended to be granted planning permission, subject to the conditions detailed in Section 5.

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

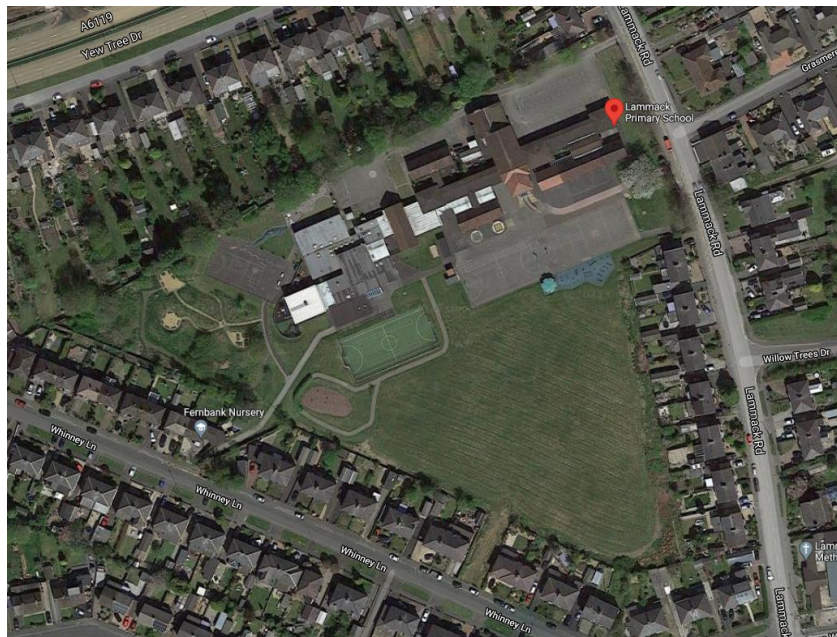
- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Scheme of Delegation, and given the fact that Blackburn with Darwen Borough Council is the Applicant. Objections have been raised by numerous members of the public mostly on highways and parking grounds. A summary of the consultee responses received and public comments made is provided below, in Section 6.
- 2.2 The proposed development has been publicised through letters to residents of the nearest 95 adjacent properties. Site notices were also posted at the three site access points on 14<sup>th</sup> May 2021.
- 2.3 The Council's Development Plan supports new educational developments and associated works, provided they constitute sustainable development, and accord with the Development Plan.
- 2.4 The proposal will deliver additional educational facilities in the form of 12 new classrooms with service areas for an existing school. Wider works within the school grounds are also shown on the submitted plans including the provision of a new 30-space carpark accessed from Whinney Lane.
- 2.5 On balance, the proposal would be satisfactory from a technical point of view, with all issues having been addressed through the application process, or capable of being controlled or mitigated through appropriately worded planning conditions.
- 2.6 The key issues to be addressed in determining this application are;
- Establishing the principle for development;
  - Design and assessing visual amenity impacts;
  - Assessing the potential for residential amenity impacts;
  - Assessing the potential for highways impacts;
  - Ensuring the site has adequate parking to service the development;
  - Assessing the potential for ecological impacts;
  - Foul and surface water drainage considerations;
  - Assessing the potential for terrestrial contamination;
  - Measures to protect trees within the site; and,
  - Minimising the proposals impacts on air quality.

### 3.0 RATIONALE

#### 3.1 Site and Surroundings

- 3.1.1 The application site is a state funded primary school located within the settlement of Blackburn. The site comprises of a large school building that has been subject to a range of enlargements and alterations over the years. Hard surface play areas, playing fields, service areas, and car parks are also found within the site. Dwellings surround the site to all sides that line Lammack Road, Whinney Lane and Yew Tree Drive.

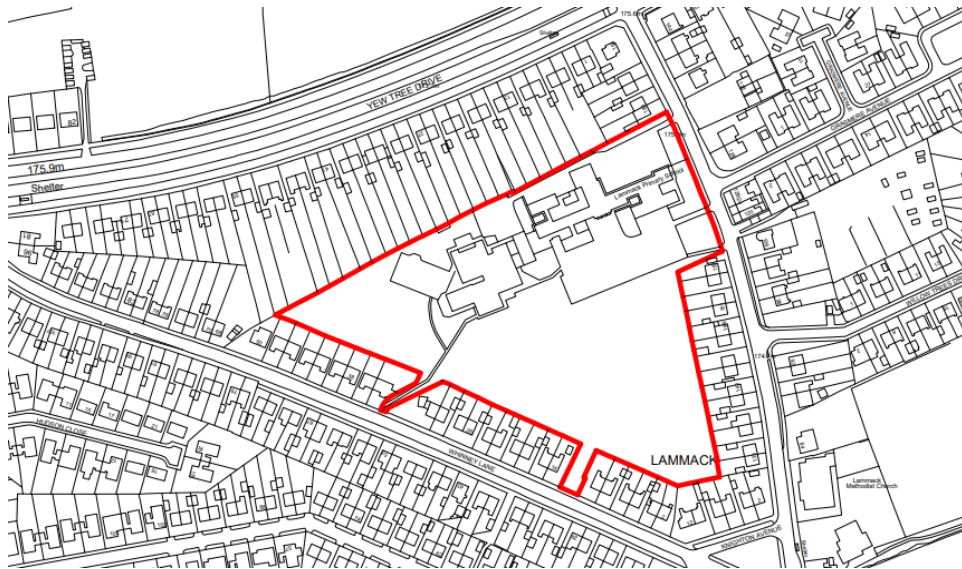
Figure One – Satellite image of the site



- 3.1.2 The site covers an area of circa 7.4 acres with the plot tapering to the western edge. The primary access point is currently gained directly from Lammack Road, to the east of the school building. Two other access points are also found from Whinney Lane. The wider of those access points currently provides access for maintenance vehicles along with the third access point providing pedestrian access.



Figure Two – Location Plan showing the extent of the site and access points



### 3.2 Proposed Development

- 3.2.1 This planning application involves the erection of five separate extensions to the existing school building. Twelve additional classrooms would be provided together with service areas such as offices, meeting rooms, and a junior library. A number of internal reconfigurations are also shown on the submitted plans to accommodate the new facilities.
- 3.2.2 The reception part would have a footprint of circa 204 square meters and an inverted dual-pitch roof up to 4.2m in height. The year 1 part would have a footprint of circa 130 square meters and a mono-pitched roof up to 4.5m in height. The year 2 part would have a footprint of circa 118 square meters and a dual-pitched roof up to 6.6 m in height. The year 4 part would have a footprint of circa 530 square meters and a dual-pitched roof up to 6m in height. The year 6 part would have a footprint of circa 218 square meters and a dual-pitched roof up to 6.4m in height. Bricks and timber cladding would be applied to the elevations with rosemary tiles and felt to the roofs. White uPVC framed windows would be fitted throughout and the doors to be installed would have aluminium frames.

Figure Three – Proposed floor plan showing the extent of the extensions

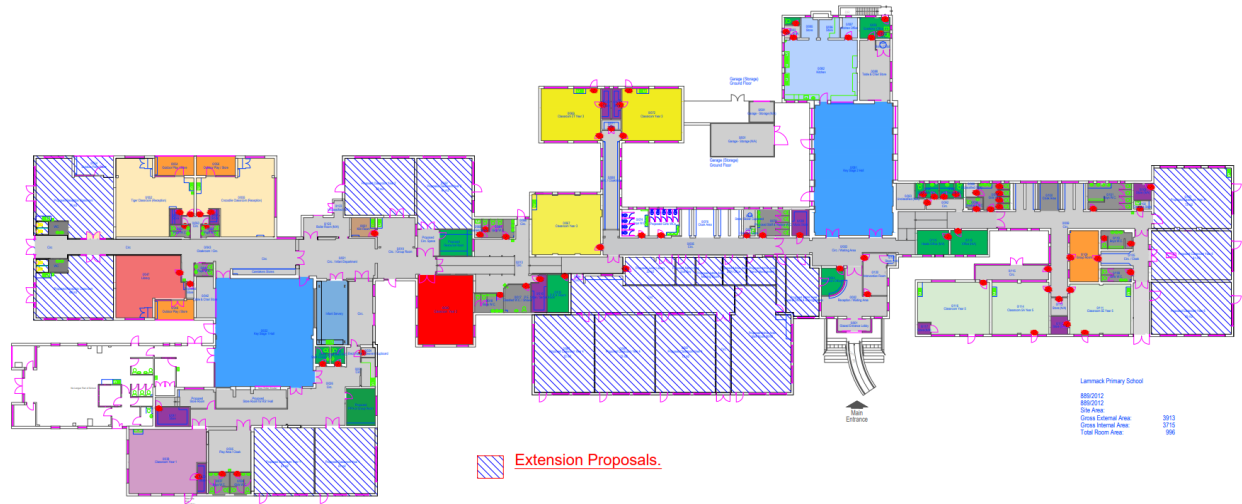
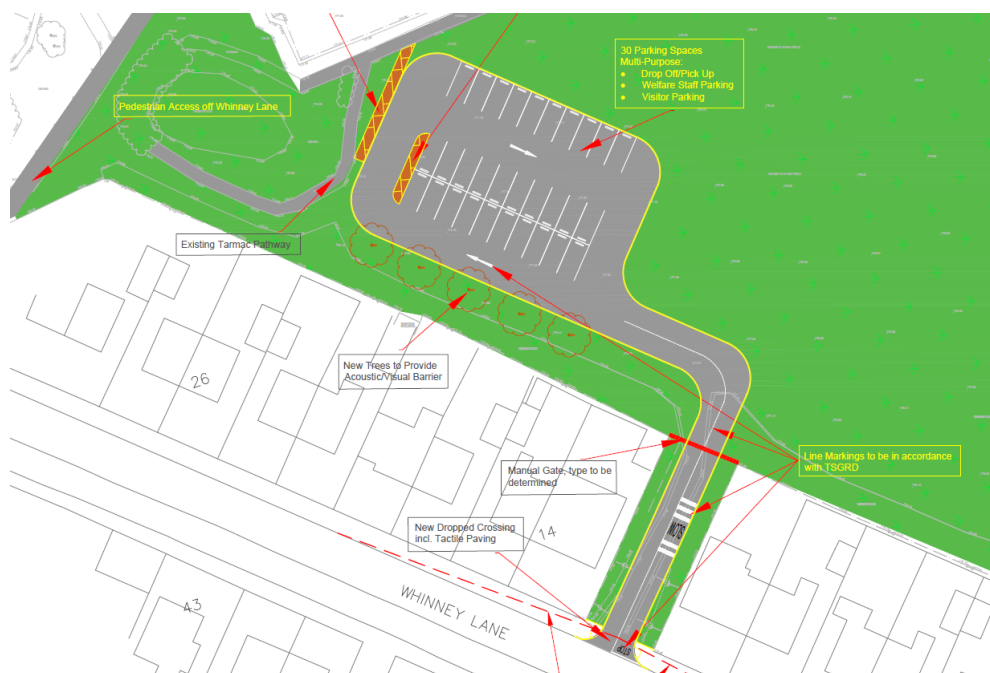


Figure Four – Proposed elevation plans for the year 4 part



3.2.3 A new carpark area is also proposed to the south of the school building to be used primarily as a drop off and pick up point for children. The area would provide an additional 30 parking spaces. Access would be gained via an existing access point from Whinney Lane with a one-way system utilised internally. A pedestrian walkway to the schoolyard is also shown on the submitted plans.

**Figure Five – Proposed plan showing new drop off/pick up point and access arrangements**



### 3.3 Case Officer Site Photos



### 3.4 Relevant Planning History

- 10/01/1011 – Erection of classroom extension – Approved with Conditions – February 2002.
- 10/04/0043 – Proposed new parents room to side of playing field – Approved with Conditions – March 2004.



- 10/07/0652 – Nursery Extension to existing school – Approved with Conditions – August 2007.
- 10/11/0377 – Demolition of existing ramp, brick piers and concrete roof and erection of new extension and ramp to incorporate new reception area, office and meeting room – Approved with Conditions – June 2011.

### 3.5 Development Plan

#### 3.5.1 Core Strategy Part 1 (adopted January 2011)

- Policy CS11: Facilities and Services
- Policy CS23: Tackling Worklessness

#### 3.5.2 Local Plan Part 2 (adopted December 2015):

- 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 36: Climate Change
- Policy 38: Green Infrastructure

#### 3.5.3 BwD Parking Standards

## 4.0 **ASSESSMENT**

### 4.1 Principle of Development

- 4.1.1 The provision of new educational facilities is covered by Policy CS11. The range and quality of public services and facilities will be expanded and enhanced; in particular, as part of existing key public buildings/facilities. Further support for such forms of development is provided by Policy CS23. Measures should be put in place to maximise access to employment through the creation of expanded educational facilities.
- 4.1.2 The development is proposed for a site that has a historic educational use. The submitted Planning Statement confirms that an additional 160 school spaces would be created, thereby providing a valuable contribution to the primary school educational offers in the area. The proposed development therefore complies with the service distribution policies set out in the Core Strategy, in compliance with Policies CS11 and CS23.
- 4.1.3 Concerns have been raised in public comments regarding losses of green open space. The land to the south of the school building is covered by a Green Infrastructure allocation under Policy 38. When assessing partial losses of such land to development, Policy 9 should be taken into account. In such circumstances, the need or benefits arising from the development must

demonstrably outweigh the harm caused, and the harm must be mitigated or compensated for so far as is reasonable. Given the nature of the application there are some clear educational benefits to consider when assessing losses of Green Infrastructure land.

4.1.4 Only a small part of the school playing fields would be lost to additional parking provision, which is essential to facilitate additional school places. There is no available land within the site to offset the losses of Green Infrastructure land that would be caused. However, when the educational benefits of the proposal are weighed against that single issue, on balance, the losses of Green Infrastructure land that would be caused can be justified on this occasion, and compliance with Policy 38 is thus achieved. When those factors are considered, the principle of development is accepted.

4.1.5 In accordance with the presumption in favour of sustainable development detailed in the Framework, and Policy 7, development proposals should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of the proposal are identified; subject to assessment of the following matters;

#### 4.2 Design and Visual Amenity

4.2.1 In general terms, Policy 11 requires development proposals to represent a good standard of design through demonstrating an understanding of the sites wider context, and making a positive contribution to visual amenity. The site is a standalone element in the immediate street scene from an architectural perspective. In addition, and as detailed above in Section 3.4, a number of extensions and enlargements have been applied to the building over the years resulting in it taking on an irregular and ununiformed form.

4.2.2 As detailed above, dwellings predominantly surround the site to all sides. The massing of those surrounding buildings would to a certain extent conceal the proposal from the public domain. The most visible part from the perspective of Lammack Road would be the year 6 extension. A dual-pitched roof would be applied to that part ensuring a certain level of visual consistency is maintained with the host building. The remaining parts would only be visible from a limited number of public vantage points and their massing and form would not comprise the visual amenity of the wider locality to an adverse extent.

4.2.3 External construction materials are proposed throughout that would match the host building. A condition is recommended to control the quality and finish of those materials in the interests of visual amenity. A further condition is recommended involving the use of supplementary landscaping around the site for the same reason. Subject to compliance with those conditions, the proposed development would be acceptable in visual design terms, in accordance with Policy 11.

#### 4.3 Residential Amenity

- 4.3.1 Policy 8 states that all development proposals should secure a satisfactory level of amenity for surrounding occupants in relation to light, noise, privacy, and general disruptions. Concerns have been raised in public comments in relation to the potential for adverse noise impacts and losses of privacy from additional use of the Whinney Lane access point.
- 4.3.2 Owing to ample separation, the massing of the proposed extensions would not appear overbearing or cause any unacceptable losses of light for the immediate neighbours. In relation to noise, the proposal has been assessed by BwD Public Protection and no specific concerns have been raised in that respect. It is acknowledged that increasing the capacity of the school would likely lead to additional noise emissions from the site, and that those impacts would be at their most noticeable immediately before and after school, and during break times.
- 4.3.3 That being said however, any additional noise impacts caused would be limited in their extent and confined to specific periods during the day. Any mitigation measures to offset those potential impacts would likely involve the installation of tall acoustic barriers that would greatly diminish the extent of play areas within the school alongside wider visual implications. The recommended landscaping condition will instruct the planting of vegetation between the proposed parking area and adjacent dwellings on Whinney Lane. Together with minimising light pollution from headlights, the use of supplementary landscaping in such a way would in-parts mitigate any noise impacts from cars using that part of the site.
- 4.3.4 A condition is recommended to control the logistics of the construction phase. The imposition of such a condition is mostly justified from a highway safety standpoint yet it would also assist in minimising noise and disruptions for the immediate neighbours from that phase. For those reasons, and subject to compliance with the attached conditions, the proposal would be acceptable in relation to noise.
- 4.3.5 In relation to privacy impacts, ample separation would be maintained between the adjacent dwellings to prevent any adverse privacy impacts from the proposed extensions. Any comings and goings associated with use of the Whinney Lane access point would not have an adverse impact on domestic privacy given the transient nature of such activity. The properties around that access point are in-parts enclosed to the side and rear by tall fencing. Moreover, the recommended landscaping condition will instruct the planting of vegetation on the site boundaries thereby further safeguarding the domestic privacy of the immediate neighbours, following development. A further condition is recommended to agree the scope of any required external lighting sources to prevent light pollution for neighbours. When those factors are considered, and subject to conditions, the proposed development would be acceptable in relation to residential amenity.

#### 4.4 Highways and Parking

- 4.4.1 Policy 10 outlines a general requirement for development proposals to not prejudice road safety, or the safe and convenient movement of all highway users. Parking should also be provided in accordance with the BwD Parking Standards. A number of objections have been received in public comments on various highways grounds. Shortfalls in on-street parking locally, a need to ensure this development does not exacerbate existing highways problems, discrepancies with the technical reports submitted, and a need for traffic calming measures locally have all been cited as concerns.
- 4.4.2 A Transport Plan and Travel Assessment have both been submitted with the application. BwD Highways and BwD Transport Planning have closely reviewed those documents together with the scheme as a whole, in conjunction with Costain, an independent highways planning consultant. A number of initial concerns have been raised by consultees. In accordance with the BwD Parking Standards, 1 space per classroom/activity area must be provided, which would create a total requirement of less than 30 spaces to service the proposal and existing school.
- 4.4.3 An amended plan has been provided showing reconfigurations within the existing parking area. That area would have 45 spaces following those works together with 4 disabled bays. The spaces shown all conform with the required dimensions and details of vehicle tracking have also been provided confirming service vehicles can access their required areas when the carpark is at capacity. Adequate sightlines can also be provided and there are no changes proposed to the existing access point from Lammack Road.
- 4.4.4 Whilst it is acknowledged that every staff member at the school does not have a dedicated parking space, such matters are existing to the site. What should be assessed here is the extent at which this proposal would contribute to those existing problems. In order to alleviate existing parking issues in the local area a new parking area is proposed providing 30 spaces, creating a total of 79 spaces. Such a level of provision far exceeds the requirements of the BwD Parking Standards.
- 4.4.5 The extent and position of the new carpark area has been subject to robust pre-application discussions between multiple departments. Provision of the new parking area in addition to reconfigurations within the existing carpark is beyond adequate when the proposal is weighed against the BwD Parking Standards. The scheme is thus deemed to be acceptable in terms of car parking provision. A condition is recommended to ensure the new parking area is used only for the dropping off/picking up of children during certain times in order to prevent it being filled by staff during periods of peak parking requirements.
- 4.4.6 The promotion of green travel should also be considered when assessing parking requirements. Such matters form the crux of the comments made by BwD Transport Planning. In order to encourage such activity however adequate and visible cycle storage facilities must be in place. A condition is

thus recommended to further agree the scope of such facilities. The provision of motorcycle parking is also detailed in the recommended condition in order to further alleviate pressure on car parking spaces within the site. Subject to compliance with that condition, together with a further condition to ensure the new classrooms are not occupied until the new parking areas and cycle storage areas have been constructed and laid out in their entirety, the proposal would be acceptable in relation to parking provision as a whole.

- 4.4.7 Visibility splay details have been provided for the access point from Whinney Lane. BwD Highways have reviewed those details and no concerns have been raised in that respect. The use of a gate on that access point is essential for safeguarding and security reasons. A condition is recommended to ensure informative signage is erected to prevent vehicles venturing down there by mistake. Such matters would not cause significant problems once local awareness has been gained regarding usage of the new access point.
- 4.4.8 In relation to traffic calming measures and the promotion of children using the highway in a safe manner, a number of measures have been advised by BwD Highways. Flashing signals, a crossing island, raised speed table markings, and a review of all existing Traffic Regulation Orders (TROs) have all been advised. A condition is recommended to ensure those measures are provided prior to the development being brought into use and they are all deemed necessary to optimise highway safety in the local area. In addition, a further condition is recommended to agree the logistics of the construction phase in order to minimise disruptions from that phase on the local highway network.
- 4.4.9 When those factors are considered, and subject to compliance with the recommended conditions in their entirety, the proposed development would be acceptable in relation to highway safety and parking provision, thereby according with Policy 10 and the BwD Parking Standards.

#### 4.5 Ecological Considerations

- 4.5.1 Requirements within Policy 9 state that development proposals must avoid unacceptable impacts on environmental assets or interests, including habitats and species. A Bat Survey Report has been submitted with the application that includes sections on the protection of nesting birds. The assigned BwD Ecology Officer has reviewed the merits of the survey, and the scheme as a whole. The initial comments provided highlight a need for additional survey work, which is currently ongoing.
- 4.5.2 An ecological advice note has been submitted and a final dawn survey is scheduled for 9<sup>th</sup> July 2021. The assigned BwD Ecology Officer has advised that the findings of those surveys together with any measures of ecological mitigation must be provided before any final recommendations are made from them. Any further comments will be provided as part of a committee update report. In relation to nesting birds, an informative note is recommended to raise awareness to the legalities of removing trees during the bird breeding season. It should also be noted that there is no intention to remove any trees, as per the information provided.

#### 4.6 Drainage

- 4.6.1 Within Policy 9, there are further requirements to ensure development proposals are not subject to an unacceptable risk of flooding, or adversely contribute to the risk of off-site flooding. Concerns have been raised in public comments regarding the potential for surface water drainage issues arising from the proposed new carpark.
- 4.6.2 The site is wholly within Flood Zone 1 and the risk of pluvial flooding is deemed to be negligible. That being said however, given that new roof space would be formed and new areas of hardstanding laid, any potential impacts in the way of surface water flooding from additional runoff should be duly controlled. BwD Drainage have raised no objections and I concur with their findings.
- 4.6.3 A condition has been advised by United Utilities to control surface water drainage in accordance with the hierarchy detailed in national planning guidance. A second condition has been advised to ensure foul and surface waters are drained on separate systems. Having discussed those conditions with the Agent, some potential concerns have been raised regarding the practicalities of separate drainage systems. Whilst such an approach can be readily applied to the proposed carpark, given that the existing school is currently drained via a combined sewer, drainage of the proposed extensions on separate systems may not be achievable.
- 4.6.4 A drainage condition is thus recommended that merges those advised by United Utilities together with a caveat regarding deliverability. Subject to compliance with that condition, the proposed development would be acceptable in relation to drainage.

#### 4.7 Contamination

- 4.7.1 Within Policy 8, there are further requirements to ensure development proposals on previously developed land can be remediated to a standard that provides a safe environment for users of the development whilst also ensuring contamination is not displaced. In response to such requirements Phase 1 and Phase 2 contamination reports have been submitted. BwD Public Protection have closely reviewed the findings of those surveys yet a number of discrepancies have been raised in the data and findings presented.
- 4.7.2 Given that position, BwD Public Protection have recommended that all three standard contamination conditions should be added as a precautionary measure. Those comments have been forwarded to the Agent for consideration with their environmental consultant. Any changes in the conditions required to adequately mitigate against the potential impacts of contamination will be provided as part of a committee update report.

