

Public Document Pack

Planning and Highways Committee

Thursday, 17th February, 2022

6.30 pm

Meeting Room A

AGENDA

- | | | |
|-----|--|-----------|
| 1. | Welcome and Apologies | |
| 2. | Minutes of the Previous Meeting | |
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| 4.3 | Planning Application 21/0745 | |
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Date Published: Wednesday, 09 February 2022
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, Safina Alam and Shannon Gardiner

RESOLUTIONS

51 Welcome and Apologies

The Chair welcomed everyone to the meeting.

There were no apologies received.

52 Minutes of the Previous Meeting

RESOLVED – That the minutes of the previous meeting held on 16th December 2021 be confirmed and signed as a correct record

53 Declaration of Interest

RESOLVED – There were no Declarations of Interest received.

54 Planning Applications for Determination

The Committee considered reports of the Strategic Director of Place 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.

54.1 Planning Application 20/0451

Speakers – Joan Parkhouse (Objector)
 Craig Welsh (Agent)

Applicant – Mr Daniel Andes – Centurion Blackburn Ltd.

Location and Proposed Development – Former Centurion Public House, Higher Croft Road, Blackburn, BB3 0QT.

Construction of 11no. one-bedroom apartments (Class C2: Residential institutions) within 2 no. single-storey blocks of accommodation to provide social care and support for people living with autism, including associated private external amenity spaces, car parking and landscaping

Decision under Town and Country Planning Acts and Regulations –

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

54.2 Planning Application 21/0977

*Speakers – Trevor Hobday (Objector)
Sophie Marshall (Agent)*

Applicant – Mr and Mrs Driver

Location and Proposed Development – Stables adjoining Higher Meadow Farm, Meadow Head Lane, Tockholes, Darwen, BB3 0LQ.

Proposed demolition of existing stables and garage, removal of sand paddock, and erection of a detached dwelling

Decision under Town and Country Planning Acts and Regulations –

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

(Amended condition) 2 (paragraph 5.1 of main report) – 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 (1:1250), Plan 001 – Revision A, Plan 002 – Revision C, and Plan 003 – Revision D.

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

54.3 Planning Application 21/1083

Speakers – Paul Robinson (Agent)

Applicant – Pleasington Lakes Regeneration Ltd and Taylor Wimpey UK Ltd

Location and Proposed Development – Land at Brokenstone Road, Blackburn, BB3 0LL

Reserved Matters Application for: Approval of reserved matters for the appearance, landscaping, layout and scale of 450 residential units, pursuant to planning application 10/18/1116 'redevelopment of the site to include over 28ha of open space, paddocks and landscaping and up to 450 residential units (Use Class C3), along with any ancillary parking, amenity, and all other associated public, semi public and private realm, soft/hard landscaping, infrastructure and highway works, access and a new internal road network connecting with the existing road network'

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Director’s Report and the amended conditions in the Update Report:

A minor amendment to condition nos. 8 and 10, as set out at paragraph 4.1 of the main report is recommended:

8. Prior to occupation of the development hereby approved, a Landscape and Ecological Management and Maintenance Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall cover all landscaped areas of public open space and it shall detail a programme of works including scheduled frequencies of weeding and watering for the duration of the development, as well as replacement planting of dead diseased or damaged trees and shrubs within a five year period from the implementation of the approved landscape scheme referenced in condition no. 7. The strategy shall be implemented in accordance with the approved detail.

REASON: To ensure that there is a well maintained scheme of healthy trees and shrubs in the interests of amenity in accordance with Policies 9, 11 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

10. Prior to commencement of any sub-structure works, cross section drawings of the interface between all proposed highway turning heads and Potters Plantation and Public Open Space to the south, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved detail.

REASON: To ensure the safe construction of highway infrastructure, in accordance with Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

54.4 Planning Application 21/1104

Applicant – Mr Jangeer Yasan

Location and Proposed Development – Land adjacent to Roe Lee Business Park, Rosewood Avenue, Blackburn, BB1 9SZ

New development comprising of 20no new industrial units (E[g], B2 and B8 Use) with new off road parking, bin store areas, secure cycle areas, landscaping, and formation of new access point off Rosewood Avenue, with associated works.

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Director’s Report and the Update Report as follows;

27. Prior to their construction, detailed plans showing the differences in levels between Blocks B and C and the adjacent dwellings on Rosewood Avenue, including details of cross-sections, shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved details, unless otherwise agreed in writing.

REASON: In order to minimise impacts on the living environments of neighbours, 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).

54.5 Planning Application 21/1200

Applicant – Mr A Ali Butt

Location and Proposed Development – 5 Moorcroft, Lower Darwen, BB3 0RY

Proposed demolition of rear conservatory and erection of rear double and single storey extensions and front porch.

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Directors Report

54.6 Planning Application 21/1283

Applicant – Blackburn with Darwen Borough Council

Location and Proposed Development – Blackburn Business Development Centre, Eanam Wharf, Blackburn, BB1 5BL

Listed Building Application (Regulation 4) for Replacement of 1980's timber frame windows and doors, replacement with new stand-sheet sash windows with pivot hung types and modern aluminium framed doors

Decision under Town and Country Planning Acts and Regulations –

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

54.7 Planning Application 21/1311

Applicant – Hollins Industrial Park Ltd

Location and Proposed Development – Hollins Industrial Park, Hollins Grove Street, Darwen, BB3 1HG

Reserved Matters Application for Approval of the matters reserved by the Outline (Hybrid) planning permission ref: 10/20/0107 (Appearance, Landscaping, Scale and Layout) for the erection of 13no. Industrial units with associated landscaping and access to the land off Hollins Grove Street

Decision under Town and Country Planning Acts and Regulations –

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

The additional information submitted since the publication of the report relates to the proposed conditions, nos. 4 and 6;

Condition 4: No development shall take place unless and until a revised scheme for soft landscaping, including a Biodiversity Net Gain metric and interpretation report, has been submitted to and approved in writing by the Local Planning Authority. In particular the scheme shall include mitigation and enhancements for biodiversity, and demonstrate ecological enhancements such as the use of predominantly native species and those identified as pollinator species, as well as further ecological enhancements such as provision of bat and bird boxes, either within the new units or within the retained boundary trees. The design features and equipment that comprise the scheme shall be fully implemented in accordance with the approved plans and particulars prior to the development first being brought into use, or alternatively in accordance with a phasing scheme which has been agreed in writing by the Local Planning Authority, and shall thereafter be retained in place at all times unless otherwise agreed in writing with the Local Planning Authority.

Condition 6: Prior to occupation of any of the units hereby approved, final layouts of pedestrian and cycle access routes within the site shall be submitted to the Local Planning Authority for approval, laid out in accordance with the approved details and thereafter permanently retained

55 **Petition**

Members were informed of the receipt of a petition objecting to planning application 10/21/1312 Change of use of first floor from E(G)(i) Offices to F1(a) Educational Class Rooms (retrospective)' at First Floor 49-51 Preston New Road, Blackburn BB2 6AE.

The planning application (10/21/1312) was received by the Local Planning Authority (LPA) on 24th November 2021. On 31st November 2021 65 neighbourhood letters of consultation were sent.

The Petition was received by the LPA on 16th December 2021, containing 15 signatures. The Petition objects to the application