#### 4.8 Arboricultural Considerations

- 4.8.1 Further requirements as part of Policy 9 state that development proposals should incorporate existing trees into the design and layout. As detailed above, there are no intentions to remove any existing trees yet there are some within the site that are worthy of preservation. The comments made by the assigned BwD Tree Officer suggest that the best of those specimens are found within the school playing fields. An Arboricultural Impact Assessment Overview has been submitted with the application.
- 4.8.2 Although that document does not contain a plan showing site-specific locations of any required tree protection fencing, a temporary protective fencing and ground protection specification note is detailed. The measures put forward within that note wholly accord with the relevant British Standards and they are deemed appropriate to protect the trees to be retained. A condition is recommended to ensure the development proceeds in accordance with those measures.
- 4.8.3 Moreover, the recommended landscaping condition includes a requirement to show the required locations of any tree protection measures. Subject to compliance with those conditions, the proposed development would be acceptable in relation to arboricultural considerations, and compliance with Policy 9 is thus achieved.

#### 4.9 Air Quality

- 4.9.1 Policy 36 requires development proposals to minimise contributions to carbon emissions and climate change, both directly from the development and indirectly arising from factors such as travel to and from the development. Concerns have been raised in public comments in relation to air quality.
- 4.9.2 In response to such matters, BwD Public Protection have advised that electric vehicle charging points should be provided within the existing car park. A condition is recommended to ensure such measures are put in place prior to the development becoming operational. The recommended condition requesting cycle storage would also assist in improving air quality in the local area through promoting sustainable modes of travel. Subject to compliance with those conditions, the proposed development would be acceptable in relation to air quality, in accordance with Policy 36.

#### 4.10 Wider Considerations

- 4.10.1 Concerns have been raised in public comments regarding antisocial behaviour locally and the fact the new access would potentially further open the site up to such issues. Policy 8 contains a specific section on reducing crime. Moreover, a number of recommendations are made in that respect from Lancashire Police. A condition is thus recommended to further agree the scope of such measures, where required.

4.10.2 Public comments have also cited concerns regarding the residents of Grasmere Avenue not receiving notification letters. However, that highway is not directly adjacent to the red edge of the site (see page 1). The residents on Lammack Road that stagger the junction of Grasmere Avenue were all notified. In addition, three site notices were erected around the site and nationally prescribed neighbour notification procedures have thus been duly followed.

#### 4.11 Summary

4.11.1 This application involves the erection of various single-storey extensions to an existing school to provide additional classroom facilities with service areas. The provision of new 30-space carpark area with access gained from Whinney Lane also forms part of the proposal.

4.11.2 Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies and guidance notes detailed in Section 3.5.

4.11.3 Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Subject to appropriate conditions, the proposal would be acceptable in principle, and in terms of design and visual amenity, residential amenity, highways and parking, ecological considerations, drainage, contamination, arboricultural considerations, air quality, and the wider considerations raised from public and consultee comments. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

### 5.0 **RECOMMENDATION:**

**That delegated authority is given to the Strategic Director of Place to approve planning permission, subject to the following conditions. Case specific informatives are also recommended that raise awareness in relation to the protection of nesting birds and the requirements of any works as part of the public highway network.**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: Location Plan (1:2500), School Proposals and Site Plan, Existing Ground Floor Plan, Reception Classroom – Extensions and Alterations, Year 1 Classroom – Extensions and Alterations, Year 4 Classroom – Extensions and Alterations (as existing), Year 4 Classroom – Extensions and Alterations (as



proposed), Year 6 Classroom – Extensions and Alterations, Year 6 Classroom – Extensions and Alterations 2, and LPS-HWAYS-001 – Revision D.

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. Prior to the commencement of any above ground works on site, details confirming the colours and finishes of all the external materials to be used in the construction of the development hereby approved shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the approved materials and details, unless otherwise agreed in writing.

REASON: To ensure a satisfactory form of development is achieved, in the interests of visual amenity, and to comply with the requirements of Policy 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

4. Prior to the commencement of any above ground works on site, a surface and foul water drainage scheme shall have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be exclusively limited to the following;
  - a) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). Any investigations undertaken shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
  - b) A restricted rate of discharge of surface water agreed with the Local Planning Authority, if it is agreed that infiltration is discounted by the investigations;
  - c) Details showing foul and surface waters being drained on separate systems, where achievable; and,
  - d) A timetable for implementation.

The submitted scheme shall be prepared fully in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In addition, the development hereby approved shall not be brought into use unless and until the agreed scheme has been implemented in its entirety.

REASON: To promote sustainable development, to manage the risk of flooding and pollution, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5. Prior to the commencement of any above ground works on site, a detailed landscaping scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be exclusively limited to the following;

- a) Details of proposals for supplementary landscaping around all aspects of the development;
- b) Details indicating the location, arrangement, species, sizes, specifications, numbers, and planting densities of all new planting; and,
- c) Details indicating the location and arrangement of any required tree protection measures for the trees to be retained within the site and on the site boundaries.

The approved scheme shall be implemented in its entirety within the first available planting season following the substantial completion of the development. Any tree/shrub or other planting that is lost, felled, removed, uprooted, dead, dying or diseased or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

REASON: To ensure that the development is adequately landscaped so as to integrate with its surroundings, in the interests of visual amenity and landscape quality, and to comply with Policy 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 6. The development hereby approved shall proceed in strict accordance with the tree protection measures detailed within the submitted document 'Arboricultural Impact Assessment Overview' and all the trees and shrubs to be retained within or directly adjacent to the application site boundary shall be protected using the measures detailed within that document.

REASON: In order to minimise damage to trees and shrubs within the site, in the interests of visual amenity, and to comply with the requirements of Policy 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 7. The new carpark proposed to the south of the school building as shown on the approved plan 'LPS-HWAYS-001 – Revision D' shall not be used for staff parking whatsoever between the hours of 8:00 – 10:00 and 14:00 – 16:00, Monday – Friday, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to ensure ample parking is provided to service the development during times of peak parking requirements, in the interests of highway safety, and to comply with Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 8. The development hereby approved shall not be brought into use unless and until, the parking areas as shown on the approved plan 'LPS-HWAYS-001 – Revision D' have been constructed, laid out and provided in their entirety, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to ensure ample parking is provided to service the development, in the interests of highway safety, and to comply with Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

9. No development shall commence on site unless and until, a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction phase, and it shall provide for, but not be exclusively limited to;
- a) The parking of vehicles of site operatives and visitors;
  - b) The loading and unloading of plant and materials;
  - c) The storage of plant and materials used in constructing the development;
  - d) Wheel washing facilities;
  - e) Measures to control the emission of dust and dirt from demolition and construction works;
  - f) Measures to control noise and vibrations from demolition and construction works;
  - g) A scheme for recycling/disposing of waste resulting from construction works;
  - h) Details of the type, position and height of any required external lighting;
  - i) Details of working hours;

The development shall thereafter proceed in strict accordance with all of the measures detailed within the submitted Construction Method Statement, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To control the logistics of the construction phase, in the interests of residential amenity and highway safety, and to comply with the requirements of Policies 8 and 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

10. Prior to their installation, details overviewing the types, positions and heights of any new external light sources to be incorporated as part of the development hereby approved, shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to minimise light pollution from the development, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

11. No development shall commence on site unless and until, a Contamination Method Statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination, which may be present on site, has first been submitted to and approved in writing by the

Local Planning Authority. The submitted method statement shall detail the following;

- a) An investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority;
- b) A comprehensive remediation scheme including an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination);
- c) Should any unexpected contamination requiring remediation be detected during construction phase, details should be provided together with any relevant import/export certificates if material is moved on and/or off site.

All the agreed remediation measures shall thereafter be carried out in strict accordance with the approved implementation timetable under the supervision of a geotechnical professional and they shall be completed fully in accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

12. Prior to first use of the development hereby approved, two copies of a comprehensive Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and any necessary supplementary information. All the installed remediation must be retained for the duration of the approved use, and where necessary, the Local Planning Authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

REASON: To protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

13. Should contamination be encountered unexpectedly during redevelopment of the site, all works should cease, and the Local Planning Authority should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and

agreed in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the agreed details.

REASON: To protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

14. Prior to their installation, a scheme detailing covered cycle storage provisions and motorcycle parking areas provided within the site shall have first been submitted to and agreed in writing by the Local Planning Authority. The development hereby approved shall not brought into use unless and until the agreed details have been implemented in their entirety, unless otherwise agreed in writing.

REASON: To ensure sustainable modes of travel to the site are optimised, in the interests of the capacity of the highway network, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

15. Prior to the commencement of any above ground works on site, a highway safety management scheme shall have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be exclusively limited to the following;
- a) 20mph flashing signals at school drop off and pick up times;
  - b) Details of crossing island(s);
  - c) A review of existing Traffic Regulation Orders and road lining; and,
  - d) Raised speed table markings at the Whinney Lane access point.

The development hereby approved shall not brought into use unless and until the agreed details have been implemented in their entirety, unless otherwise agreed in writing.

REASON: In the interests of the safety and capacity of the highway network, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

16. Prior to their installation, a scheme detailing electric vehicle charge points provided within the site shall have first been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not brought into use unless and until the agreed details have been implemented in their entirety, unless otherwise agreed in writing.

REASON: To minimise the developments impacts on air quality, and to comply with the requirements of Policy 36 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

17. Prior to their installation, a scheme detailing signage on the Whinney Lane access point that raises attention to the purpose of that access point shall have first been submitted to and agreed in writing by the Local Planning Authority. The development hereby approved shall not brought into use unless and until the agreed details have been implemented in their entirety, unless otherwise agreed in writing.

REASON: To prevent vehicles inadvertently using the Whinney Lane access point, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

18. Prior to their installation, a scheme detailing crime prevention measures to be applied within the site shall have first been submitted to and agreed in writing by the Local Planning Authority. The development hereby approved shall not brought into use unless and until the agreed details have been implemented in their entirety, unless otherwise agreed in writing.

REASON: To ensure measures are provided to reduce crime and improve community safety, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

#### Specific Informatives

1. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.
2. 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/demolition method statement is to be received this should include wheel washing. 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. Any old entrances that are no longer required should be closed and reinstated back to full footway, at the developers expense.

## 6.0 CONSULTATIONS

- 6.1 BwD Highways – In summary, in principle we would support the application subject to the below matters being satisfactorily addressed.

(Parking) We have reviewed all the documentation received with the application. There is no clear mention of how many additional classrooms are being created. There is a statement referencing 15 additional spaces, please confirm this is correct, by requesting a list of the classrooms and additional teaching areas clearly referenced on a plan.

The existing parking provision within the curtilage is insufficient to support the existing staff number. The expansion of staff parking from 45 to 72 will not accommodate all staff within curtilage. It is to be noted that the parking standards is not based on provision of staff and providing parking for all, but on the number of classroom/teaching areas, which would set out that parking already exceeds the maximum allowance. It is acknowledged that staff parking monopolises on street parking due to lack of provision within curtilage. This should be addressed through the Travel plan, to review the Travel patterns of staff to assess and encourage alternative modes of transport. The orientation of the staff parking should all meet with the required 2.4 x 4.8m required bay size, together with the 6m manoeuvrability into and of the bays. No provision for cycle or motorcycle parking has been provided, please request this to be located near the entrance of the building, secure and covered.

There is an existing issue, that we felt would be exacerbated with the application and that is the drop off and pick up of children, which presently causes huge capacity and parking woes on the network. Through pre-app engagement, we have encouraged a drop off and pick up to relieve some of the tension that the additional traffic created by the expansion, will create. A 30 space car park has been located within the site, to be accessed from Whinney Lane. This will be accessed between properties 12 and 14 Whinney Lane. As set out in the Transport Statement a clear strategy of how this will be managed is to be provided, to avoid this area being monopolised by staff.

(Access) There are no changes proposed to the access off Lammack Road. The new access to serve the drop off and pick area cites a barrier gate on the access road, this should be relocated to allow a turning area, should anyone inadvertently venture down there, this will then enable them to turn and exit safely out onto Whinney Lane. No details of sightlines have been received at the new Whinney Lane access, please request these for approval. The pedestrian access routes from both Whinney Lane and Lammack also remain.

(Servicing) No evidence of a swept path analysis to indicate the tracked route of service vehicles into, within and out of the site are offered. Please request further details as outlined in the Transport Statement analysis. We also

require confirmation of the type of delivery vehicles that would be visiting the site.

(Transport Assessment) The Transport Statement submitted in support of a proposed extension to Lammack Primary School (Ref: 10/21/0371) has been reviewed by Costain in line with planning practice guidance on Travel Plans, Transport Assessment and Statements. It is considered that the Transport Statement falls short of the requirements to make a recommendation and that further information should be provided by the applicant and/or their consultant. The further information requested includes:

- A detailed plan showing the current parking provision;
- A parking survey indicating existing typical usage levels within the current car park;
- Information to substantiate why 30 spaces is considered to be an appropriate level of provision for pick up / drop-off;
- Details of how the pick-up / drop off car park would be controlled to prevent it from becoming an overspill car park for teaching staff;
- Swept path analysis to demonstrate that service vehicles can enter and exit the site in a forward gear and make any manoeuvres required safely within the site;
- Details of any existing or proposed cycle/scooter parking for staff and /or pupils;
- A review of the likely pedestrian/cycle routes to and from the school within the identified catchment areas and in particular along the desire lines of Lammack Road and Whinney Lane to determine if the current provision of pedestrian facilities is adequate to provide safe routes to school;
- Consideration of routes between the school and the Weavers Wheel and how these could be improved where appropriate;
- Numerical information to support the on-street parking survey plans to compare parking demand to the available space on street at the various times of the day;
- A comparison of the trip generation calculations with the TRICS trip generation database;
- Confirmation that the LINSIG modelling for Junction 2 includes the service road;
- Further consideration of trip distribution to confirm the impact of the proposed development at the Four Lane Ends AQMA and further junction modelling where any impact is identified; and Consideration of more effective measures to support sustainable transport access to the school such as the provision of a controlled crossing points in a convenient locations on Lammack Road to serve the park and stride route from QEGS sports field car park and the schools wider catchment area

Other internal site layout issues identified from the site layout plan in Appendix B should also be addressed and include;



- The end bays of the section of parallel parking in the central parking area appear to be of insufficient length;
- The proposed extension closest to Lammack Road appears to have implications on the walkway from the car park to the school entrance. A DDA compliant route from the car park to the school entrance should be reinstated, or an alternative building access provided on the car park side of the building with disabled spaces repositioned as appropriate;
- No cycle, scooter parking indicated; and
- No visibility splays provided for the proposed new vehicular access from Whinney Lane.

(Offsite highway works) It is anticipated that following further review of the Transport Assessment, that a number of works or improvements may be required to the highway network. One which is clear and can be moved forward, is the need to facilitate Traffic Calming on Lammack Road, to take into account high speed, and also creating a safer schools environment. A S106 or Grampian condition should be secured to the approval to facilitate this.

(Update) We have received a further response to the matters outlined in our initial comments. All matters have been considered, there are some areas that require support in the form of conditions attached to the application, and others which require further response and work with internal departments.

Additional details are awaited from the Travel Consultant in relation to the following matters;

(Parking)

- Confirmation of existing parking levels
- Snap shot of parking levels for a week to understand need
- Narrative to support the drop off and pick up area
- Details on existing and proposed cycle/PTW parking for staff and or pupils
- Confirmation of all parking bays to meet with council required space dimensions and manoeuvring spaces
- Footway connection to ensure compliance with DDA requirements

(Access)

- Sightlines at all junctions
- Vehicle tracking of service vehicles within the site and entering and leaving the site

A response is provided below on each of the remaining issues arising from the assessment, which do not require further exploration. Works to address these issues have already been undertaken or are in the process of being carried out.

- Details in connection with connective routes for footways/cycle/ptw identified some shortcomings to the networks in the immediate vicinity. Connection from the north and the new housing off Ramsgreave is poor at present. We have acquired a number of s016 funds to enable the authority to enhance these routes, works are ongoing with a feasibility study being prepared.
- A TRICS analysis has been undertaken to support the assessment. The comparison indicates the first principles approach adopted for the Transport Statement is potentially underestimating the trip generation potential of the existing school and the proposed extension significantly. It is however recognised that with the planned improvements at junction on Yew Tree Drive already undertaken together with other measures planned would, assist in mitigating some of the potential woes surrounding AQMA issues.
- Whilst the LINSIG modelling for junction2 did not include the service road, I have reviewed the requirements against the need to request further information or whether the service road junction requires an upgrade to VA or MOVA. I have liaised with our Traffic signal engineer, who has provided the following response - *It is proposed as part of the other S106 agreements that the signals at Lammack will be fully refurbished; the current junction operates wholly fixed time due to failure of the vehicle detection. With that, the service road will return to a "when demanded" operation rather than the present always demanded.*
- Further consideration of the Four Lane Ends junction was requested, as it was deemed that this had not been fully assessed. Both in response to the consultant and our own transport reviewer. I am able to confirm following engagement with our Traffic Signals Engineer that the junction at Four Lane Ends has undergone replacement of life expired traffic signal equipment, installation of compact MOVA and the introduction of all-round puffin pedestrian facilities. This has provide enhanced improvements to all moving traffic and including pedestrians, which was previously lacking.
- The Transport Statement suggested that the QEGS car park was being used for park and stride. Whilst encouraging, that they accept a Travel Plan condition should be attached to the permission, they do not agree to the needs of a crossing highlighted under our initial assessment. I have reviewed this with our Traffic team in terms of what mitigation works could be carried out to support the usage of car park away from the site, and also to provide safe crossing points on route to the school. They have highlighted a number of areas which would promote safety of children using the highway;
  - *20mph flashing signals at school drop off and pick up times*
  - *Crossing island*
  - *Review of existing TRO's and lining*
  - *Whinney Lane – highlighting of new drop off and pick up car park entrance using raised speed table markings*

- Location of the above are to be agreed at delivery stage, please attach a condition for a traffic/safety management plan to be agreed and delivered prior to occupation of the facilities.
- Controlling and managing the drop off and pick up area, so that it is available for its intended use. To ensure this is managed please could we attach a suitably worded condition.

To conclude, subject to a satisfactory response being received from Dave Wallbank (Transport Consultant) we are satisfied with the findings of all the assessments which have been undertaken, and would offer no further objections.

(Update) Further to the additional details received from Dave Wallbank, having reviewed the information, all matters to address the outstanding issues have been adequately responded to. We therefore offer no further objections to the application, and request all non-standard condition, together Construction Method statement and standard conditions/Informatives are attached to the approval.

- 6.2 BwD Public Protection – (Contaminated Land) The proposal is a sensitive end use so contamination does need to be considered. There does not appear to be a report submitted with the application. At a glance the site does not appear to have any concerning industrial history in the area but this needs to be assessed in the usual way. This can be conditioned using the standard contaminated land condition. A comprehensive desk study may be enough to conclude that the risk is low but this depends on the findings of the assessment. It is possible that previous assessments have been made of the area associated with other developments at the site. If anything already exists that has considered this in the past then let me know.

(Air Quality) A traffic assessment has been completed but there has been no consideration of air quality. We would refer the applicant to the air quality PAN. There is a simple method to characterise the site and this dictates the next steps, i.e. standard mitigation or further assessment. Additional info is requested here as an addendum to the traffic assessment. It would be beneficial to apply standard mitigation in the form of electric vehicle charging points. They may not be appropriate for the new parking area, as it seems to be mainly short-term parking, but two charging points (Type 2 connector, mode 3, min rating 7kW) in the staff parking area would be a positive contribution. Other options could also be considered, e.g. improvements to existing facilities for cycling / walking, or initiatives to promote cycling/walking/public transport/car sharing (these could count if there is a mechanism form making sure that they happen).

(Noise) Noise has been considered. It is an established school. If the application was for a single classroom increase then this would clearly not be an issue. The fact it is for a fairly large increase in numbers – i.e. 142 more kids does mean that there is likely to be some increase in noise levels in the area. What impact this will have against what is already an established and fairly large primary school is going to be difficult to gauge and quantify. An

acoustic report could have been requested but mitigation is likely to be limited to acoustic barriers which might not be suitable for other reasons. \_On this basis, there are no objections on noise grounds.

(Update) No Phase 1 report has been provided. Since we disagree with the Phase 2 gas monitoring risk assessment, we would need to see the Phase 1 before we can send a complete response and allow them to respond. If the applicants are not specifically requesting no pre-commencement condition then we would recommend both the standard contaminated land conditions are attached. However, the submission of the Phase 1 and answers to the outstanding matters raised could make it possible to attach only the Validation Condition.

(Update) It is the understanding of this Department that an application has been submitted in relation to the above site, but has not yet been determined. As such, there is no contaminated land condition currently attached to the application. Therefore, the following comments are aimed at providing an overview of the type of information that would be required by BwD Public Protection in relation to contamination, should the contaminated land condition be attached. It does not pre-empt any planning decision, and must not be interpreted as such.

(Phase 1) The phase 1 CSM concludes that, due to the potential presence of made ground, soil samples should be taken. It also concludes the presence of ground gas sources is unlikely. Despite this, it goes on to recommend gas monitoring. As such, LK had no option but to follow the recommendations of the Phase 1 and complete gas monitoring.

(Phase 2) We are in agreement with the conclusions of the Phase 2 report that limited remediation may be required in a small area of the site where chemical exceedances were measured. At the time of the report writing it was not clear exactly how much soft landscaping was present and whether these would coincide with localised hotspots. If no cover system is used then back and side analysis of the excavated areas will need to be carried out. However, if a cover system is used it should be a minimum of 600mm in depth and any soil used analysed at the rates listed in Table 9.2.

(Ground Gas Risk Assessment) Some moderately elevated levels of CO<sub>2</sub> and flow were measured over the 3-month period. The report dismisses the flow rates as being the result of barometric pumping by rising water within the boreholes. It states that the high flow rates were concurrent with high water tables. However, looking at the full data set, high flows were also concurrent with low atmospheric pressure e.g. the highest flow of 14.5 L hr<sup>-1</sup> was measured at 993Mb. Whereas when pressure was above 1000Mb very little flow was measured.

As such, it is difficult to know how much of the measured flow was down to rising water tables and barometric pumping and how much was a result of low atmospheric pressure. After discounting these higher flows as being due to the piston effect Table 6.5 then calculates GSVs for each borehole separately

using the maximum gas concentration and flow separately for each borehole. CIRIA 665 does suggest using the maximum gas concentration and maximum flow for the dataset, rather than individual boreholes to calculate a worst case scenario GSV. If this is done with the full dataset the GSV is:  $7.5/100 * 14.5 = 1.09$

According to Table 8.5 of C665 a GSV of 1.09 translate to a Characteristic Situation of CS3. However, this does seem rather excessive in this situation and, as it stands, we would prefer to see basic gas protection measures (CS2) installed due to the uncertainties in the dataset. Unfortunately, as it stands, we cannot agree with the Phase 2 conclusions that no gas protection measures at all are required.

As such, were this application to be successful without further additional information as requested above, we would recommend both of Blackburn's standard contaminated land conditions are attached to any resulting Decision Notice. In addition, if any unexpected contamination requiring remediation is detected during construction please, details should be included together with any relevant import/export certificates, if material is moved on and off site.

We would take this opportunity to reiterate that the responsibility for the safe development of the site rests with the developer. Actions or omissions on their part may lead to liability being incurred under Part IIA. Those providing expert advice to developers should be aware of the future reliance that may be placed on it

- 6.3 BwD Transport Planning – It is recommended that Lammack School make contact with the Council's Community Safety Officer to conduct an Active Travel Survey when conducting the planned Travel to work survey to understand obstacles and barriers. Lammack school to liaise with Council Project Officers coordinating the Capability Fund – Council officers will engage with the School once Capability Funding has been issued (June 2021). To work with Capability Fund (Council Project Officers) to look at Area School based Travel Planning opportunities with immediate schools (both Primary and Secondary) in the North Blackburn area to devise a cohesive approach to activities, buy-in and messaging to support and encourage more sustainable accessibility to schools, realising the bigger impact on inconsiderate parking and idling of vehicles. To work with the Capability Fund Council Project Officers to support access to the school through walking and cycling and to promote increased levels of physical activity through walking and cycling for everyday journeys. I would encourage Lammack School as part of their Travel Plan to consider the new shared cycle and walking lane proposed for Yew Tree Drive, to engage in the consultation process, engaging with Parents and staff and as part of the Travel Plan Action Plan, to promote the route once approved and installed.
- 6.4 BwD Ecology (GMEU) A preliminary roost assessment of the buildings was undertaken in December 2020, by a suitable experienced ecologist (Bat Survey Report, Bowland Ecology December 2020). The survey involved an internal and external examination of the building (where access was possible)

to look for bats or evidence of bats, following best practice methodology. The building was judged to have low-moderate potential for roosting bats, and this, coupled with the lack of access to internal and external areas of the roof space, means that two bat activity surveys have been recommended to support this application.

(Recommendations) The application should not be determined in the absence of the additional bat survey data recommended within the bat survey report. This should be undertaken by a suitably qualified ecologist and follow best practice methodology. Any further survey work and mitigation that is required will be determined by the outcome of the bat activity work. This is because bats and their roost are legally protected, and their presence or otherwise is a material consideration when determining a planning application. The use of a condition to secure survey work should only be applied in exceptional circumstances. Buildings and trees can support breeding birds, and the active nests of all wild birds are legally protected. Work (building demolition, site and vegetation/tree clearance) should be timed to avoid the main bird nesting season (March - August inclusive) unless it can otherwise be demonstrated that no active nests are present.

(Update) Having reviewed the new ecology document, it is noted that one more dawn survey is scheduled for 9<sup>th</sup> July, which will need to be completed and submitted before comments on this application can be made. As at least one bat roost has been recorded adequate mitigation will also need to be submitted with the application to outline how the favourable conservation status of the species will be maintained.

- 6.5 BwD Drainage – No objections.
- 6.6 United Utilities – It is the applicant's responsibility to investigate the possibility of any United Utilities' asset potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development. Should this applications be approved, conditions should be added to control surface water discharge and ensure foul and surface waters are drained on separate systems.
- 6.7 BwD Tree Officer – In principle, there are no objections to the proposals, however, it appears that the Arb Consultants have submitted two very similar documents with information missing. A plan showing where the tree protective fencing is to be located should be provided. The school is proposing works at the front where there are nice trees in grassed areas that will need to be protected with fencing. The documents submitted; 'Arb Impact Assessment Overview' and 'Arb Constraints Appraisal' show the Root Protection Areas (RPA's) of trees and talk about what fencing is to be used yet no plan is provided.
- 6.8 BwD Growth Team – Good to hear that this application has been submitted – the school extension has been brought about using Section 106 funding from the major developments in the area (Persimmon at Roe Lee, Wainhomes at Yew Tree Drive and McDermott Homes at Ramsgreave Drive). It will meet the

identified needs for primary school places arising from the housing growth. No objections.

6.9 BwD Property Services – No objections.

6.10 Lancashire Police – A number of security comments and recommendations have been made in order to keep people safe and feeling safe and to prevent crime and disorder, in accordance with Section 17 of the Crime and Disorder Act 1998 (as amended by the Police and Justice Act 2006).

6.11 Ward Cllrs

(More?)

6.12 Summary of Public Responses

- Losses of green open space would be caused;
- Further noise will be generated from additional pupils;
- Losses of privacy may be caused;
- Additional on-street parking demands will be caused;
- 30 additional parking spaces isn't enough to service the development;
- Use of the new parking area is not clear;
- Traffic surveys have been conducted when the school was closed;
- The access from Whinney Lane is dangerous;
- Vehicles speed in the local area;
- The local roads are already congested;
- Traffic calming measures would be required;
- Travel by foot and cycles should be further encouraged;
- Surface water drainage implications may arise from the parking area;
- Additional air pollution will be caused;
- The site will be opened up and antisocial behaviour may occur when the school is closed;
- Residents on Grasmere Avenue have not be notified;

**7.0 CONTACT OFFICER:** Christian Barton – Planning Officer

**8.0 DATE PREPARED:** 02<sup>nd</sup> July 2021

## 9.0 SUMMARY OF REPRESENTATIONS

### **Objection – Gary Fish, Resident of Lammack. Rec – 20/04/2021**

This school is already too big for a residential area parking already a major problem along with grid locked traffic. My house is meters away from school and the noise from the school during the day is unbelievable can't sit in garden have to keep all windows and doors closed. You will ignore any objections and this will still go ahead as always with Blackburn council

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### **Objection – Dave & Christine Kelly, Quebec Road, Blackburn. Rec – 05/05/2021**

Myself and my husband wish to lodge a complaint to the above planning.  
The problem of dropping off children and parking illegally on yellow lines has been a major concern for years now. Increasing the size of the school by 50% would make the situation impossible. The need for street calming facilities would be essential due to what will be a huge increase in traffic, no doubt using Quebec Rd as a short cut.

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### **Objection – Christine Kelly, Quebec Road, Blackburn. Rec – 05/05/2021**

Good afternoon,  
Could you please tell me why contractors heavy duty traffic and school coaches are using Quebec Rd constantly now ?. It would appear that they might be using it as a shortcut instead of using Lammack Rd and Yew Tree Drive which I understood they had to use.

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### **Objection – Mrs Cheryl Rouse, 23 Hudson Close, Lammack. Rec – 10/05/2021**

Blackburn Lancashire BB2 7DQ 10/05/2021 FAO: Martin Kelly, Christian Barton, & Gavin Prescott Growth & Development Dept Blackburn with Darwen Borough Council Town Hall Blackburn Lancashire BB1 7DY Dear Sirs, I wish to raise my concerns about the proposed new entrance off Whinney Lane leading to an internal car park in the school grounds. For many years the Lammack part of the Billinge & Beardwood ward has had to battle with the following concerns: 1. Absence of road safety initiatives from the council, school and parents. 2. Illegal parking. 3. Blocking of driveways. 4. Lack of respect for residents from parents. 5. Congestion. Since the establishment of the Lammack Association in 2018, the chair took positive steps to engage and unite the community with the school. Lammack Association became the driving force behind building relations and broke down the barriers in communication between the community and the school. As a result, the school Head proposed various alternate solutions to alleviate the issues raised by the community, and still continues to try and tackle them. However, the concerns highlighted above are still very much a daily occurrence where residents are having to tolerate unnecessary confrontation. There is a fear that these situations will only heighten if the extension plans do not take into consideration the residents of Lammack. Due to the rise in population and new housing developments in the area we appreciate that there is a need for schools to expand, nonetheless this should not be at the cost or disregard to the community. Please find below a summary of comments from the Design & Assessment, Transport Statement, and Travel Plan for consideration. Summary of Comments: We feel it is our responsibility to raise our concerns in relation to the lack of confidence in the actions documented within the extension plan. For numerous years the community has emphasised health and safety and parking worries, however they have been overlooked by the Local Authority and the School. Only recently due to the Lammack Association has the school began to collaborate with and develop positive relations. It is gravely concerning that it requires the proposal of a school extension for all relevant bodies to want to strategically play an active role in addressing issues that the Lammack ward have highlighted over a period of time. 1. The residents of Lammack require



assurance from the school and the planning committee that there is a designated pick up and drop off point that accommodates the demand of parent vehicles. At the moment the existing staff carpark currently has 45 parking spaces for the current 80 employed staff. The new redesign of the existing staff carpark has 41 parking spaces plus 4 disabled bays which increases the capacity to 46 for the current 80 employed staff plus another 23 new staff - (benefit of ONE additional parking bay for an additional 23 staff on top of the 80-current employed. The proposed new carpark accessed via Whinney Lane will accommodate 30 parking spaces for a multipurpose use including drop off and pick up, welfare staff parking and visitor parking. It is not clear in the planning documentation provided what proportion of parking will be occupied by staff and what proportion will be left for parents. Furthermore, we can only speculate that previous suggestions from the community and reasons provided by the school for not being able to utilise the grassland for parking due to drainage issues, will be corrected. 2. The findings and overall conclusions made in the 'Transport Statement' and 'Travel Plan' report states that the surveys were conducted between February 2020 and September 2020. A large proportion of the surveys took place during the Covid-19 national lockdown and therefore do not represent a true accuracy of realistic occurrences. Factors such as staggered start and finish times will have impacted the traffic survey reports and a representation of a 'normal' day not reflected. 3. There is a proposal to recruit a TP Co-ordinator to resolve all the health and safety, travel and traffic concerns. There is a great deal of expectation from this role, some of the initiatives put forward have previously been trialled and promoted with very minimum results. The community has always tried to play an active role in engaging with the school and over the years and have tried to provide alternate solutions such as the utilising the fields for parking (which are now part of the proposal), unfortunately the suggestions were not seen as viable, they were disregarded by the school. This was on the agenda in 2018 during a Lammack Resident Meeting with Kate Holland and deemed unviable due to water drainage issues of the grounds. Labour Councillor Jackie Floyd had a strong attempt at promoting walking and cycling to school in 2019 with minimum results. 4. The planning proposal emphasises on the use and arrangement of the QEGS car park to support proposed plans. However, this agreement has been in place since November 2018 and communication sent to parents and families via the weekly school newsletter. Hardly ever used by parents who are taking their children to school [5](#). It is rather unfair that one of the highly impacted streets, Grasmere Avenue, has been eliminated from the consultation altogether and we strongly believe that they should have their voice heard. Similar problems occur around Quebec Road/Vancouver Crescent 6. Although the report does refer to incidence and accidents, a true reflection and accounts of near misses can only be demonstrated by conducting open ended surveys of residents who have experienced or witnessed near danger incidences. A true measure of the impact on the community can only be represented by having substantive dialogues, engaging with and consulting the residents who are often left to deal with the brunt of inconsiderate parents. The manner in which cars are being parked obscures visibility of the road, resulting in pedestrians and children endangering their lives by having to lean onto the road. The access point for the proposed new car park off Whinney Lane will constitute an additional, considerable hazard for visibility of moving traffic along Whinney Lane. 7. The report states there is a 'school crossing' sign present on Lammack Road and the school has procedures in place to ensure the safety of children at the start and end of the school day. There has been no crossing assistant in place for the past 3 to 4 years. There are also no staff present at the beginning or at end of the school day, this was also the case prior to the Covid-19 pandemic. Prior to any agreement of the proposed plan, the factual accuracy of these bold statements made in the supporting documents need to be evidenced by the School and planning committee. Yours sincerely,  
Cheryl Rouse 10/05/2021

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**Objection – Michael Snape, 96 Whinney Lane, Blackburn & Sandra Snape, 96 Whinney Lane, Blackburn & Alfred Green, 3 Grasmere Avenue, Blackburn. Rec – 10/05/2021**

With reference to proposed extensions and parking arrangements at the above school, please find comments as a concerned resident of Whinney Lane in the Billinge and Beardwood ward.

I have the following concerns:

1. Congestion on Whinney Lane, Lammack Road, Grasmere Avenue, etc.
2. There will only be access and exit via Whinney Lane, already a very busy road at all times day and night, being used by many drivers as a main route into and out of the town centre from the northern end of Blackburn and the dual carriage way. Also, a major route to access other local schools and colleges in the area.
3. There is no mention of how the new parking will impact on the security and safety of the school children and staff and how it will be managed.
4. The proposal represents a large reduction in open green space around the school, which goes against the council's green space policy.
5. Locates polluting vehicles behind resident's garden areas, which are currently relatively pollution free.
6. This proposal moves polluting vehicles much closer to the school buildings and environment, thereby directly impacting on the children.
7. At a time when all over the UK councils and schools are enforcing Clean Air policies around schools and immediate roads Blackburn Council propose to move polluting traffic into the school grounds!

Due to the rise in population and erection of housing developments I appreciate that there is a need for schools to expand, nonetheless this should not be at the cost or disregard to the community and safety and health of the children attending the school.

At the moment the existing staff carpark currently has 45 parking spaces for the current 80 employed staff. The redesign of the existing staff carpark has 42 parking spaces plus 4 disabled bays which increases the capacity to 46 for the current 80 employed staff plus another 23 new staff - (benefit of ONE additional parking bay for an additional 23 staff on top of the 80-current employed).

The proposed new carpark accessed via Whinney Lane will accommodate 30 parking spaces for a multipurpose use including drop of and pick up, welfare staff parking and visitor parking. It is not clear in the planning documentation provided what proportion of parking will be occupied by staff and what proportion will be left for parents.

Furthermore, I can only speculate that previous suggestions from the community and reasons provided by the school for not being able to utilise the grassland for parking due to drainage issues, will be corrected. There is no mention of this in the proposal.

The findings and overall conclusions made in the 'Transport Statement' and 'Travel Plan' report states that the surveys were conducted between February 2020 and September 2020. A large proportion of the surveys took place during the first Covid-19 national lockdown and therefore do not represent a true accuracy of realistic occurrences. Factors such as staggered start and finish times will have impacted the traffic survey reports and a representation of a 'normal' day not reflected.

There is a proposal to recruit a TP Co-ordinator to resolve all the health and safety, travel and traffic concerns. There is a great deal of expectation from this role, some of the initiatives put forward have previously been trialled and promoted with very minimum results. Labour Councillor Jackie Floyd made a strong attempt at promoting walking and cycling to school in 2019 with minimum success.

The planning proposal emphasises on the use and arrangement of the QEGS car park to support proposed plans. However, this agreement has been in place since November 2018 and communication sent to parents and families via the weekly school newsletter and is still much underutilised.

Although the report does refer to incidence and accidents, a true reflection and accounts of near misses can only be demonstrated by conducting open ended surveys of residents who have experienced or witnessed near danger incidences. A true measure of the impact on the community can only be represented by having substantive dialogues, engaging with and consulting the residents who are often left to deal with the brunt of inconsiderate parents.

The report states there is 'school crossing' sign present on the Lammack Road and the school has procedures in place to ensure the safety of children at the start and end of the school day. There has been no crossing assistant in place for the past 3 to 4 years. There are also no staff present at the beginning or at end of the school day, this was also the case prior to the Covid-19 pandemic.

Prior to any agreement of the proposed plan, the factual accuracy of the statements made in the supporting documents need to be evidenced by the School and planning committee.

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**Objection - Alfred Green, 3 Grasmere Avenue, Blackburn. Rec – 10/05/2021**

My name is Alf green of Grasmere Avenue i do not think 30 car spaces is going to address the problem of parking around the school a increase of 140 pupils will bring a lot more cars we already have a big problem that is been going on for years can we have a look at this example residents only better yellow lines and signs

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**Objection Mr Robert Andrew Eccles, 14 Whinney Lane, Blackburn. Rec – 10/05/2021**

Dear sir,

On viewing the proposed planning application at Lammack primary school. Lammack road Blackburn bb1 8lh , I have several concerns.

My property will be adjacent to the proposed access road to the new carpark and drop off point accessed off Whinney lane.

When Forrest construction carried out the last large extension to the western side of the school approximately 13 years ago , the entire spoil and arising from excavations were deposited along the back of all the houses on whinney lane from number 14 up to number 30. Consequently as my house is the lowest on this stretch I have been left with a bund wall approximately 600mm higher than what the original field level was, this has had the effect of forming a moat at the rear and side of my property and due to the fact that most if not all of the gardens slope towards the field this has had the effect of forcing water to flow down and congregate at the rear and side of my property and has caused my garden to suffer flooding in winter and during other periods of heavy rainfall. Whilst I appreciate that water will always make its way to a lower level the fact that all this spoil was deposited as it was has not helped matters and I have had to incur a large expense in raising the level of my garden to try and combat this flooding effect, so one concern regarding the new proposed road and carpark is where the proposed run off of surface water is going to end up ( are there going to be any deans gulleys feeding into a proper drainage system which links to mains drainage)

As regards the access road itself I'm concerned that my property is going to have not only a busy road at the front of it but also be surrounded on another two sides by a busy road. The very fact that this road leads to a carpark and an intended carpark and drop off point will cause me a loss of privacy and is worrying in so much as there is a potential for a minimum of an extra 568 traffic movements per day on the numbers provided by psa design Ltd , this is not making any allowance for any of the existing pupils parents using the same facility, I feel that this number of traffic movements alone is an accident waiting to happen on a road that

already suffers serious congestion and lack of responsible parking at school times, which has lead in the past to frayed tempers, bad language and aggressive acts both towards residents and other parents by parents at school drop off and pickup times.

Another point of concern is the potential loss to myself and other residents of on street parking as I assume there will have to be double yellow lines , zigzag lines or some other parking restrictions put into force around the proposed junction which already has extremely bad sight lines looking up the road towards the west with the brow of a hill. The fact that the school is relinquishing their duty to maintain the boundary at its existing point by removing the gate some 30 metres up the proposed access road is also a cause for concern to me as I feel that this is an open invitation for antisocial behaviour by people driving and parking up their vehicles at any time of day or night, drinking alcohol, smoking cannabis, breathing nitrous oxide canisters and disposing of takeaway food cartons, not to mention any noise pollution at night is also a concern, surely the gate would be better staying where it is currently situated with some form of security fencing at either side and being locked at night would both help with school security and at least relieve this issue. I also wonder if any consideration has been given to perhaps providing speed bumps or some other traffic calming measures on the approach to the proposed access and if the already extensive frontage of the school on lammack road could not be put to better use by the implementation of a pickup and drop off point lay by etc being placed there, as there is a large stone boundary wall already erected that could form a boundary to such a pickup and drop off point similar to the one provided at st Mary's college on shear brow which has relieved to a large degree the similar problems that where suffered there. I hope my observations and concerns maybe helpful in the forward planning of the proposed facilities and I would like to make myself available for any onsite visits if you would like anymore information /explanation from me regarding the above matters . I look forward to your reply in due course

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**Objection – Minhaz Moosa, 8 Whinney Lane, Blackburn. Rec – 10/05/2021**

Dear Sirs,

Following your letter dated 19/04/21 with reference to proposed extensions at the above-named property, please find comments as concerned residents of the Lammack ward.

For many years, the Lammack ward has had to battle with the following concerns:

Absence of road safety initiatives from the council, school, and parents.  
Illegal parking.  
Blocking of driveways.  
Lack of respect for residents from parents.  
Congestion.

Since the establishment of the Lammack Association in 2018, the chair took positive steps to engage and unite the community with the school. Lammack Association became the driving force behind building relations and broke down the barriers in communication between the community and the school. As a result, the school Head proposed various alternate solutions to alleviate the issues raised by the community and continues to try and tackle them.

However, the concerns highlighted above are still very much a daily occurrence where residents are having to tolerate unnecessary confrontation. There is a fear that these situations will only heighten if the extension plans do not take into consideration the residents of Lammack.

Due to the rise in population and erection of housing developments we appreciate that there is a need for schools to expand, nonetheless this should not be at the cost or disregard to the community.

Please find below a summary of comments from the Design & Assessment, Transport Statement, and Travel Plan for consideration.

Summary of Comments:

We feel it is our responsibility to raise our concerns in relation to the lack of confidence in the actions documented within the extension plan. For numerous years, the community has emphasised health and safety and parking worries, however they have been overlooked by the Local Authority and the School.

Only recently due to the Lammack Association has the school began to collaborate with and develop positive relations. It is gravely concerning that it requires the proposal of a school extension for all relevant bodies to want to strategically play an active role in addressing issues that the Lammack ward have highlighted over a period.

1.The residents of Lammack require assurance from the school and the planning committee that there is a designated pick up and drop off point that accommodates the demand of parent vehicles.

Now the existing staff carpark currently has 45 parking spaces for the current 80 employed staff. The new redesign of the existing staff carpark has 41 parking spaces plus 4 disabled bays which increases the capacity to 46 for the current 80 employed staff plus another 23 new staff - (benefit of ONE additional parking bay for an additional 23 staff on top of the 80-current employed.

The proposed new carpark accessed via Whinney Lane will accommodate 30 parking spaces for a multipurpose use including drop of and pick up, welfare staff parking and visitor parking. It is not clear in the planning documentation provided what proportion of parking will be occupied by staff and what proportion will be left for parents.

Furthermore, we can only speculate that previous suggestions from the community and reasons provided by the school for not being able to utilise the grassland for parking due to drainage issues, will be corrected.

2.The findings and overall conclusions made in the 'Transport Statement' and 'Travel Plan' report states that the surveys were conducted between February 2020 and September 2020. A large proportion of the surveys took place during the Covid-19 national lockdown and therefore do not represent a true accuracy of realistic occurrences.

Factors such as staggered start and finish times will have impacted the traffic survey reports and a representation of a 'normal' day not reflected.

3. There is a proposal to recruit a TP Co-ordinator to resolve all the health and safety, travel, and traffic concerns. There is a great deal of expectation from this role, some of the

initiatives put forward have previously been trialled and promoted with very minimum results.

The community has always tried to play an active role in engaging with the school and over the years have tried to provide alternate solutions such as the utilising the fields for parking (which are now part of the proposal), unfortunately the suggestions were not seen as viable, they were disregarded by the school. This was on the agenda in 2018 during a Lammack Resident Meeting with Kate Holland and deemed unviable due to water drainage issues of the grounds.

Labour Councillor Jackie Floyd had a strong attempt at promoting walking and cycling to school in 2019 with minimum output.

4. The planning proposal emphasises on the use and arrangement of the QEGS car park to support proposed plans. However, this agreement has been in place since November 2018 and communication sent to parents and families via the weekly school newsletter.

5. It is rather unfair that one of the highly impacted streets, Grasmere Avenue, has been eliminated from the consultation altogether and we strongly believe that they should have their voice heard.

6. Although the report does refer to incidence and accidents, a true reflection and accounts of near misses can only be demonstrated by conducting open ended surveys of residents who have experienced or witnessed near danger incidences.

A true measure of the impact on the community can only be represented by having substantive dialogues, engaging with, and consulting the residents who are often left to deal with the brunt of inconsiderate parents.

The way cars are being parked obscures visibility of the road, resulting in pedestrians and children endangering their lives by having to lean onto the road.

7. The report states there is 'school crossing' sign present on the Lammack Road and the school has procedures in place to ensure the safety of children at the start and end of the school day. There has been no crossing assistant in place for the past 3 to 4 years. There are also no staff present at the beginning or at end of the school day, this was also the case prior to the Covid-19 pandemic.

Prior to any agreement of the proposed plan, the factual accuracy of these bold statements made in the supporting documents need to be evidenced by the School and planning committee.

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**Objection Halima Rawat, 23 Whinney Lane, Blackburn & Uzma Fatakiya, 82 Whinney Lane, Blackburn & Farzana Fatakiya, 16 Whinney Lane, Blackburn & Rabia Patel, 31 Whinney Lane, Blackburn & Eliel M Aldred, 20 Whinney Lane, Blackburn. Rec – 11/05/2021**

Ref: 10/21/0371

Dear Sirs,

Following your letter dated 19/04/21 with reference to proposed extensions at the above named property, please find comments as concerned residents of the Lammack ward.

For many years the Lammack ward has had to battle with the following concerns:

1. Absence of road safety initiatives from the council, school and parents.
2. Illegal parking.
3. Blocking of driveways.
4. Lack of respect for residents from parents.
5. Congestion.

Since the establishment of the Lammack Association in [2018](#), the chair took positive steps to engage and unite the community with the school. Lammack Association became the driving force behind building relations and broke down the barriers in communication between the community and the school. As a result, the school Head proposed various alternate solutions to alleviate the issues raised by the community, and still continues to try and tackle them.

However, the concerns highlighted above are still very much a daily occurrence where residents are having to tolerate unnecessary confrontation. There is a fear that these situations will only heighten if the extension plans do not take into consideration the residents of Lammack.

Due to the rise in population and erection of housing developments we appreciate that there is a need for schools to expand, nonetheless this should not be at the cost or disregard to the community.

Please find below a summary of comments from the Design & Assessment, Transport Statement, and Travel Plan for consideration.

#### Summary of Comments:

We feel it is our responsibility to raise our concerns in relation to the lack of confidence in the actions documented within the extension plan. For numerous years the community has emphasised health and safety and parking worries, however they have been overlooked by the Local Authority and the School.

Only recently due to the Lammack Association has the school began to collaborate with and develop positive relations. It is gravely concerning that it requires the proposal of a school extension for all relevant bodies to want to strategically play an active role in addressing issues that the Lammack ward have highlighted over a period of time.

1. The residents of Lammack require assurance from the school and the planning committee that there is a designated pick up and drop off point that accommodates the demand of parent vehicles.

Futhermore the new car park will not cause congestion on Whinney Lane, as cars wait to turn in to and exit the car park.

At the moment the existing staff carpark currently has 45 parking spaces for the current 80 employed staff. The new redesign of the existing staff carpark has 41 parking spaces plus 4 disabled bays which increases the capacity to 46 for the current 80 employed staff plus another 23 new staff - (benefit of ONE additional parking bay for an additional 23 staff on top of the 80-current employed).



The proposed new carpark accessed via Whinney Lane will accommodate 30 parking spaces for a multipurpose use including drop of and pick up, welfare staff parking and visitor parking. It is not clear in the planning documentation provided what proportion of parking will be occupied by staff and what proportion will be left for parents.

Furthermore, we can only speculate that previous suggestions from the community and reasons provided by the school for not being able to utilise the grassland for parking due to drainage issues, will be corrected.

2.The findings and overall conclusions made in the ‘Transport Statement’ and ‘Travel Plan’ report states that the surveys were conducted between February [2020](#) and September [2020](#). A large proportion of the surveys took place during the Covid-19 national lockdown and therefore do not represent a true accuracy of realistic occurrences.

Factors such as staggered start and finish times will have impacted the traffic survey reports and a representation of a ‘normal’ day not reflected.

3.There is a proposal to recruit a TP Co-ordinator to resolve all the health and safety, travel and traffic concerns. There is a great deal of expectation from this role, some of the initiatives put forward have previously been trialled and promoted with very minimum results.

The community has always tried to play an active role in engaging with the school and over the years and have tried to provide alternate solutions such as the utilising the fields for parking (which are now part of the proposal), unfortunately the suggestions were not seen as viable, they were disregarded by the school. This was on the agenda in [2018](#) during a Lammack Resident Meeting with Kate Holland and deemed unviable due to water drainage issues of the grounds.

Labour Councillor Jackie Floyd had a strong attempt at promoting walking and cycling to school in [2019](#) with minimum output.

4.The planning proposal emphasises on the use and arrangement of the QEGS car park to support proposed plans. However, this agreement has been in place since November [2018](#) and communication sent to parents and families via the weekly school newsletter.

[5.It](#) is rather unfair that one the highly impacted streets, Grasmere Avenue, has been eliminated from the consultation altogether and we strongly believe that they should have their voice heard.

Also residents on Whinney Lane, where the new car park will be situated should also be consulted as they will struggle to get in and out of their drives if there is a backlog of cars, wanting to get into the car park and also exit.It will have a big impact on their lives.

There should be a one way system where the cars could enter from Whinney Lane and exit onto Lammack road. This could possibly eliminate congestion on Whinney Lane and also provide safety for the children using the new entrance.

6.Although the report does refer to incidence and accidents, a true reflection and accounts of near misses can only be demonstrated by conducting open ended surveys of residents who have experienced or witnessed near danger incidences.



A true measure of the impact on the community can only be represented by having substantive dialogues, engaging with and consulting the residents who are often left to deal with the brunt of inconsiderate parents.

The manner in which cars are being parked obscures visibility of the road, resulting in pedestrians and children endangering their lives by having to lean onto the road.

7. The report states there is 'school crossing' sign present on the Lammack Road and the school has procedures in place to ensure the safety of children at the start and end of the school day. There has been no crossing assistant in place for the past 3 to 4 years. There are also no staff present at the beginning or at end of the school day, this was also the case prior to the Covid-19 pandemic.

Prior to any agreement of the proposed plan, the factual accuracy of these bold statements made in the supporting documents need to be evidenced by the School and planning committee.

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**Objection Fahad Hussain, 12 Whinney Lane, Blackburn. Rec – 11/05/2021**

Hi Gavin,

We have received your letter recently and I wanted to reach out to with some comments/concerns I have around the proposed work.

We currently live at 12 Whinney Lane and there will be a road built to the side of our house, with a gate at the top. One concern I have is the road will be open all night which will attract loiterers at strange hours. I believe the parking will also be impacted directly outside or house which is going to cause us significant issues.

Would there be an option to have the gate at the entrance of the road on Whinney Lane rather than the top of the road?

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**Objection – Ahmed Issa Munshi, 130 Lammack Road, Blackburn & Ayaz Vali, 132 Lammack Road, Blackburn & 134 Lammack Road, Blackburn. Rec – 11/05/2021**

Dear Sirs,

Following your letter dated 19/04/21 with reference to proposed extensions at the above named property, please find comments as concerned residents of the Lammack ward.

For many years the Lammack ward has had to battle with the following concerns:

1. Absence of road safety initiatives from the council, school and parents.
2. Illegal parking.
3. Blocking of driveways.
4. Lack of respect for residents from parents.
5. Congestion.

Since the establishment of the Lammack Association in 2018, the chair took positive steps to engage and unite the community with the school. Lammack Association became the driving force behind building relations and broke down the barriers in communication between the community and the school. As a result, the school Head proposed various alternate solutions to alleviate the issues raised by the community, and still continues to try and tackle them.

However, the concerns highlighted above are still very much a daily occurrence where residents are having to tolerate unnecessary confrontation. There is a fear that these situations will only heighten if the extension plans do not take into consideration the residents of Lammack.

Due to the rise in population and erection of housing developments we appreciate that there is a need for schools to expand, nonetheless this should not be at the cost or disregard to the community.

The proposed new carpark accessed via Whinney Lane will accommodate 30 parking spaces for a multipurpose use including drop off and pick up, welfare staff parking and visitor parking. It is not clear in the planning documentation provided what proportion of parking will be occupied by staff and what proportion will be left for parents.

Furthermore, we can only speculate that previous suggestions from the community and reasons provided by the school for not being able to utilise the grassland for parking due to drainage issues, will be corrected.

2.The findings and overall conclusions made in the 'Transport Statement' and 'Travel Plan' report states that the surveys were conducted between February 2020 and September 2020. A large proportion of the surveys took place during the Covid-19 national lockdown and therefore do not represent a true accuracy of realistic occurrences.

Factors such as staggered start and finish times will have impacted the traffic survey reports and a representation of a 'normal' day not reflected.

3.There is a proposal to recruit a TP Co-ordinator to resolve all the health and safety, travel and traffic concerns. There is a great deal of expectation from this role, some of the initiatives put forward have previously been trialled and promoted with very minimum results.

The community has always tried to play an active role in engaging with the school and over the years and have tried to provide alternate solutions such as the utilising the fields for parking (which are now part of the proposal), unfortunately the suggestions were not seen as viable, they were disregarded by the school. This was on the agenda in 2018 during a Lammack Resident Meeting with Kate Holland and deemed unviable due to water drainage issues of the grounds.

Please find below a summary of comments from the Design & Assessment, Transport Statement, and Travel Plan for consideration.

#### Summary of Comments:

We feel it is our responsibility to raise our concerns in relation to the lack of confidence in the actions documented within the extension plan. For numerous years the community has emphasised health and safety and parking worries, however they have been overlooked by the Local Authority and the School.

Only recently due to the Lammack Association has the school began to collaborate with and develop positive relations. It is gravely concerning that it requires the proposal of a school extension for all relevant bodies to want to strategically play an active role in addressing issues that the Lammack ward have highlighted over a period of time.

1.The residents of Lammack require assurance from the school and the planning committee that there is a designated pick up and drop off point that accommodates the demand of parent vehicles.

At the moment the existing staff carpark currently has 45 parking spaces for the current 80 employed staff. The new redesign of the existing staff carpark has 41 parking spaces plus 4 disabled bays which increases the capacity to 46 for the current 80 employed staff plus another 23 new staff - (benefit of ONE additional parking bay for an additional 23 staff on top of the 80-current employed.

Labour Councillor Jackie Floyd had a strong attempt at promoting walking and cycling to school in 2019 with minimum output.

4.The planning proposal emphasises on the use and arrangement of the QEGS car park to support proposed plans. However, this agreement has been in place since November 2018 and communication sent to parents and families via the weekly school newsletter.

5.It is rather unfair that one the highly impacted streets, Grasmere Avenue, has been eliminated from the consultation altogether and we strongly believe that they should have their voice heard.

6.Although the report does refer to incidence and accidents, a true reflection and accounts of near misses can only be demonstrated by conducting open ended surveys of residents who have experienced or witnessed near danger incidences.

A true measure of the impact on the community can only be represented by having substantive dialogues, engaging with and consulting the residents who are often left to deal with the brunt of inconsiderate parents.

The manner in which cars are being parked obscures visibility of the road, resulting in pedestrians and children endangering their lives by having to lean onto the road.

7.The report states there is 'school crossing' sign present on the Lammack Road and the school has procedures in place to ensure the safety of children at the start and end of the school day. There has been no crossing assistant in place for the past 3 to 4 years. There are also no staff present at the beginning or at end of the school day, this was also the case prior to the Covid-19 pandemic.

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### **Objection – Halima Rawat, 23 Whinney Lane, Blackburn. Rec – 20/05/2021**

Following your letter dated 19/04/21 with reference to proposed extensions at the above named property, please find comments as concerned residents of the Lammack ward.

For many years the Lammack ward has had to battle with the following concerns:

1. Absence of road safety initiatives from the council, school and parents.
2. Illegal parking.
3. Blocking of driveways.
4. Lack of respect for residents from parents.
5. Congestion.

Since the establishment of the Lammack Association in [2018](#), the chair took positive steps to engage and unite the community with the school. Lammack Association became the driving force behind building relations and broke down the barriers in communication between the community and the school. As a result, the school Head proposed various alternate solutions to alleviate the issues raised by the community, and still continues to try and tackle them.

However, the concerns highlighted above are still very much a daily occurrence where residents are having to tolerate unnecessary confrontation. There is a fear that these situations will only heighten if the extension plans do not take into consideration the residents of Lammack.

Due to the rise in population and erection of housing developments we appreciate that there is a need for schools to expand, nonetheless this should not be at the cost or disregard to the community.

Please find below a summary of comments from the Design & Assessment, Transport Statement, and Travel Plan for consideration.

#### Summary of Comments:

We feel it is our responsibility to raise our concerns in relation to the lack of confidence in the actions documented within the extension plan. For numerous years the community has emphasised health and safety and parking worries, however they have been overlooked by the Local Authority and the School.

Only recently due to the Lammack Association has the school began to collaborate with and develop positive relations. It is gravely concerning that it requires the proposal of a school extension for all relevant bodies to want to strategically play an active role in addressing issues that the Lammack ward have highlighted over a period of time.

1. The residents of Lammack require assurance from the school and the planning committee that there is a designated pick up and drop off point that accommodates the demand of parent vehicles.

Furthermore the new car park will cause congestion on Whinney Lane, as cars wait to turn in to and exit the car park.

At the moment the existing staff carpark currently has 45 parking spaces for the current 80 employed staff. The new redesign of the existing staff carpark has 41 parking spaces plus 4 disabled bays which increases the capacity to 46 for the current 80 employed staff plus another 23 new staff - (benefit of ONE additional parking bay for an additional 23 staff on top of the 80-current employed).

The proposed new carpark accessed via Whinney Lane will accommodate 30 parking spaces for a multipurpose use including drop of and pick up, welfare staff parking and visitor parking. It is not clear in the planning documentation provided what proportion of parking will be occupied by staff and what proportion will be left for parents.

Furthermore, we can only speculate that previous suggestions from the community and reasons provided by the school for not being able to utilise the grassland for parking due to drainage issues, will be corrected.

2. The findings and overall conclusions made in the 'Transport Statement' and 'Travel Plan' report states that the surveys were conducted between February [2020](#) and September [2020](#). A large proportion of the surveys took place during the Covid-19 national lockdown and therefore do not represent a true accuracy of realistic occurrences.

Factors such as staggered start and finish times will have impacted the traffic survey reports and a representation of a 'normal' day not reflected.

3. There is a proposal to recruit a TP Co-ordinator to resolve all the health and safety, travel and traffic concerns. There is a great deal of expectation from this role, some of the initiatives put forward have previously been trialled and promoted with very minimum results.

The community has always tried to play an active role in engaging with the school and over the years and have tried to provide alternate solutions such as the utilising the fields for parking (which are now part of the proposal), unfortunately the suggestions were not seen as viable, they were disregarded by the school. This was on the agenda in [2018](#) during a Lammack Resident Meeting with Kate Holland and deemed unviable due to water drainage issues of the grounds.

Labour Councillor Jackie Floyd had a strong attempt at promoting walking and cycling to school in [2019](#) with minimum output.

4. The planning proposal emphasises on the use and arrangement of the QEGS car park to support proposed plans. However, this agreement has been in place since November [2018](#) and communication sent to parents and families via the weekly school newsletter.

[5.](#) It is rather unfair that one of the highly impacted streets, Grasmere Avenue, has been eliminated from the consultation altogether and we strongly believe that they should have their voice heard.

Also residents on Whinney Lane, where the new car park will be situated should also be consulted as they will struggle to get in and out of their drives if there is a backlog of cars, wanting to get into the car park and also exit. It will have a big impact on their lives.

There should be a one way system whereby the cars could enter from Whinney Lane and exit onto Lammack road. This could possibly eliminate congestion on Whinney Lane and also provide safety for the children using the new entrance.

6. Although the report does refer to incidence and accidents, a true reflection and accounts of near misses can only be demonstrated by conducting open ended surveys of residents who have experienced or witnessed near danger incidences.

A true measure of the impact on the community can only be represented by having substantive dialogues, engaging with and consulting the residents who are often left to deal with the brunt of inconsiderate parents.

The manner in which cars are being parked obscures visibility of the road, resulting in pedestrians and children endangering their lives by having to lean onto the road.

7. The report states there is 'school crossing' sign present on the Lammack Road and the school has procedures in place to ensure the safety of children at the start and end of the school day. There has been no crossing assistant in place for the past 3 to 4 years. There are also no staff present at the beginning or at end of the school day, this was also the case prior to the Covid-19 pandemic.

Prior to any agreement of the proposed plan, the factual accuracy of these bold statements made in the supporting documents need to be evidenced by the School and planning committee

## **Objection – B Rouse, 23 Hudson Close, Blackburn. Rec – 21/05/2021**

Dear Sirs,

With reference to proposed extensions and parking arrangements at the above school, please find comments as a concerned resident of Whinney Lane in the Billinge and Beardwood ward.

I have the following concerns:

1. Congestion on Whinney Lane, Lammack Road, Grasmere Avenue, etc.
2. There will only be access and exit via Whinney Lane, already a very busy road at all times day and night, being used by many drivers as a main route into and out of the town centre from the northern end of Blackburn and the dual carriage way. Also, a major route to access other local schools and colleges in the area.
3. There is no mention of how the new parking will impact on the security and safety of the school children and staff and how it will be managed.
4. The proposal represents a large reduction in open green space around the school, which goes against the council's green space policy.
5. Locates polluting vehicles behind resident's garden areas, which are currently relatively pollution free.
6. This proposal moves polluting vehicles much closer to the school buildings and environment, thereby directly impacting on the children.
7. At a time when all over the UK councils and schools are enforcing Clean Air policies around schools and immediate roads Blackburn Council propose to move polluting traffic into the school grounds!
8. There is also parking for the school available on the QEGS car park adjacent to the Hare and Hounds public house. This offer of parking is ignored by parents who prefer to park on the roadside and ignore traffic regulations. This I fear will be replicated on Whinney Lane morning and evening. Parked cars refuse to switch their engines off, causing excess pollution, endangering the health of vulnerable children.

Due to the rise in population and erection of housing developments I appreciate that there is a need for schools to expand, nonetheless this should not be at the cost or disregard to the community and safety and health of the children attending the school.

At the moment the existing staff carpark currently has 45 parking spaces for the current 80 employed staff. The new redesign of the existing staff carpark has 42 parking spaces plus 4 disabled bays which increases the capacity to 46 for the current 80 employed staff plus another 23 new staff - (benefit of ONE additional parking bay for an additional 23 staff on top of the 80-current employed. The proposed new carpark accessed via Whinney Lane will accommodate 30 parking spaces for a multipurpose use including drop of and pick up, welfare staff parking and visitor parking. It is not clear in the planning documentation provided what proportion of parking will be occupied by staff and what proportion will be left for parents.

Furthermore, I can only speculate that previous suggestions from the community and reasons provided by the school for not being able to utilise the grassland for parking due to drainage issues, will be corrected. There is no mention of this in the proposal.

The findings and overall conclusions made in the 'Transport Statement' and 'Travel Plan' report states that the surveys were conducted between February 2020 and September 2020. A large proportion of the surveys took place during the first Covid-19 national lockdown and therefore do not represent a true accuracy of realistic occurrences. Factors such as staggered start and finish times will have impacted the traffic survey reports and a representation of a 'normal' day not reflected.

There is a proposal to recruit a TP Co-ordinator to resolve all the health and safety, travel and traffic concerns. There is a great deal of expectation from this role, some of the initiatives put forward have previously been trialled and promoted with very minimum results. Labour Councillor Jackie Floyd made a strong attempt at promoting walking and cycling to school in 2019 with minimum success.

The planning proposal emphasises on the use and arrangement of the QEGS car park to support proposed plans. However, this agreement has been in place since November 2018 and communication sent to parents and families via the weekly school newsletter and is still much underutilised.

Although the report does refer to incidence and accidents, a true reflection and accounts of near misses can only be demonstrated by conducting open ended surveys of residents who have experienced or witnessed near danger incidences. A true measure of the impact on the community can only be represented by having substantive dialogues, engaging with and consulting the residents who are often left to deal with the brunt of inconsiderate parents.

The report states there is 'school crossing' sign present on the Lammack Road and the school has procedures in place to ensure the safety of children at the start and end of the school day. There has been no crossing assistant in place for the past 3 to 4 years. There are also no staff present at the beginning or at end of the school day, this was also the case prior to the Covid-19 pandemic.

Prior to any agreement of the proposed plan, the factual accuracy of the statements made in the supporting documents need to be evidenced by the School and planning committee.

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**Objection – Michael Bancroft, 26 Montreal Road, Blackburn. Rec – 26/05/2021**

I have read with considerable concern this planning application.

Substantially to increase the size of the school will increase proportionately the traffic along Whinney Lane and Lammack Road. Both these areas are already congested at the times when children are taken to school and later taken home.

The new access road from Whinney Lane is especially dangerous. Vehicles leaving the school grounds will do so blind. There will be vehicles parked on Whinney Lane immediately adjacent to the access road and any vehicle leaving the school grounds will have to drive out and just hope no vehicle is travelling along Whinney Lane. Accidents will be inevitable.

There is throughout the country an awareness of the health dangers of motor vehicle emissions. It is barely believable that any authority would actually plan to bring vehicles into the school grounds and deliberately thereby bring a serious health hazard onto the school site. This plan must be abandoned.

This is not to mention the health risk to those living on Whinney Lane in houses which are adjacent to the proposed access road and car park.

In view of the housing developments in the area which the Authority sanctioned there is obviously a need for educational provision. There cannot be at the expense of the health of the school children and local residents.

It is disappointing that there is reference to 'Transport Statement' and 'Travel Plan' reports that are based on surveys conducted between February 2020 and September 2020. It is obvious that since the school was not operating fully at that time the data is irrelevant. One wonders why it was included.

The planning proposal refers to the QEGS car park. Despite much publicity and great work by Councillor Jackie Floyd this remains a facility which parents will not use.

There is much to rethink in the plan. I hope that will be done with real concern for the health and safety of the children and residents.

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**Comment – Steve Toase, 34 Whinney Lane, Blackburn. Rec – 21/04/2021**

Dear

Councillors

I'm wondering how we can get traffic calming measures like the humps on Lammack Rd installed on Whinney Lane.

Following the implementation on Lammack they have drastically reduced speeding on that road however there is still an issue on Whinney Lane. Although it has had a small impact for Whinney lane as it's reduced the "circuit racers" often cars speed up due to having to slow down on Lammack, almost making up for lost time.



After observing traffic for some time I feel that speed humps (coming off Lammack Rd ) just past the end Knighton rd / Quebec Rd would stop them speeding up the hill. Some towards the top just before school (between No 34 and 32) and again half way down towards St Lawrence would all but resolve the problems.

With the expansion to Lammack primary and the new builds we are seeing and going to see an even bigger increase in traffic on Whinney lane and therefor will need some measures putting in place.

If you could please advice if there are any plans in place or as mentioned how I can go about having this looked into I would greatly appreciate it.

On a second note regarding the extension to the school and proposed entrance from Whinney lane. I'm not sure the drop off point will be sufficient for the amount of pupils due to attend the school. Looking at the plans it looks like a proper drop off point so cars can pull in needs to be incorporated in with the parking. Additionally, knowing how hectic it can be at school time (and how inconsiderate drivers can be) would it be worth considering having a left turn only when exiting the new car park/drop off? This may keep traffic flowing as cars won't be trying to exit crossing traffic. I will send these comments to planning but wanted to raise this with you as ward councillors.

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**Comment – Steve Toase, 34 Whinney Lane, Blackburn. Rec – 13/05/2021**

Hello

I would like to make a couple of comments on the above application plans for Lammack School.

Could I please request an email acknowledgment that this has been received.

Firstly: the proposed drop off point and car park doesn't seem to have a substantial enough "drop off point" where cars can pull in to drop off pupils. If it's not suitable parents won't bother pulling in and instead just drop off on Whinney lane increasing the current problems with congestion and blocking drives ect.

Secondly: access back onto a Whinney Lane from the new car park / drop off may be worth considering as a "left turn only" to save cars pulling across on coming traffic and potential congestion issues. Either this or potentially access from Whinney lane and exit onto Lammack road.

Thirdly: speed restriction also need implementing as have been done on Lammack road. Regularly cars are witnessed speeding in excess of 50mph over Whinney lane.

The plans are a great idea to meet the needs of the current numbers of pupils, staff and parents but I don't feel they will be significant enough to deal with the increase. With the new housing estates at both ends of Whinney lane we are seeing an greater increase in traffic flow and speeding at all times of day and night. With this in mind I feel theses options are worth considering.

---

**Comment – Brian Yates, 33 Whinney Lane, Blackburn. Rec – 04/06/2021**

I wish to comment on the new entrance to Lammack Primary School for the drop off zone and the increase of traffic in an already congested area.

The current proposal for access to a drop off/pick up parking area would create traffic problems with vehicles entering and leaving the school through one entrance.

A further traffic problem would be that vehicles coming up Whinney Lane would have difficulty turning right into the school because of the traffic coming down Whinney Lane turning left into the school. This would create a traffic jam both ways.

Whinney Lane is already congested with residents parked cars throughout the day and it is also used as a shortcut for vehicles travelling from Lammack Road to the dual carriageway to avoid the traffic lights at the junction of Ramsgreave Drive. In addition residents would not be able to get out of their drives because of the volume of traffic at busy times.

I hope you will take into account the points I have raised.

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## REPORT OF THE DIRECTOR

Plan No: 10/21/0410

**Proposed development: Full Planning Application (Retrospective) for Part retrospective application for the creation of a vehicular access and track leading from Blackburn Road to serve new house (substantially completed) and certified caravan site (amendments to application 10/20/0625)**

**Site address:  
White Lodge Farm  
Blackburn Road  
Edgworth  
Bolton  
BL7 0PU**

**Applicant: Mr Kenneth Warner**

**Ward: West Pennine**



## **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 The proposed development for access from Blackburn Road into the proposed caravan site and to serve the newly constructed dwelling is **recommended to be approved, subject to the conditions** stated in Paragraph 4.1.

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

- 2.1 The application has been brought to Planning and Highways Committee due to North Turton Parish Council raising objections to the proposals. This objection is reported in full under Paragraph 6.0 of this report.
- 2.2 It is considered that an extension to the existing track to the new dwelling under construction, will cause minimal harm to the openness and permanence of the Green Belt. For this reason, Officers recommend that the application be conditionally approved in line with the conditions imposed as part of application 10/20/0625 and subject to Permitted Development rights for any outbuildings being removed, in the interests of retaining the rural character of the site.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

- 3.1.1 The application site relates to an area of land beyond the defined village boundary of Edgworth, to the north of the former Hob Lane Farm, adjacent to the site where a new dwelling has been constructed and is substantially completed. The site is located alongside Blackburn Road, between Hob Lane to the south and Wheatsheaf Brook to the north.
- 3.1.2 The land lies within the West Pennine Moors countryside area, in an area designated as Green Belt.
- 3.1.3 Wheatsheaf Brook, to the north of the site, runs through a narrow, steeply-sided valley, with a dense covering of trees and vegetation on both banks. The course of the brook, along with the woodland on both banks, forms an eastern limb to the Wayoh Reservoir Biological Heritage Site. This watercourse, although not in the ownership of United Utilities, feeds the Wayoh Impounding Reservoir.

### **3.2 Proposed Development**

- 3.2.1 Following approval of application 10/20/0625 which was approved by Planning and Highways Committee in October 2020, permission is sought to extend the track a further 26.5 meters (approximately) so that it adjoins the newly constructed dwelling up to the attached garage.

### **3.3 Development Plan**

#### **3.3.1 Blackburn with Darwen Borough Local Plan Part 2 – Site Allocations and Development Management Policies (December 2015)**

Policy 8: Development and People  
Policy 9: Development and the Environment  
Policy 10: Accessibility and Transport  
Policy 11: Design  
Policy 3: The Green Belt  
Policy 41: Landscape

#### **3.3.2 Blackburn with Darwen Borough Local Plan part 1 – The Core Strategy (January 2011)**

Policy CS18: The Borough's Landscapes

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

#### **3.4.1 National Planning Policy Framework (NPPF) (February 2019):**

Section 6: Building a Strong, Competitive Economy  
Section 9: Promoting Sustainable Transport  
Section 12: Achieving Well-Designed Places  
Section 13: Protecting Green Belt Land  
Section 15: Conserving and Enhancing the Natural Environment

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

#### **3.4.1 Part 5 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).**

3.4.2 Part 5 Class A permits 'the use of land, other than a building, as a caravan site' (A.1). The circumstances under which this is permitted are those set out in Schedule 1 Paragraphs 2 to 10 of the Caravan Sites and Control of Development Act 1960.

### **3.5 Assessment**

3.5.1 Members need to be aware that the planning permission for the track to serve the Class A, Part 5 of the General Permitted Development Order 2015 (as amended) Caravan and Camping Site remains extant. This approved track has been partially implemented, in that the hardcore base for the track has been laid.

3.5.2 The matter for consideration is therefore the proposed extension of the track to connect to the newly constructed house, named White Lodge Farm. It is noted that the extension to the caravan site track has been constructed/ laid.

### 3.5.3 Tourism Considerations

Paragraph 83 of the National Planning Policy Framework (NPPF) concerns itself with creating a strong and prosperous rural economy. It states planning decisions should enable, amongst other things, “sustainable rural tourism and leisure developments which respect the character of the countryside”. The proposed access into the caravan site is considered to facilitate such development.

3.5.4 The Core Strategy includes a provision for the active use of the Borough’s landscapes through leisure and tourism where this is compatible with objectives relating to their protection. Policy 34 of the Local Plan Part 2 develops this further, giving priority to tourism-based development within a number of locations – one being the West Pennine Moors. Those developments likely to generate a large number of trips should be within the villages of Edgworth, Chapeltown and Belmont, or else associated with an existing facility. The proposed access is to serve a facility just beyond the boundary of the village of Edgworth. Given the nature of this facility, the proposal is considered unlikely to find sufficient open space within the village boundary to operate; and the field, being adjacent to the defined village boundary, is considered acceptable.

3.5.5 The proviso set out in both the Core Strategy and the Local Plan Part 2 is that recreational development must be sensitive to the natural environment and secure appropriate maintenance of the facility in the long term.

3.5.6 The existing partly implemented access and track, as approved within planning permission 10/20/0625, was considered acceptable by virtue of the previously imposed landscaping scheme that includes wildflower planting in order to enhance the natural environment. It is appropriate to re-implement that condition in order to enhance the current proposal.

### 3.5.7 Development in the Green Belt

Paragraph 133 of the National Planning Policy Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open with the essential characteristics of Green Belts being their openness and permanence.

3.5.8 The Government’s Planning Practice Guidance states that openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be as relevant as the volume.

3.5.9 The Local Planning Authority is required by the NPPF to ensure that substantial weight is given to any harm in the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Exceptions to inappropriate development include appropriate facilities for outdoor recreation “as long as

the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it”.

- 3.5.10 To remind Members as to the history relating to the track to serve the certified caravan site; Class A, Part 5 of the General Permitted Development Order 2015 (as amended) permits ‘the use of land, other than a building, as a caravan site’ (A.1) for not more than five caravans are at the time stationed for the purposes of human habitation on the land to which the certificate relates.” Neither the above Act or the Caravan Act cover the establishment of the caravan site refer to such a site being inappropriate development for land in the Green Belt. The first question to be addressed by the Committee, then, is whether or not the addition of an access track would amount to inappropriate development in the Green Belt.
- 3.5.11 The approved access is located at the northern end of the site. It projects approx. 20 metres from Blackburn Road, into the field before turning at right angles and proceeding 32.5 metres to the south. The first 9 metres of the track from the highway to the gate to the site is approved, and is to be of tarmac, with the remainder of the track to be comprised of compacted hardcore and decorative gravel. The further extension of the track is proposed to be in the same materials.
- 3.5.12 In terms of harm to the openness and permanence of the Green Belt, the excavation that has taken place to create the access and track to serve the proposed Certified Site has had the most profound effect on visual amenity, however the impact on the permanence and openness of the Green Belt is minimal. The removal of Part 1, Class E, relating to the erection of Outbuildings, will ensure no domestic buildings will be erected on the land, is considered necessary to ensure the rural character of the site is retained and maintained.
- 3.5.13 Subject to this recommended conditions, the proposed extension to the track to connect it to the newly constructed dwelling, will not cause any further harm to the openness and permanence of the Green Belt, over and above the works that have taken place to implement the track approved by application 10/20/0625.
- 3.5.14 Members will remember that during their assessment of the previous application that a condition stipulating that, should the site cease to operate as a caravan site, the access track should be removed and the site restored to its previous grassland state within six months of the cessation of the use. It is recommended that this again be imposed, as whilst the newly constructed dwelling can use the track for access and egress, it has an established access point adjacent to nos. 473 and 475 Blackburn Road which will remain in situ and thus will remain usable for future occupiers of White Lodge Farm.
- 3.5.15 It is therefore considered that the proposed extension to the existing track to the permitted caravan and camping site, accords with Policy 3 of the Local Plan Part 2 and the provisions of the NPPF in terms of development within the Green Belt.

### 3.5.16 Landscape Character and Visual Amenity

Policy 41 of the Local Plan Part 2 concerns itself with ensuring development is sympathetic to the landscape.

3.5.17 Prior to the works approved and partially implanted the application site was grassed farmland raised up from the road which was open and relatively flat.

3.5.18 Given that the caravan site can, and will, operate without the need for planning permission, it is considered that much of the visual amenity and biodiversity value that has been lost, can be restored over time through a carefully worded planning condition attached to an approval of the access track. This would require the submission, for approval in writing, of a detailed landscaping scheme for the land edged in red on the location plan, including details of landscaping around the proposed pitches and wildflower, or other suitable planting appropriate to this rural area and which is biodiversity friendly, in the wider site. Providing the condition requires implementation of this landscaping scheme within the first planting season following the date of the planning permission, the visual impact of the proposed access track will be softened.

3.5.19 In line with the requirements of paragraph 170 of the Framework that requires new development to secure a net-gain to biodiversity, a landscaping scheme will ensure an enhancement to the biodiversity value of the site, and the harm that has occurred to the rural character and appearance of the site can be mitigated to a degree.

3.5.20 Subject to the recommended landscaping/ biodiversity mitigation condition and a condition removing Part 1, Class E Permitted Development rights being imposed, it is considered that the landscape and visual amenity impact of the access track will be minimised and will be as sympathetic as possible.

### 3.5.16 Highway Safety

Both the NPPF (Paragraph 108) and Policy 10 of the Local Plan Part 2 require development to provide safe and suitable access for all users.

2.5.17 The highway safety impacts of the development were fully explored as part of the approval of application 10/20/0625 which is partially implemented.

2.5.18 Details are again received to demonstrate how the access arrangements will maintain highway safety. Visibility splays show the extent to which drivers emerging from the site will have sight of oncoming traffic. As part of the previously approved scheme, it was considered that a condition requiring the height of boundary treatment either side of the entrance to the site to be kept to a maximum of 1 metre will ensure visibility from the site will not be retained, ensuring the safety of all highway users. Such a condition is therefore recommended.



3.5.19 A swept path analysis has also again been submitted which has previously been approved which shows access and egress from the site. The mouth of the access track where it joins with the highway measures about 8.3 metres across, and with the track being 9 metres back to the gate to ensure sufficient space is available for a car and caravan to turn in to the site safely in one manoeuvre. The proposed extension of the track to serve the future occupants of the substantially completed dwelling will result in relatively low number of additional movements and is thus not considered to comprise the space available to turn cars towing caravans.

3.5.20 The previous application included a condition requiring Highway signs to be erected notifying road users of the entrance to the site. This condition is still considered necessary in the interests of highway safety and it is thus recommended it be re-imposed.

3.4.21 One area of concern raised by the Highway Authority is whether the parking spaces approved for the new dwelling will still be useable. The applicant has confirmed in writing and with an amended plan that that this will be the case.

#### 3.5.21 Summary and Conclusions

The existing partially constructed track already has planning permission, therefore the main consideration is the effects the proposed extension to the track will have on highway safety, the openness and permanence of the Green Belt and to landscape character/ visual amenity.

3.5.22 It has been determined that subject to the conditions associated with the planning permission 10/20/0625 being re-imposed, the development will ensure the safety of highway users. The conditions will also ensure biodiversity mitigation, environmental enhancements and suitable landscaping for this countryside site. Removing the Permitted Development rights for Class E: Outbuildings, will also prevent buildings being erected which would be of permanent construction and thus would detract from the openness of the Green Belt result in domestication of the countryside.

## 4.0 RECOMMENDATION

4.1 It is recommended that the Planning and Highways Committee **approve** the application subject to the following conditions:

1. Prior to installing the finishing tarmac and gravel layers to the access track, a detailed landscaping scheme for the land edged in red on the Location Plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall including details of landscaping around the proposed caravan/ camping pitches and wildflower planting in the wider site. Implementation of the approved scheme shall be within the first planting season following the date of the planning permission and prior to occupiers of White Lodge Farm using the access track for access or egress and retained thereafter.

REASON: To ensure the environmental damage caused by the track is repaired and the amenity of the Green Belt and the landscape character of the area is restored in a timely manner, in accordance with the National Planning Policy Framework 2019 and Policies 3, 9 and 41 of the Blackburn with Darwen Borough Local Plan Part 2.

2. Notwithstanding the submitted details, the materials to be used in the construction of the access hereby permitted shall be as identified on drawing CCS01C. Amendments to this scheme may only be implemented with the written permission of the Local Planning Authority.

REASON: To ensure that the external appearance of the development is satisfactory in accordance with Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2.

3. Upon cessation of the use of the land edged in red on the submitted Location Plan as a caravan/camping site, the access track shall be removed and the site restored to its previous grassland state within six months of the cessation of that use.

REASON: To ensure that the future of the openness and amenity of the Green Belt is maintained and enhanced, in accordance with the National Planning Policy Framework 2019 and Policies 3, 9, and 41 of the Blackburn with Darwen Borough Local Plan Part 2 (2015).

4. Prior to the first use of the access, a scheme is to be submitted to the Council's Highways department for the erection of a 'caravans turning' sign on both approaches to the site along Blackburn Road, details (including location) to be agreed in writing and the cost borne by the applicant. The agreed scheme shall be implemented prior to the first use of the access, and be thereafter retained for the duration of the use of the land as a caravan/camping site.

REASON: To ensure safe, efficient and convenient movement on the highway for all users, including pedestrians, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2 (2015).

5. Visibility splays shall not at any time be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

REASON: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policy 10/11/40 of the Blackburn with Darwen Borough Local Plan Part 2

6. Notwithstanding the provisions of Class E of Part 1 of the Town and Country Planning (General Permitted Development) Order 2015, or any Order revoking and re-enacting that Order, no buildings or structures shall be

erected within the red edge shown on Dwg. No. CCS03A unless planning permission has first been granted by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the openness and permanence of the Green Belt, the character and visual amenities of the development and locality and the amenities of nearby residents in accordance with Policies 3, 8, 11 and 41 of the Blackburn with Darwen Local Plan Part 2.

7. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on the following drawings:

CCS03A: Location Plan;  
CCS01C: Proposed Site Plan, rec. 28 June 2021;  
CCS02: Sightlines for Proposed Access to Caravan Site;  
2388-001: Swept Path Analysis using a Car and Caravan;  
CCS05: Existing Section A-A;  
CCS06: Proposed Section A-A;  
CCS07: Existing Section B-B;  
CCS08: Proposed Section B-B  
CCS09: Existing Boundary to Blackburn Road; and,  
CCS10: Proposed Boundary to Blackburn Road.

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

## **5.0 PLANNING HISTORY**

- 5.1 10/20/0809 - Erection of garden shed to rear of garage at White Lodge Farm (the new dwelling approved under 10/20/0019). Withdrawn.
- 5.2 10/20/0625 - Form new access/re-open former access onto Blackburn Road. Approved by Planning and Highways Committee, 15 October 2020.
- 5.3 10/20/0254 - Conversion of existing barns at Hob Lane Farm to new single family dwelling including internal alterations and extensions. Withdrawn by applicant before refusal issued.
- 5.4 10/20/0226 - Discharge of Condition Nos 2, 3, 4, 5 and 9 pursuant to planning application 10/20/0019. Approved under delegated powers 16<sup>th</sup> April 2020.
- 5.5 10/20/0019 - Variation of Condition No.15 pursuant to planning application 10/19/0149 - demolition of outbuilding and erection of one dwelling - reposition and increase size of garage and alterations to front elevation. Approved under delegated powers 2<sup>nd</sup> March 2020.
- 5.6 10/19/0149 - Demolition of outbuildings and erection of one dwelling (resubmission of application 10/18/1002). Approved under delegated powers 29<sup>th</sup> April 2019.

- 5.7 10/18/1234 - Discharge Condition No 3 pursuant to planning application 10/18/1002. Approved under delegated powers 27<sup>th</sup> February 2019.
- 5.8 10/18/1002 - Demolition of outbuildings and erection of one dwelling. Approved under delegated powers 9<sup>th</sup> November 2018.

## **6.0 CONSULTATIONS**

### **6.1 Neighbours**

24 neighbours have been consulted about the proposals. 3 representations have been received which raise the following concerns:

- Concerned about the suitability of road, the speed of existing traffic and the need for large vehicles to utilise the full width of the road to turn in to the site, also raise issue of the safety of the road in inclement weather.
- The swept path analysis only assumes access and departure in one direction only and does not include the public footpath. The footpath itself should be reinstated with kerbstones and dropped kerbs for the proposed entrance. Once this is done then it would appear to be totally impractical to get large twin axle caravans into the turning on such a narrow road safely.
- No need for an additional access to the house as it already has an existing access.
- Extending the access track will likely lead to more houses on the site.

### **6.2 North Turton Parish Council**

The Parish Council raises objections to the proposals. These objections are as follows:

“North Turton Parish Council objects to application 10/21/0410 for the creation of a vehicular access and track from Blackburn Road, Edgworth, on the grounds that the road at this point is too narrow and too close to a blind bend and the brow from Hob Lane, and the creation of an additional access is detrimental to road safety.”

### **6.2 BwD Highways**

The submission details have been reviewed, and a site investigation has been undertaken.

The proposal is for Part Retrospective application for the creation of a vehicular access and track leading from Blackburn Road to serve new house (substantially completed) and certified caravan site (amendments to application 10/20/0625).

**Parking**

No details of any changes to the parking for the dwellinghouses are offered. Please confirm whether this is to remain the same as approved.

**Access**

This proposal seeks to establish an approved access for the dwellinghouse. The access they present is that which was approved under application 10/20/0625. The movements generated would be low, from this single property.

A swept path has been provided within the submission, this shows a car and caravan, please could we seek relevance of this to the application received?

In principle, we would offer no objections subject to the above matters being addressed satisfactorily.

**7.0 CONTACT OFFICER:** Claire Booth MRTPI, Senior Planning Officer

**8.0 DATE PREPARED:** 02 July 2021

## 9.0 SUMMARY OF REPRESENTATIONS

### **Objection – Lesley Jacques. Rec -26/05/2021**

Re the application to add residential use to the large drive way that was initially applied for a caravan site.

I do feel this has perhaps not been a totally honest application as it was never mentioned previously that it was for residential access.

I therefore object as there is already a suitable entrance further up so there is no need for two. This means additional development of the land that is not actually needed.

Thank you

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### **Objection - Mr P Taplin, Dingle Cottage, Blackburn Road, Turton. Rec – 26/05/2021**

Thank you for your letter asking for comments on the above. I do so in the knowledge that this is a fait accompli as this man obviously knows how to play the process. There is already access from both Blackburn Road and Hob Lane but he pushed for safer access for caravans through a new entrance. Now surprisingly he wants to use this for residential purposes. Brace yourself for an application next for one or more houses !

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### **Objection – John Richardson. Rec – 26/05/2021**

In respect of the above planning application in particular the new access to Blackburn Road I have major concerns.

Just to put you in the picture my farm access to Blackburn road is within 100 mtrs of this proposed access. It is very dangerous with the speed limit currently set at 40 mph but realistically at far higher speeds. The width of the road is unsuitable for turning with a trailer and any access with trailer requires the full width of the road.

Turning to the proposal the swept path analysis only assumes access and departure in one direction only and does not include the public footpath. The footpath itself should be reinstated with kerbstones and dropped kerbs for the proposed entrance. Once this is done then it would appear to be totally impractical to get large twin axle caravans into the turning on such a narrow road safely.

One other aspect that is neglected is this section of road is very dangerous in the winter with ice and snow making the dip a no go area for idiots in 2WD cars who have to park on the bridge and wait for myself or Mr Holden the other farmer along the road to pull them out with 4WD tractors.

I accept Hob Lane is a ridiculous access for caravans but at least you don't have idiots driving along it at 40 to 60 mph.

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## REPORT OF THE DIRECTOR

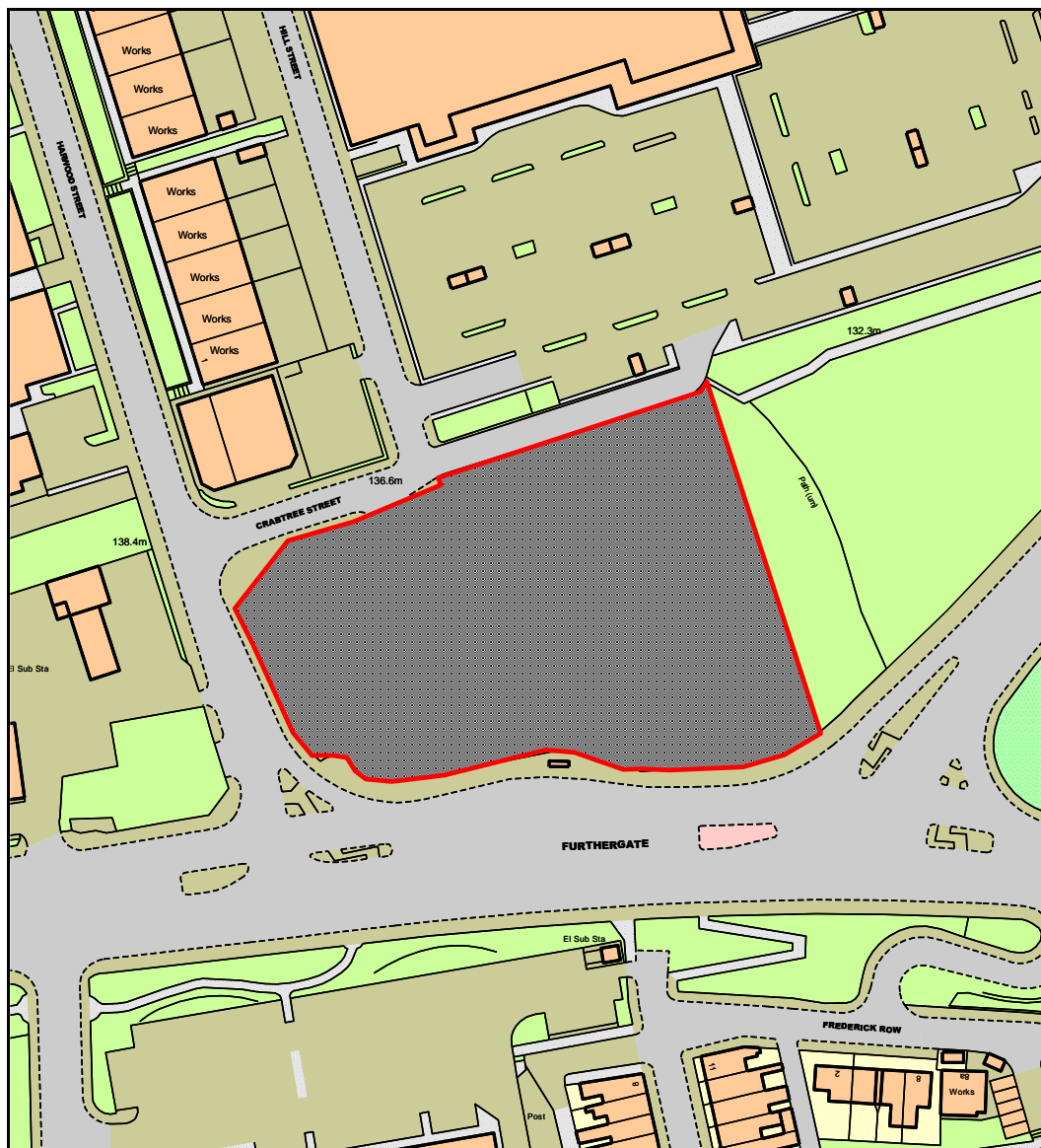
Plan No: 10/21/0562

**Proposed development: Prior Approval - Solar Panels Non-domestic Buildings  
for Installation of Solar Photo Voltiac (SPV) arrays to North East facing roof  
slope**

**Site address:  
Blackburn Enterprise Centre  
Furthergate  
Blackburn  
BB1 3HQ**

**Applicant: Blackburn with Darwen Borough Council**

**Ward: Audley & Queens Park**



## **1.0 SUMMARY OF RECOMMENDATION**

### **1.0.1 PRIOR APPROVAL NOT REQUIRED**

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

- 2.1.1 The Council is seeking prior approval for the installation of a roof mounted solar pv system under Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 on Blackburn Leisure Centre, a Council owned building.
- 2.1.2 The only planning matters that the Authority are to consider in the determination as to whether prior approval is required are the design or external appearance of the development, including the impact of glare on occupiers of neighbouring land. No other matters are material and cannot be considered as part of this application for prior approval.
- 2.1.3 The reasons for installing the solar PV arrays are to reduce the building's reliance on grid electricity to save money and to reduce emissions of carbon dioxide. This will contribute towards the Council's Climate Emergency Declaration to be carbon neutral by 2030.
- 2.1.4 The proposal is Permitted Development as it conforms to the requirements of Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Due to the panels being set behind the parapet roof of the building both glare and the design and visual impacts of the proposals are considered to be acceptable. Officers are therefore of the opinion that the scheme complies with parts J.1, J.3 and J.4 in this instance and thus it is therefore considered that prior approval is not required.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

- 3.1.1 The application site relates to Blackburn Enterprise Centre, located at the junction of Furthergate with Carl Fogerty Way. The site also sits between Harwood Street and Crabtree Street.
- 3.1.2 The application site is within an allocated Primary Employment Area, as defined on the Proposals Map forming part of the Blackburn with Darwen Local Plan Part 2.

### **3.2 Proposed Development**

- 3.2.1 The Council, the applicant, is seeking prior approval for the installation of a roof mounted solar pv system. The reasons for installing the solar PV arrays are to reduce the building's reliance on grid electricity to save money and to



reduce emissions of carbon dioxide. This will contribute towards the Council's Climate Emergency Declaration to be carbon neutral by 2030.

- 3.2.2 Technical information has been provided in respect of the design and capacity of the proposals. The solar panels proposed are Trina Vertex S Backsheet Monocrystalline Modules. The panels will be fitted to a support framework that angles the solar panels at 10° from the mono-pitched roof surface (20° from horizontal).
- 3.2.3 In total there will be 76 Trina Solar VERTEX S TSM-395-DE09.08 panels, all panels will be facing southwards. The panels will project no higher than 200mm above the roof slope/surface (in line with the Permitted Development requirements).
- 3.2.4 The panels are to be set from the roof edge at no less than 2m from the East side, 2m from the West side, 2m from the South side and 2m from the North side.
- 3.2.5 Electricity generated will be 30.02kWp over a PV generator surface of 146.1m<sup>2</sup>
- 3.2.6 Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 relates to '*Installation or alteration of solar equipment on nondomestic properties*' and part J(c) permits the installation of other solar PV equipment on the roof of a building.
- 3.2.7 In determining the application, the Local Planning Authority must make a judgement on the criteria set out in Class J.4 (2) of Part 14 of the GPDO which states that:

*Class J(c) development is permitted subject to the condition that before beginning the development the developer must apply to the local planning authority for a determination as to whether prior approval of the authority will be required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land.*

### **3.3 Allocation and Development Plan Policies**

- 3.3.1 The application site is located within a Primary Employment Area.
- 3.3.2 Local policy is provided by the Council's Core Strategy, the Local Plan Part 2 and the Council's Supplementary Planning Documents and Guidance, as such the following policy and guidance is considered most relevant:
- 3.3.3 **Core Strategy (2011)**

Policy CS1: A Targeted Growth Strategy

Policy CS16: Form and Design of New Development

### 3.3.4 Local Plan Part 2: Site Allocations and Development Management Policies Document (2015)

Policy 7: Sustainable Development  
Policy 8: Development and People  
Policy 11: Development and the Environment  
Policy 14: Primary Employment Area  
Policy 36: Climate Change

### 3.3.5 National

National Planning Practice Guidance (NPPF) (2019)  
Planning Practice Guidance (PPG)

## 3.4 Assessment

3.4.1 The proposals constitute 'permitted development' under Class J of Part 14 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), subject to the condition that before beginning the development the developer must apply to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to the design or external appearance of the development, and in particular the impact of glare on occupiers of neighbouring land. In addition to this assessment, the following conditions must also be met:

3.4.2 **J.1 Development is not permitted by Class J if:**

***(a) the solar PV equipment or solar thermal equipment would be installed on a pitched roof and would NOT protrude more than 0.2 metres beyond the plane of the roof slope when measured from the perpendicular with the external surface of the roof slope;***

3.4.3 the installation will not exceed 200mm (when measured perpendicular) above the roof slope.

3.4.4 ***(b)The solar PV equipment or solar thermal equipment would be installed on a flat roof, where the highest part of the solar PV equipment would be higher than 1m above the highest part of the roof (excluding any chimney)***

3.4.5 The submitted drawings illustrate that this will not be the case.

3.4.6 ***(c) The solar PV equipment or solar thermal equipment would be installed on a roof and within 1 metre of the external edge of that roof;***

3.4.7 The application submission confirms the panels will not be installed within 1m from the external edge of the roof and indeed that the proposals will be set in at least 2 metres from the edges of the mono-pitch roof.

- 3.4.8 ***(d) in the case of a building on article 2(3) land*** (includes land which is a national park, an Area of Outstanding Natural Beauty, a conservation area, The Broads, or a World Heritage Site), ***the solar PV equipment or solar thermal equipment would be installed on a roof slope which fronts a highway***
- 3.4.9 The site is not located on article 2(3) land.
- 3.4.10 ***(e) The solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument***
- 3.4.11 The site does not comprise a scheduled monument.
- 3.4.12 ***(f) The solar PV equipment or solar thermal equipment would be installed on a listed building or on a building within the curtilage of a Listed Building***
- 3.4.13 The site does not comprise a Listed Building or a building within the curtilage of a Listed Building.
- 3.4.14 **J.2 Development is not permitted by Class J(a) or (b) if—**
- 3.4.15 ***(a) the solar PV equipment or solar thermal equipment would be installed on a wall and would protrude more than 0.2 metres beyond the plane of the wall when measured from the perpendicular with the external surface of the wall;***
- 3.4.16 Not applicable.
- 3.4.17 ***(b) the solar PV equipment or solar thermal equipment would be installed on a wall and within 1 metre of a junction of that wall with another wall or with the roof of the building; or***
- 3.4.18 Not applicable.
- 3.4.19 ***(c) in the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a wall which fronts a highway.***
- 3.4.20 Not applicable.
- 3.4.21 ***J.3 Development is not permitted by Class J(c) if the capacity of the solar PV equipment installed (together with any solar PV equipment installed under class J(b)) to generate electricity exceeds 1 megawatt***
- 3.4.22 The application is accompanied with the application form and technical data that indicates that the panels cumulatively would not exceed this threshold with the stated maximum combined output being 30.02KW.
- 3.4.23 **J.4 (1): Class J development is permitted subject to the following conditions:**

3.4.24 ***(a) The solar PV equipment or solar thermal equipment must, so far as practicable, be sited so as to minimize its effect on the external appearance of the building and the amenity of the area; and***

3.4.25 The equipment is considered to be located on the roof slope away from Furthergate in the position considered viably possible without significant effect on the external appearance of the building and the amenity of the area.

3.4.26 The proposals will be visible from the car park associated with Tesco's Superstore and from Carl Fogarty Way, however the panels are to be black framed. Black framed panels are considered to be the most visually sympathetic.

3.4.27 ***(b) The solar PV equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.***

3.4.28 It is advised that this condition be added to the Decision Notice.

3.4.29 **J.4(2): Whether prior approval of the authority will be required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land.**

3.4.30 The proposed panels are to be set in from the edges of the roofscape by two metres, and are to be black framed. The design and external appearance of the development is therefore considered to be acceptable.

3.4.31 In relation to the impact of glare on occupiers of neighbouring land, the nature of solar panels is to absorb as much light as possible, and glare would mean they are ineffective. As technology of solar panels advances, glare is further reduced. In this case, the area is industrial/ commercial in nature and the Enterprise Centre is orientated away from neighbouring buildings. In the main, the proposals will be seen at distance from the car park for Tesco Superstore and from land owned by the Council. Glare tends to occur when a neighbouring property or land is set above solar panels. This is not the case in this location and therefore Officers consider prior approval is not required.

3.4.32 Based on the above, it is considered that the proposed solar PV equipment would accord with the conditions set out in Class J.1 a-f, J.2 a-c, and J.3 of Part 14. In addition, Officers considers that prior approval is not required for the proposals as set out within Class J.4, Part 14 of the General Permitted Development Order 2015 (as amended).

3.4.33 **Other Matters**

3.4.34 Ground Stability

3.4.35 Paragraphs 178 and 179 of the NPPF are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability.

3.4.36 The application site lies within a Coal Authority Low Risk Area. Given the scale and nature of the proposed development, it is not considered necessary

to require the applicants to submit a Coal Mining Risk Assessment, nor is it necessary to consult the Coal Authority.

3.4.37 Given that works will be at roof level and internal only there is also no need to attach the Coal Authority standard informative as part of any approval.

#### 3.4.38 Air Quality and Climate Change

3.4.39 Local Plan Part 2, Policy 8 iv) requires development within designated Air Quality Management Areas, or result in the declaration of a new AQMA, to be controlled to ensure that air quality is not made worse.

3.4.40 Local Plan Part 2, Policy 36 states:

*“All development must demonstrate how it has been designed to minimise its contribution to carbon emissions and climate change, both directly from the development and indirectly arising from factors such as travel to and from the development.”*

3.4.41 The application site does not lie within an Air Quality Management Area and will not result in the declaration of a new Air Quality Management Area.

3.4.42 Given the scale and nature of the proposed development, it is considered that the proposal will have the potential to make a positive impact on air quality by introducing a renewable energy source and thus reducing the Council's reliance on fossil fuel generated energy. The proposed development supports the transition to a low carbon future in a changing climate, as required by the National Planning Policy Framework. This will contribute towards the Council's Climate Emergency Declaration to be carbon neutral by 2030. In line with Policy 9 (2) of Local Plan Part 2: 'Development and the Environment', the proposal will cut emissions of carbon dioxide and so help to mitigate climate change.

3.4.43 The proposal constitutes a small-scale renewable energy scheme, in keeping with Policy 36: 'Climate Change', of BwD Local Plan Part 2 and will not result in the declaration of a new Air Quality Management Area, in line with the requirements of Policy 8 iv).

#### 3.4.44 **CONCLUSION**

3.4.45 The Council is seeking prior approval for the installation of a roof mounted solar pv system under Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015. As the proposals accord with the criteria set out under Class J, the only planning matters that the Authority are able to consider in the determination as to whether prior approval is required are the design or external appearance of the development, and the impact of glare on occupiers of neighbouring land. No other matters are material and thus cannot be considered as part of this application for prior approval.

3.4.46 The proposal is Permitted Development as it conforms to the requirements of Part 14, Class J of the Town and Country Planning (General Permitted

Development) (England) Order 2015 (as amended). Officers are of the opinion that the scheme complies with parts J.1, J.3 and J.4 in this instance. It is therefore considered that prior approval is not required.

#### **4.0 RECOMMENDATION**

##### **4.1 PRIOR APPROVAL IS NOT REQUIRED**

#### **5.0 PLANNING HISTORY**

5.1 There is no relevant planning history associated with this site which is considered directly relevant to the determination of this case.

#### **6.0 CONSULTATIONS**

6.1 In accordance with Condition J.4(6) of Class J, the Council, the Local Planning Authority, has given notice of the proposed development by Site Notice. No representations have been received as a result of this Site Notice.

6.3 BwD Environmental Protection: Public Protection – No objections.

**7.0 CONTACT OFFICER: Claire Booth MRTPI, Senior Planning Officer**

**8.0 DATE PREPARED: 01 July 2021**

## **REPORT OF THE DIRECTOR**

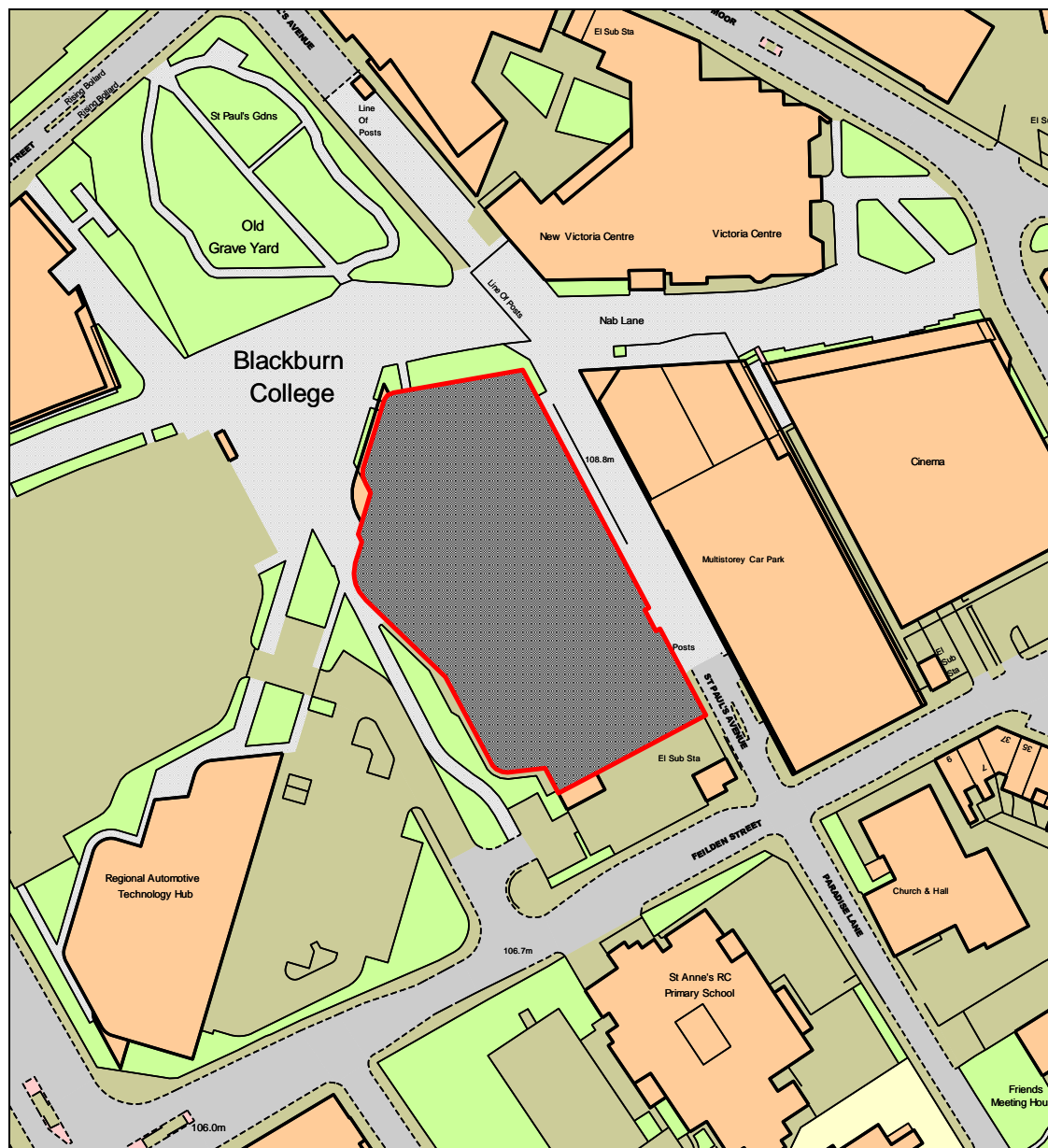
**Plan No: 10/21/0563**

**Proposed development: Prior Approval - Solar Panels Non-domestic Buildings  
for Installation of Solar Photovoltaic (SPV) arrays to flat roof**

**Site address:  
Blackburn Leisure Centre  
Feilden Street  
Blackburn  
BB2 1LQ**

**Applicant: Blackburn with Darwen Borough Council**

**Ward: Blackburn Central**



## **1.0 SUMMARY OF RECOMMENDATION**

### **1.0.1 PRIOR APPROVAL NOT REQUIRED**

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

- 2.1.1 The Council is seeking prior approval for the installation of a roof mounted solar pv system under Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 on Blackburn Leisure Centre, a Council owned building.
- 2.1.2 The only planning matters that the Authority are to consider in the determination as to whether prior approval is required are the design or external appearance of the development, including the impact of glare on occupiers of neighbouring land. No other matters are material and cannot be considered as part of this application for prior approval.
- 2.1.3 The reasons for installing the solar PV arrays are to reduce the building's reliance on grid electricity to save money and to reduce emissions of carbon dioxide. This will contribute towards the Council's Climate Emergency Declaration to be carbon neutral by 2030.
- 2.1.4 The proposal is Permitted Development as it conforms to the requirements of Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Due to the panels being set behind the parapet roof of the building both glare and the design and visual impacts of the proposals are considered to be acceptable. Officers are therefore of the opinion that the scheme complies with parts J.1, J.3 and J.4 in this instance and thus it is therefore considered that prior approval is not required.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

- 3.1.1 The application site relates to the Blackburn Leisure Centre located between Fielden Street multi-storey car park to the East and the Regional Automotive Technology Hub MOT Centre, Blackburn College to the West. To the North-West is the Grade II listed Victoria Centre with St Anne's R.C Primary School to the South.
- 3.1.2 The site is within the setting of Northgate Conservation Area and is within the setting of the Grade II listed Victoria Centre.

### **3.2 Proposed Development**

- 3.2.1 The Council, the applicant, is seeking prior approval for the installation of a roof mounted solar pv system. The reasons for installing the solar PV arrays are to reduce the building's reliance on grid electricity to save money and to reduce emissions of carbon dioxide. This will contribute towards the Council's Climate Emergency Declaration to be carbon neutral by 2030.



- 3.2.2 Technical information has been provided in respect of the design and capacity of the proposals. The solar panels proposed are Trina Vertex S Backsheet Monocrystalline Modules. The panels will be fitted to a support framework that angles the solar panels at 5° from the roof (20° from horizontal in total).
- 3.2.3 In total there will be 364 Trina Solar VERTEX S TSM-395-DE09.08 panels split over the three proposed roof areas, all orientated South. When fixed, all panels will be below the height of the perimeter parapet. The panels will be inset from the parapet by a minimum of 1mtr to allow access.
- 3.2.3 Electricity generated will be 143.78kWp over a PV generator surface of 699.7m<sup>2</sup>.
- 3.2.4 Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 relates to '*Installation or alteration of solar equipment on nondomestic properties*' and part J(c) permits the installation of other solar PV equipment on the roof of a building.
- 3.2.5 In determining the application, the Local Planning Authority must make a judgement on the criteria set out in Class J.4 (2) of Part 14 of the GPDO which states that:

*Class J(c) development is permitted subject to the condition that before beginning the development the developer must apply to the local planning authority for a determination as to whether prior approval of the authority will be required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land.*

### **3.3 Allocation and Development Plan Policies**

- 3.3.1 The application site is located within a Primary Employment Area and is allocated as a Minerals and Waste site.
- 3.3.2 Local policy is provided by the Council's Core Strategy, Development Management policies within the Local Plan Part 2 and the Council's Supplementary Planning Documents and Guidance, as such the following policy and guidance is considered most relevant:

#### **3.3.3 Core Strategy (2011)**

Policy CS1: A Targeted Growth Strategy  
Policy CS16: Form and Design of New Development

#### **3.3.4 Local Plan Part 2: Site Allocations and Development Management Policies Document (2015)**

Policy 7: Sustainable Development  
Policy 8: Development and People  
Policy 11: Development and the Environment

Policy 14: Primary Employment Area  
Policy 36: Climate Change

### 3.3.5 National

National Planning Practice Guidance (NPPF) (2019)  
Planning Practice Guidance (PPG)

## 3.4 Assessment

3.4.1 The proposals constitute 'permitted development' under Class J of part 14 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to the condition that before beginning the development the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the design or external appearance of the development, and in particular the impact of glare on occupiers of neighbouring land. In addition to this assessment, the following conditions must also be met:

3.4.2 **J.1 Development is not permitted by Class J if:**

***(a) the solar PV equipment or solar thermal equipment would be installed on a pitched roof and would NOT protrude more than 0.2 metres beyond the plane of the roof slope when measured from the perpendicular with the external surface of the roof slope;***

3.4.3 Not applicable - The solar PVs proposed to be installed on flat roofs with parapets.

3.4.4 ***(b) The solar PV equipment or solar thermal equipment would be installed on a flat roof, where the highest part of the solar PV equipment would be higher than 1m above the highest part of the roof (excluding any chimney)***

3.4.5 The equipment that would be located on a flat roof behind parapets and therefore would not be higher than 1m above the highest part of the roof.

3.4.6 ***(c) The solar PV equipment or solar thermal equipment would be installed on a roof and within 1 metre of the external edge of that roof;***

3.4.7 The application form confirms the panels will not be installed within 1m from the external edge of the roof.

3.4.8 ***(d) in the case of a building on article 2(3) land*** (includes land which is a national park, an Area of Outstanding Natural Beauty, a conservation area, The Broads, or a World Heritage Site), ***the solar PV equipment or solar thermal equipment would be installed on a roof slope which fronts a highway***

3.4.9 The site is not located on article 2(3) land.

3.4.10 ***(e) The solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument***

3.4.11 The site does not comprise a scheduled monument.

3.4.12 ***(f) The solar PV equipment or solar thermal equipment would be installed on a listed building or on a building within the curtilage of a Listed Building***

3.4.13 The site does not comprise a Listed Building or a building within the curtilage of a Listed Building.

3.4.14 **J.2 Development is not permitted by Class J(a) or (b) if—**

3.4.15 ***(a) the solar PV equipment or solar thermal equipment would be installed on a wall and would protrude more than 0.2 metres beyond the plane of the wall when measured from the perpendicular with the external surface of the wall;***

3.4.16 Not applicable.

3.4.17 ***(b) the solar PV equipment or solar thermal equipment would be installed on a wall and within 1 metre of a junction of that wall with another wall or with the roof of the building; or***

3.4.18 Not applicable.

3.4.19 ***(c) in the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a wall which fronts a highway.***

3.4.20 Not applicable.

3.4.21 ***J.3 Development is not permitted by Class J(c) if the capacity of the solar PV equipment installed (together with any solar PV equipment installed under class J(b)) to generate electricity exceeds 1 megawatt***

3.4.22 The application is accompanied with the application form and technical data that indicates that the panels cumulatively would not exceed this threshold with the stated maximum combined output being 143.78KW.

3.4.23 ***J.4 (1): Class J development is permitted subject to the following conditions:***

3.4.24 ***(a) The solar PV equipment or solar thermal equipment must, so far as practicable, be sited so as to minimize its effect on the external appearance of the building and the amenity of the area; and***

3.4.25 The equipment is considered to be located in the only practicable position considered viably possible without significant effect on the external appearance of the building and the amenity of the area.

3.4.26 ***(b) The solar PV equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.***

3.4.27 It is advised that this condition be added as an informative to the Decision Notice.

3.4.28 **J.4(2): Whether prior approval of the authority will be required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land.**

3.4.29 The roof of the building has a flat roof and is located within the setting of Northgate Conservation Area and the Grade II listed Victoria Buildings.

3.4.30 Given the solar panels are to be shielded from public view by the parapet surrounding the roof, it is considered that the proposal by virtue of its design or external appearance would not harm the setting of either the Grade II Listed Victoria Buildings or Northgate Conservation Area, in accordance with Policies 8 i.), 11 and 39 of the Blackburn with Darwen Local Plan Part 2.

3.4.31 In relation to the impact of glare on occupiers of neighbouring land, the nature of solar panels is to absorb as much light as possible, and glare would mean they are ineffective. As technology of solar panels advances, glare is further reduced. Glare tends to occur when a neighbouring property or land is set above solar panels. In this case, as the panels will be positioned behind the parapet roof the proposals will only be seen when flying over the site. Accordingly the proposals will not cause any glare issues.

3.4.32 Based on the above, it is considered that the proposed solar PV equipment would accord with the conditions set out in Class J.1 a-f, J.2 a-c, and J.3 of Part 14. In addition, Officers considers that prior approval is not required for the proposals as set out within Class J.4, Part 14 of the General Permitted Development Order 2015 (as amended).

#### 3.4.33 **Other Matters**

##### 3.4.34 Ground Stability

3.4.35 Paragraphs 178 and 179 of the NPPF are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability.

3.4.36 The application site lies within a Coal Authority Low Risk Area. Given the scale and nature of the proposed development, it is not considered necessary to require the applicants to submit a Coal Mining Risk Assessment, nor is it necessary to consult the Coal Authority.

3.4.37 Given that works will be at roof level and internal only there is no need to attach the Coal Authority standard informative as part of any approval

##### 3.4.38 Air Quality and Climate Change

3.4.39 Local Plan Part 2, Policy 8 iv) requires development within designated Air Quality Management Areas, or result in the declaration of a new AQMA, to be controlled to ensure that air quality is not made worse.

3.4.40 Local Plan Part 2, Policy 36 states:

*“All development must demonstrate how it has been designed to minimise its contribution to carbon emissions and climate change, both directly from the development and indirectly arising from factors such as travel to and from the development.”*

3.4.41 The application site does not lie within an Air Quality Management Area.

3.4.42 Given the scale and nature of the proposed development, it is considered that the proposal will have the potential to make a positive impact on air quality by introducing a renewable energy source and thus reducing the Council's reliance on fossil fuel generated energy. The proposed development supports the transition to a low carbon future in a changing climate, as required by the NPPR. This will contribute towards the Council's Climate Emergency Declaration to be carbon neutral by 2030. In line with Policy 9 (2) of Local Plan Part 2: 'Development and the Environment', the proposal will cut emissions of carbon dioxide and so help to mitigate climate change. The proposal constitutes a small-scale renewable energy scheme, in keeping with Policy 36: 'Climate Change', of BwD Local Plan Part 2.

#### 3.4.43 **CONCLUSION**

3.4.44 The Council is seeking prior approval for the installation of a roof mounted solar pv system under Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015. As the proposals accord with the criteria set out under Class J, the only planning matters that the Authority are able to consider in the determination as to whether prior approval is required are the design or external appearance of the development, and the impact of glare on occupiers of neighbouring land. No other matters are material and thus cannot be considered as part of this application for prior approval.

3.4.45 The proposal is Permitted Development as it conforms to the requirements of Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Officers are of the opinion that the scheme complies with parts J.1, J.3 and J.4 in this instance. It is therefore considered that prior approval is not required.

## 4.0 **RECOMMENDATION**

4.1 **PRIOR APPROVAL IS NOT REQUIRED**

## 5.0 **PLANNING HISTORY**

5.1 There is no relevant planning history associated with this site which is considered directly relevant to the determination of this case.

## **6.0 CONSULTATIONS**

6.1 In accordance with Condition J.4(6) of Class J, the Council, the Local Planning Authority, has given notice of the proposed development by Site Notice.

6.2 No representations have been received as a result of this Site Notice.

**7.0 CONTACT OFFICER: Claire Booth MRTPI, Senior Planning Officer**

**8.0 DATE PREPARED: 29 June 2021**



## **1.0 SUMMARY OF RECOMMENDATION**

That the proposed works are approved.

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

To report to and seek approval from Committee for works to Council owned trees at the Sunnyhurst Centre, Salisbury Road, Darwen.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

3.1.1 The site is currently vacated and has been for a number of years; during the period of closure, the site has had little or no maintenance works undertaken and this has left the buildings in a poor state with vast areas of the site becoming densely overgrown. The site was previously used for educational purposes and after some much needed repair and improvement works are completed it is due to be reopened in October 21 for educational need.

3.1.2 The site entrance in the form of a double gate is located on Salisbury Road, Darwen. A sloping driveway provides vehicular access in to the site curtilage. The drive extends up to the original school building with a side access on to a car park. Higher ground levels to an area of the car park are retained in the form of gabion baskets. Extensive grounds surround the buildings with mature woodland and areas of dense vegetation located to front, sides and rear areas. Widespread areas of the site are vastly overgrown and mature trees dominate the skyline adjacent to the existing buildings. External perimeter fences in various forms include brick walling, metal railings and tall mesh fencing. Some internal fence lines run parallel to the boundaries forming secluded areas. An electrical substation with its own private access from the east boundary is present and perimeter metal fencing surrounds the station.

### **3.2 Proposed Development**

3.2.1 External repairs and maintenance works to existing educational buildings are specified including roof repairs and servicing works to existing rainwater goods. A number of external surface water gullies and drainage channels require clearing with some elements of repair. External elevations require some localised masonry works including the reconstruction of localised parapet details to flat roofs and bay window details. Some replacement and repairs to existing windows and door openings are required to ensure the buildings are secure and watertight. Internally the buildings require cleaning and clearance works following recent vandalism in parts. Following this, extensive remodelling and refurbishment works are planned including the installation of a new heating system. The specified refurbishment works are currently being completed and are due to be completed by September 21.



- 3.2.2 A suitably qualified tree surveyor has surveyed all external areas of mature woodland and a report has been issued including relevant details of all tree species, age, condition etc. Each tree is numbered and has appropriate recommendations and observations for consideration. Following the report review, it is now intended to undertake all recommended tree works at appropriate timescales as identified by appointing suitably qualified arborists to undertake the site works. All works will be completed in accordance with the survey recommendations.

### **3.3 Development Plan**

N/A

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

N/A

### **3.5 Assessment**

- 3.5.1 The works highlighted within the submitted report includes the removal of nine mature trees. Most to be removed are suffering from a variety of problems including Ash Dieback disease and severe decay. Numerous other trees are to be pruned mainly to remove lower branches and as part of good overall arboricultural management.

## **4.0 RECOMMENDATION**

That the proposed tree works are approved.

## **5.0 PLANNING HISTORY**

## **6.0 CONSULTATIONS**

A site notice has been placed at the front entrance that gives residents the opportunity to inspect the proposals. A few residents were spoken to where tree removal might be of interest.

## **7.0 CONTACT OFFICER:**

Roland Jones (Arboricultural Officer) Chris Atkinson (Project Officer/Building Estates Surveyor)

## **8.0 DATE PREPARED: 29<sup>th</sup> June 2021**

## REPORT OF THE DIRECTOR

Plan No: 10/21/0565

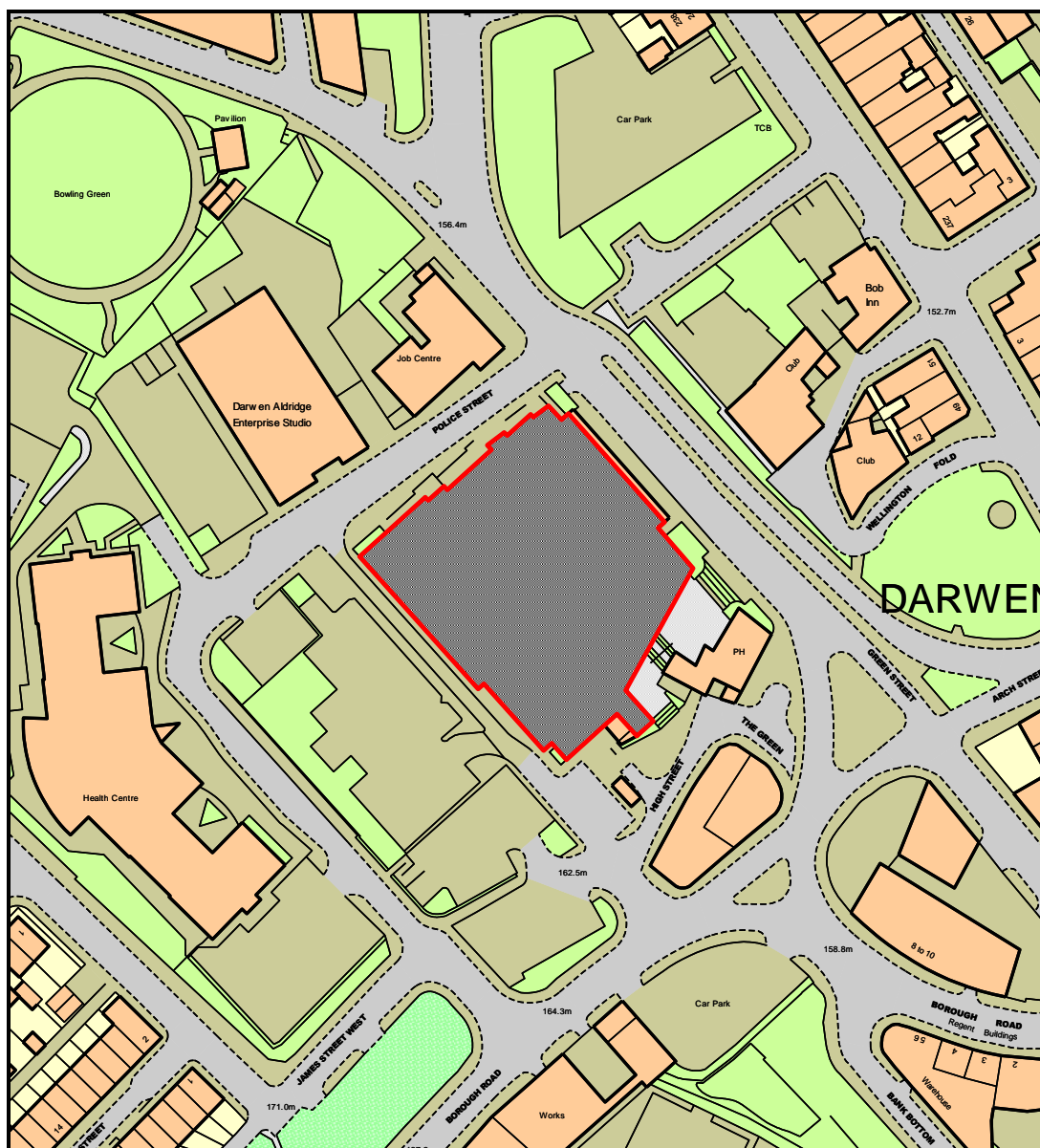
**Proposed development: Prior Approval - Solar Panels Non-domestic Buildings  
for Installation of Solar Photo Voltaic (SPV) arrays to flat roof areas of building**

**Site address:**

**Darwen Leisure Centre  
The Green  
Darwen  
BB3 1PW**

**Applicant: Blackburn with Darwen Borough Council**

**Ward: Darwen West**



## **1.0 SUMMARY OF RECOMMENDATION**

### **1.0.1 PRIOR APPROVAL NOT REQUIRED**

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

- 2.1.1 The Council is seeking prior approval for the installation of a roof mounted solar pv system under Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 on Darwen Leisure Centre, a Council owned building.
- 2.1.2 The only planning matters that the Authority are to consider in the determination are as to whether prior approval is required are the design or external appearance of the development, including the impact of glare on occupiers of neighbouring land. No other matters are material and cannot be considered as part of this application for prior approval.
- 2.1.3 The reasons for installing the solar PV arrays are to reduce the building's reliance on grid electricity to save money and to reduce emissions of carbon dioxide. This will contribute towards the Council's Climate Emergency Declaration to be carbon neutral by 2030.
- 2.1.4 The proposal is Permitted Development as it conforms to the requirements of Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Due to the panels being set behind the parapet roof of the building both glare and the design and visual impacts of the proposals are considered to be acceptable. Officers are therefore of the opinion that the scheme complies with parts J.1, J.3 and J.4 in this instance and thus it is therefore considered that prior approval is not required.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

- 3.1.1 The application site relates to Darwen Leisure Centre, located on The Green, Darwen and is encircled by Police Street, Green Street and Tockholes Road.
- 3.1.2 The application site is within the defined Darwen Town Centre boundary.
- 3.1.3 The western most part of the application site also lies within Darwen Conservation Area.

### **3.2 Proposed Development**

- 3.2.1 The Council, the applicant, is seeking prior approval for the installation of a roof mounted solar pv system. The reasons for installing the solar PV arrays

are to reduce the building's reliance on grid electricity to save money and to reduce emissions of carbon dioxide. This will contribute towards the Council's Climate Emergency Declaration to be carbon neutral by 2030.

- 3.2.2 Technical information has been provided in respect of the design and capacity of the proposals. The solar panels proposed are Trina Vertex S Backsheet Monocrystalline Modules. The panels will be fitted to a support framework that angles the solar panels at 10° from the mono-pitched roof surface (20° from horizontal).
- 3.2.3 The solar panels proposed are Trina Vertex S Backsheet Monocrystalline Modules. The panels will be fitted to a support framework that angles the solar panels at 20° from the flat roof. In total there will be 376 Trina Solar VERTEX S TSM-395-DE09.08 panels, all panels will be facing southwest.
- 3.2.4 When fixed, all panels will be below the height of the perimeter parapet. The panels will be inset from the parapet by a minimum of 1mtr to allow access.
- 3.2.5 Electricity generated will be 137.46kWp over a PV generator surface of 669m<sup>2</sup>.
- 3.2.6 Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 relates to '*Installation or alteration of solar equipment on nondomestic properties*' and part J(c) permits the installation of other solar PV equipment on the roof of a building.
- 3.2.7 In determining the application, the Local Planning Authority must make a judgement on the criteria set out in Class J.4 (2) of Part 14 of the GPDO which states that:

*Class J(c) development is permitted subject to the condition that before beginning the development the developer must apply to the local planning authority for a determination as to whether prior approval of the authority will be required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land.*

### **3.3 Allocation and Development Plan Policies**

- 3.3.1 The application site is located within a Primary Employment Area.
- 3.3.2 Local policy is provided by the Council's Core Strategy, the Local Plan Part 2 and the Council's Supplementary Planning Documents and Guidance, as such the following policy and guidance is considered most relevant:

#### **3.3.3 Core Strategy (2011)**

Policy CS1: A Targeted Growth Strategy  
Policy CS16: Form and Design of New Development  
Policy CS17: Built and Cultural Heritage

### 3.3.4 **Local Plan Part 2: Site Allocations and Development Management Policies Document (2015)**

Policy 7: Sustainable Development  
Policy 8: Development and People  
Policy 11: Development and the Environment  
Policy 14: Primary Employment Area  
Policy 36: Climate Change  
Policy 38: Heritage

### 3.3.5 **National**

National Planning Practice Guidance (NPPF) (2019)  
Planning Practice Guidance (PPG)

## 3.4 **Other Material Considerations**

### 3.4.1 Darwen Conservation Area Appraisal and Management Plan

## 3.5 **Assessment**

3.5.1 The proposals constitute 'permitted development' under Class J of Part 14 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), subject to the condition that before beginning the development the developer must apply to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to the design or external appearance of the development, and in particular the impact of glare on occupiers of neighbouring land. In addition to this assessment, the following conditions must also be met:

### 3.5.2 **J.1 Development is not permitted by Class J if:**

***(a) the solar PV equipment or solar thermal equipment would be installed on a pitched roof and would NOT protrude more than 0.2 metres beyond the plane of the roof slope when measured from the perpendicular with the external surface of the roof slope;***

3.5.3 the installation will not exceed 200mm (when measured perpendicular) above the roof slope.

3.5.4 ***(b)The solar PV equipment or solar thermal equipment would be installed on a flat roof, where the highest part of the solar PV equipment would be higher than 1m above the highest part of the roof (excluding any chimney)***

3.5.5 The submitted drawings illustrate that this will not be the case as they will site below the parapets.

- 3.5.6 ***(c) The solar PV equipment or solar thermal equipment would be installed on a roof and within 1 metre of the external edge of that roof;***
- 3.5.7 The application submission confirms the panels will not be installed within 1m from the external edge of the roof.
- 3.5.8 ***(d) in the case of a building on article 2(3) land*** (includes land which is a national park, an Area of Outstanding Natural Beauty, a conservation area, The Broads, or a World Heritage Site), ***the solar PV equipment or solar thermal equipment would be installed on a roof slope which fronts a highway***
- 3.5.9 The site is located on article 2(3) land, however as the panels will be positioned on a flat roof there is no roofslope to face a highway.
- 3.5.10 ***(e) The solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument***
- 3.5.11 The site does not comprise a scheduled monument.
- 3.5.12 ***(f) The solar PV equipment or solar thermal equipment would be installed on a listed building or on a building within the curtilage of a Listed Building***
- 3.5.13 The site does not comprise a Listed Building or a building within the curtilage of a Listed Building.
- 3.5.14 **J.2 Development is not permitted by Class J(a) or (b) if—**
- 3.5.15 ***(a) the solar PV equipment or solar thermal equipment would be installed on a wall and would protrude more than 0.2 metres beyond the plane of the wall when measured from the perpendicular with the external surface of the wall;***
- 3.5.16 Not applicable as the panels are to be installed on a flat roof.
- 3.5.17 ***(b) the solar PV equipment or solar thermal equipment would be installed on a wall and within 1 metre of a junction of that wall with another wall or with the roof of the building; or***
- 3.5.18 Not applicable.
- 3.5.19 ***(c) in the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a wall which fronts a highway.***
- 3.5.20 Not applicable.
- 3.5.21 ***J.3 Development is not permitted by Class J(c) if the capacity of the solar PV equipment installed (together with any solar PV equipment installed under class J(b)) to generate electricity exceeds 1 megawatt***

3.5.22 The application is accompanied with the application form and technical data that indicates that the panels cumulatively would not exceed this threshold with the stated maximum combined output being 30.02KW.

3.5.23 **J.4 (1): Class J development is permitted subject to the following conditions:**

3.5.24 **(a) The solar PV equipment or solar thermal equipment must, so far as practicable, be sited so as to minimize its effect on the external appearance of the building and the amenity of the area; and**

3.5.25 The equipment is considered to be located behind the roof parapet and can thus be erected without significant effect on the external appearance of the building and the amenity of the area. It is also considered that the proposals will not harm

3.5.26 **(b) The solar PV equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.**

3.5.27 It is advised that this condition be added to the Decision Notice.

3.5.28 **J.4(2): Whether prior approval of the authority will be required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land.**

3.5.29 The proposed panels are to be set in from the edges of the flat roofscape by one metres, and are to be black framed. The design and external appearance of the development is therefore considered to be acceptable.

3.5.30 In relation to the impact of glare on occupiers of neighbouring land, the nature of solar panels is to absorb as much light as possible, and glare would mean they are ineffective. As technology of solar panels advances, glare is further reduced. In this case, as the solar panels will be positioned behind the parapet roof, glare to occupiers of neighbouring land will not be an issue. On this basis, Officers consider prior approval is not required.

3.5.31 Based on the above, it is considered that the proposed solar PV equipment would accord with the conditions set out in Class J.1 a-f, J.2 a-c, and J.3 of Part 14. In addition, Officers considers that prior approval is not required for the proposals as set out within Class J.4, Part 14 of the General Permitted Development Order 2015 (as amended).

3.5.32 **Other Matters**

3.5.33 Ground Stability

3.5.34 Paragraphs 178 and 179 of the NPPF are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability.

3.5.35 The application site lies within a Coal Authority Low Risk Area. Given the scale and nature of the proposed development, it is not considered necessary

to require the applicants to submit a Coal Mining Risk Assessment, nor is it necessary to consult the Coal Authority.

3.5.36 Given that works will be at roof level and internal only there is also no need to attach the Coal Authority standard informative as part of any approval.

#### 3.5.37 Air Quality and Climate Change

3.5.38 Local Plan Part 2, Policy 8 iv) requires development within designated Air Quality Management Areas, or result in the declaration of a new AQMA, to be controlled to ensure that air quality is not made worse.

3.5.39 Local Plan Part 2, Policy 36 states:

*“All development must demonstrate how it has been designed to minimise its contribution to carbon emissions and climate change, both directly from the development and indirectly arising from factors such as travel to and from the development.”*

3.5.40 The application site does not lie within an Air Quality Management Area and will not result in the declaration of a new Air Quality Management Area.

3.5.41 Given the scale and nature of the proposed development, it is considered that the proposal will have the potential to make a positive impact on air quality by introducing a renewable energy source and thus reducing the Council's reliance on fossil fuel generated energy. The proposed development supports the transition to a low carbon future in a changing climate, as required by the National Planning Policy Framework. This will contribute towards the Council's Climate Emergency Declaration to be carbon neutral by 2030. In line with Policy 9 (2) of Local Plan Part 2: 'Development and the Environment', the proposal will cut emissions of carbon dioxide and so help to mitigate climate change.

3.5.42 The proposal constitutes a small-scale renewable energy scheme, in keeping with Policy 36: 'Climate Change', of BwD Local Plan Part 2 and will not result in the declaration of a new Air Quality Management Area, in line with the requirements of Policy 8 iv).

#### 3.5.43 **CONCLUSION**

3.5.44 The Council is seeking prior approval for the installation of a roof mounted solar pv system under Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015. As the proposals accord with the criteria set out under Class J, the only planning matters that the Authority are able to consider in the determination as to whether prior approval is required are the design or external appearance of the development, and the impact of glare on occupiers of neighbouring land. No other matters are material and thus cannot be considered as part of this application for prior approval.

3.5.45 The proposal is Permitted Development as it conforms to the requirements of Part 14, Class J of the Town and Country Planning (General Permitted



Development) (England) Order 2015 (as amended). Officers are of the opinion that the scheme complies with parts J.1, J.3 and J.4 in this instance. It is therefore considered that prior approval is not required.

#### **4.0 RECOMMENDATION**

##### **4.1 PRIOR APPROVAL IS NOT REQUIRED**

#### **5.0 PLANNING HISTORY**

5.1 There is no relevant planning history associated with this site which is considered directly relevant to the determination of this case.

#### **6.0 CONSULTATIONS**

6.1 In accordance with Condition J.4(6) of Class J, the Council, the Local Planning Authority, has given notice of the proposed development by Site Notice. No representations have been received as a result of this Site Notice.

6.3 BwD Environmental Protection: Public Protection – No objections.

**7.0 CONTACT OFFICER: Claire Booth MRTPI, Senior Planning Officer**

**8.0 DATE PREPARED: 01 July 2021**

## **REPORT OF THE DIRECTOR**

**Plan No: 10/21/0646**

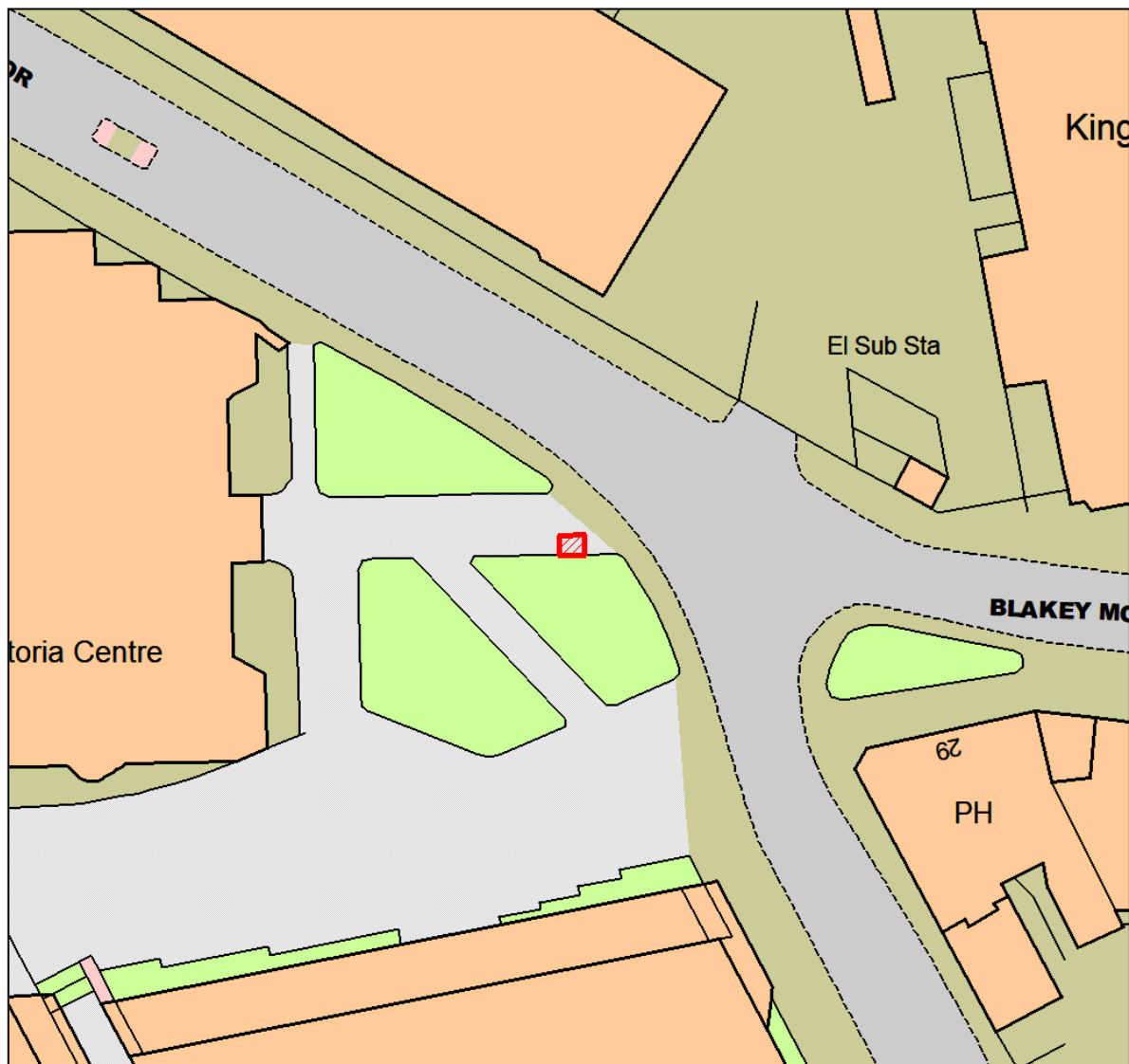
**Proposed development: Full Planning Application (Regulation 3) for: The erection of a free standing bronze statue of Barbara Castle and stone memorial.**

**Site address:  
Jubilee Square  
Blakey Moor  
Blackburn**

**Applicant: Blackburn with Darwen Borough Council**

**Ward: Blackburn Central**

**Councillor Zamir Khan  
Councillor Mahfooz Hussain  
Councillor Samim Desai**



## **1.0 SUMMARY OF RECOMMENDATION**

### **1.1 APPROVE – Subject to conditions, as set out in paragraph 4.1.**

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

- 2.1 The application is reported to Committee on account of the Council's interest in the development, as the applicant, the land owner and the developer.
- 2.2 Assessment of the application finds that the proposal corresponds with the Council's strategic approach to built and cultural heritage, as set out in the Core Strategy and Local Plan Part 2, through delivery of a high quality development which signifies the history of the Borough, enhances the Jubilee Square Public Realm, and the wider Northgate Conservation Area within Blackburn Town Centre. Moreover, from a technical point of view, all issues have been addressed through the application, subject to standard planning conditions.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

- 3.1.1 The Application Site (the site) is located in the newly remodelled Jubilee Square to the east of the front elevation of the Victoria Technical School which is within the wider Northgate Conservation Area (designated in 1994) of the town centre,. The Square comprises a broad central stone pavement from the buildings entrance to Blakey Moor which is flanked by grassed areas edged with granite. The public realm improvements and remodelling of Jubilee Square form part of the new Reel Cinema development and extend the environmental improvements recently undertaken at Blakey Moor and Northgate as part of the Townscape Heritage Project.
- 3.1.2 To the rear (west) of the site and Jubilee Square is the Grade II Listed Victoria Technical School. To the east sits the Grade II Listed King George's Hall, to the north is the historic Blakey Moor Building, to the south is the large development containing Reel Cinema and to the south-east is the Victorian Blakey Moor Terrace. Jubilee Square is bounded on the east by Blakey Moor and on the south by the pedestrianised Nab Lane.

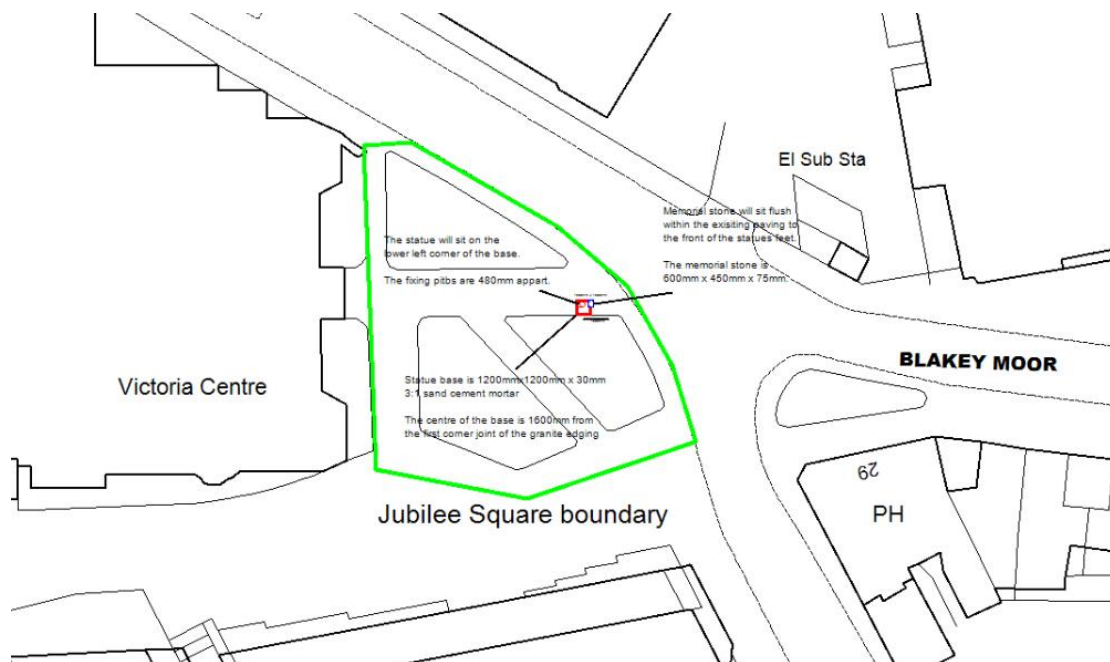
### **3.2 Proposed Development**

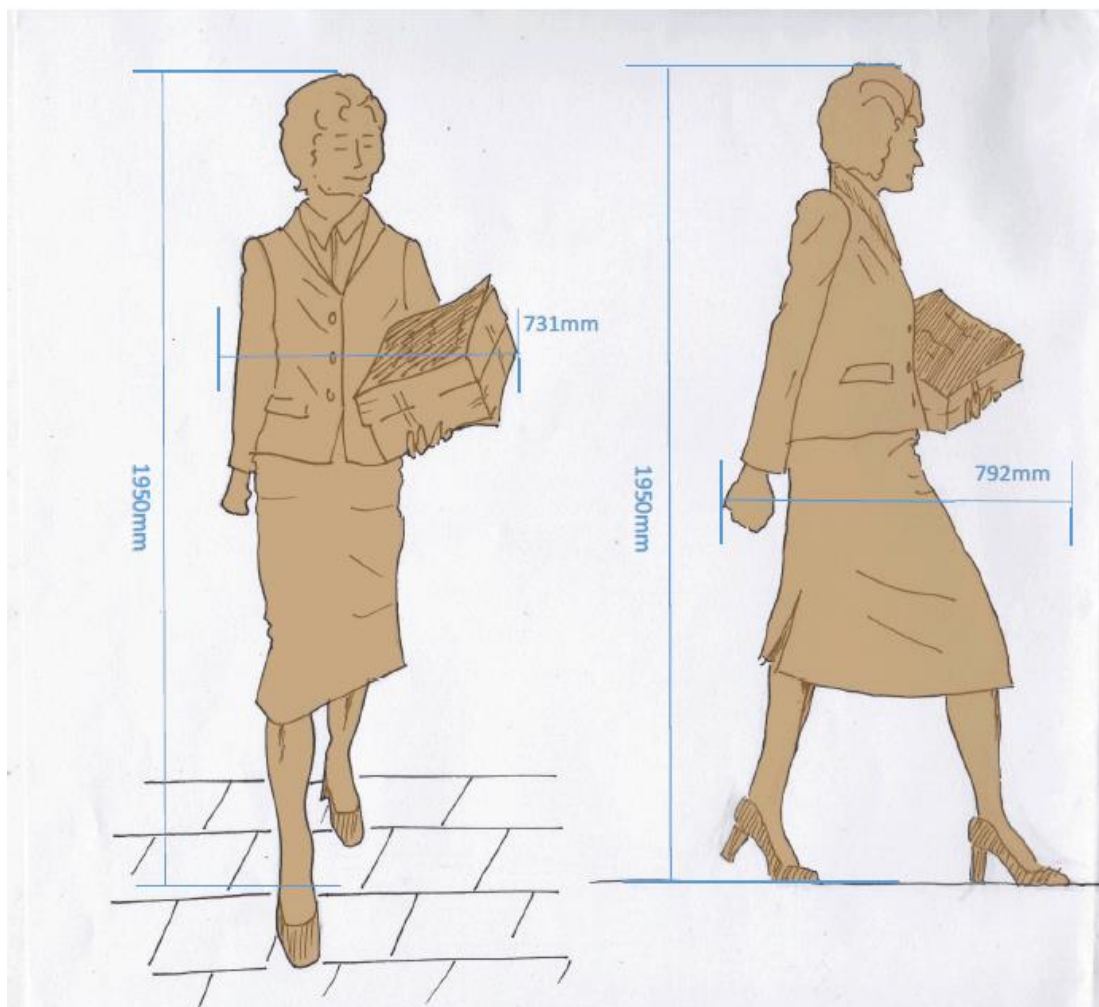
- 3.2.1 Full planning permission is sought for the erection of free-standing bronze statue of Barbara Castle and stone memorial. The statue will be 150% life size, 6ft 4 inches tall and 200kg. This is slightly larger than life scale to ensure that she is not lost among the setting and the surrounding buildings.
- 3.2.2 The statue will be installed flush on the paving and anchored to a 1200mm x 1200mm x 30mm 3:1 sand cement mortar base that has already been

installed under the paving at the Development Site. To the front of the statue will be a 600mm x 450mm x 30mm integrated memorial stone, hand engraved with the following inscription:

*“Barbara Castle, 1910–2002  
MP for Blackburn 1945–79 and  
bold campaigner for equal rights.”*

- 3.2.3 The following site plan and image indicate the proposed position of the statue and its pose, respectively:





3.2.4 Recognising the context to the proposal; Barbara Castle, Baroness Castle of Blackburn, (6 October 1910 – 3 May 2002), was elected to Parliament as MP for Blackburn at the 1945 election. She remained an MP until 1979 making her one of the longest serving female MPs in British history and one which was regarded as one of the most significant Labour Party politicians.

### 3.3 Development Plan

3.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

3.3.2 The Development Plan comprises the Core Strategy and adopted Local Plan Part 2 (LPP2) – 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

- CS17 – Built and Cultural Heritage

### 3.3.4 Local Plan Part 2

- Policy 7 – Sustainable and Viable Development
- Policy 8 – Amenity
- Policy 11 – Design
- Policy 27 – Town Centres – a Framework for Development
- Policy 39 – Heritage

## 3.4 **Other Material Planning Considerations**

### 3.4.1 Northgate Conservation Area Character Appraisal 2009.

This appraisal has been produced following a detailed study and assessment of Northgate Conservation Area, in recognition of the area's historical development and archaeological significance. The appraisal identifies important features (such as buildings, streets, views and open spaces) and explains why the conservation area is special. It also identifies and considers issues which detract from these important features and / or are threatening to harm the area's unique character.

### 3.4.2 Northgate Conservation Area Development Guide 2009.

The purpose of this development guide is to outline how the buildings, streets and places within Northgate Conservation Area can be conserved, improved and developed to enhance the area's special qualities.

### 3.4.3 Blackburn Town Centre Supplementary Planning Document (SPD).

The SPD adds targeted detail, guidance and clarification to the suite of documents comprising the Blackburn with Darwen Development Plan, where it applies to Blackburn Town Centre.

### 3.4.4 National Planning Policy Framework (The Framework)

The Framework provides the Government's national planning policy, including a very strong emphasis on conserving and enhancing the historic environment, set out in Section 16: Conserving and enhancing the historic environment.

### 3.4.5 National Planning Policy Guidance (NPPG)

### 3.5 Assessment

3.5.1 The Development Plan reaffirms The Framework's principles of sustainability which includes support for development which conserves and enhances the built environment, subject to the principles of high quality design.

3.5.2 In assessing this application, the following important materials considerations have been taken into account:

- Principle of the development;
- Built and Cultural Heritage Impact;
- Design – Layout and Character / Appearance.

#### 3.5.3 Principle

In land use terms, the principle of the development is accepted, in accordance with The Framework's presumption in favour of sustainable development, which should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified; subject to assessment of the following matters:

#### 3.5.4 Built and Cultural Heritage

A Heritage Statement is submitted with the application, required by virtue of the sites position relative to Heritage Assets identified as Northgate Conservation Area (CA) Grade II Listed Buildings: The Victoria Technical School and King Georges Hall. The statement provides an overview of these assets, their significance and the impact of the proposal on the character of the CA and setting of the Listed Buildings. The Framework defines a Heritage Asset as:

*"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest."*

3.5.5 The statement also considers the Non-Designated Heritage Asset of the statue of William Gladstone (1809 – 1898), positioned at the axis of Blakey Moor, Northgate and New Market Street, within the CA.

Policy 39 requires development with the potential to affect designated or non-designated heritage assets to sustain or enhance the significance of the asset. To aid assessment, the proposal is supported by submission of a Heritage Statement. The key heritage issues to consider are:

1. Whether the proposed development will harm the character or appearance of the Northgate Conservation Area; and
2. Whether the proposed development will harm the contribution made by the setting to the nearby Grade II listed buildings.

3.5.6 The location of the proposed statue is towards the western boundary of the CA, in an area containing a significant view from Northgate along Blakey Moor, which ends at a focal point of Victoria Technical School (Jubilee

Square). The recently created public / civic space (Jubilee Square) is surrounded by attractive buildings identified in the CA Appraisal as being notable buildings / features that contribute positively to the CA, including some listed buildings. In this regard, although the area contains some modern additions, overall, this part of the CA has historic value and for the purpose of this assessment is of moderate significance. It consists primarily of architecturally interesting and attractive nineteenth and early twentieth century commercial and municipal buildings. In addition, the area has been subject to ongoing environmental improvement works to the existing historic buildings, vacant plots and public realm as part of the town's regeneration.

- 3.5.7 The CA Development Guide notes that the integration of art should be encouraged. Accordingly, the proposal, although a notable addition to the street scene, will clearly be viewed as a memorial and a piece of artwork with important historic and social links to the area. In this context it is considered that the introduction of the statue will not cause any harm to the character or appearance of the CA.
- 3.5.8 Turning to impact on the setting of the Listed Buildings; the key issue is whether the proposal would harm the setting of the Grade II Listed Buildings / structures, which should be regarded as being of high significance. The proposal will be positioned directly opposite the Victoria Technical School and adjacent to King Georges Hall, with a visual connection made between the three features. The listed phone kiosk adjacent to the Public House at no. 35 Northgate will also be visually linked. Primarily, the statue will be experienced in the same setting as the Victoria Technical School when viewed from Blakey Moor and Northgate. However, due to its limited size and scale as well as its position towards the edge of Jubilee Square, any impact on the views of the former Technical School will be negligible.
- 3.5.9 Similarly, any impact to the view / appreciation of King Georges Hall will be minimal and in context with the surrounding urban setting.
- 3.5.10 There will be no negative impact to the setting of the listed phone kiosk or the statue of William Gladstone.
- 3.5.11 It should be recognised that the wider setting of the listed buildings has been improved recently with a modernised public realm. Whilst the new square forms part of the important open views to the listed buildings, it has limited historical connection to them. The wider surroundings, street pattern and general urban layout has largely remained intact and provides a cumulative value to the wider historic setting. In this regard, it is considered that the statue would be an appropriate introduction into the Civic space and the significance of the group setting will be sustained.
- 3.5.12 The proposal would, therefore, meet the statutory test to 'preserve' and would cause no harm to both the character and appearance of the CA nor to the contribution made by the setting to the significance of the Grade II listed buildings. Consequently, no balancing exercise is required, as set out in The Framework at paragraph 196. As such, the proposal meets the objectives of Policy 39 and The Framework.



3.5.13 Considered in the context of the Local Plan's design objectives relating to the Public Realm, as set out in Policy 10, the proposal is considered to make a significant visual contribution to the space that would stimulate public interest, without prejudice to functionality or legibility.

#### 3.5.14 Summary

This report assesses the full planning application for the erection of a free-standing bronze statue of Barbara Castle and stone memorial. In considering the proposal, all necessary material considerations have been taken into account, including the statutory duty imposed by s.66(1) and s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as to the desirability of preserving listed buildings and CA's. This report finds that the proposal meets the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, supporting Planning Documents and the National Planning Policy Framework.

## 4.0 RECOMMENDATION

### 4.1 Approve.

**Delegated authority is given to the Strategic Director of Place to approve planning permission, subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received 17<sup>th</sup> June 2021, including drawing numbered: JBSQ-CAP-XX-00-DR-L-15-1100 and additional information received 23<sup>rd</sup> June 2021.

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

## 5.0 PLANNING HISTORY

- 5.1 No relevant planning history exists for the site.

## 6.0 CONSULTATIONS

### 6.1 Heritage

No objection:

## Assessment

I have reviewed the supporting documents, which includes the site plans, statue design details and a Heritage Statement, prepared by the Townscape Heritage Project on behalf of Blackburn with Darwen Borough Council and the Barbara Castle Statue Campaign Group.

### *Impact to the Conservation Area*

The issues from a conservation perspective is whether the proposal will harm the character and appearance of the Northgate Conservation Area. Northgate Conservation Area was originally designated in 1994. The special interest of Northgate Conservation Area is derived largely from its collection of fine nineteenth and twentieth century municipal, retail and commercial buildings including the Town Hall, Central Police Station and Courthouse and the Blackburn Museum and Art Gallery.

The location of the proposed statue is towards the western boundary of the Northgate Conservation Area, in an area containing a significant view from Northgate along Blakey Moor, which ends at a focal point of the former Technical School (Jubilee Square). The recently created public/ civic space (Jubilee Square) is surrounded by attractive buildings identified in the CA Appraisal as being notable buildings/features that contribute positively to the CA; including some listed buildings. In this regard, although the area contains some modern additions, overall, this part of the CA has historic value and for the purpose of this assessment is of moderate significance.

In my view, this part of the CA consists primarily of architecturally interesting and attractive nineteenth and early twentieth century commercial and municipal buildings. In addition, the area has been subject to ongoing works to improve the existing historic buildings, vacant plots and public realm as part of the town's regeneration.

The Northgate Conservation Area Development Guides notes that the integration of art and that it should be encouraged. As such, the proposal for a statue, although a notable addition to the street scene, will clearly be viewed as a memorial and a piece of artwork with important historic and social links to the area.

In this context I do not feel the introduction of the statue will cause any harm to the character or appearance of the Northgate Conservation Area.

### *Impact on the Setting of the Listed Buildings*

The issue from a heritage viewpoint is whether the proposal would harm the setting of the Grade II Listed Buildings/structures, which should be regarded as being of high significance.

Historic England's advice on setting is contained in its Planning Note 3 (second edition) entitled The Setting of Heritage Assets (2017), which describes the setting as being the surrounding's in which a heritage asset is experienced and explains that this

may be more extensive than its immediate curtilage and need not be confined to areas which have public access.

Mindful of the above guidance, the proposal site lies directly opposite the former Technical College and adjacent to King Georges Hall. Whilst visiting the site, it is clear that the proposal site and the Grade II listed buildings are visually connected (including the listed phone kiosk). The statue will be experienced in the same setting as the Victoria Technical School when viewed from Blakey Moor and Northgate. However, due to the limited size and scale of the statue and position towards the edge of Jubilee Square, any impact on the views of the former Technical School will be negligible.

Similarly, any impact to the view/appreciation of King Georges Hall will be minimal and in context with the surrounding urban setting.

There will be any negative impact to the setting of the listed phone kiosk. The wider setting of the listed buildings has been improved recently with the modern additions and upgraded modern public realm. Whilst the new square forms part of the important open views to the listed buildings, it has limited historical connection to them. The wider surroundings, street pattern and general urban layout has largely remained intact and provides a cumulative value to the wider historic setting. In this regard, the new statue seems to be an appropriate introduction into the Civic space and the significance of the group setting will be sustained.

Subsequently, the proposal will have no negative impact on the contribution made by the historic setting on the significance of any of the heritage assets.

Overall, the proposal will cause no harm to both the character and appearance of the Northgate Conservation Area nor to the contribution made by the setting to the significance of the Grade II listed buildings.

#### ***Conclusion / recommendation***

As I am required to do so, I have given the duty's imposed by s.66(1) and s.72(1) of the P(LBCA) Act 1990 considerable weight in my comments.

I consider the proposal would meet the statutory test 'to preserve' and would cause no harm to both the character and appearance of the Northgate Conservation Area nor to the contribution made by the setting to the significance of the Grade II listed buildings. Therefore, no balancing exercise is required as per NPPF P.196. As such, the proposal meets the objectives of Chapter 16 of the NPPF and accord with the policies of the Local Plan.

#### **6.2 Public consultation**

Consultation was carried out by means of site notices displayed on 22<sup>nd</sup> June 2021 and publication of a press notice on 23<sup>rd</sup> June 2021. No comments were received.

**7.0 CONTACT OFFICER: Nick Blackledge - [Senior Planner]**

**8.0 DATE PREPARED: 1<sup>st</sup> July 2021.**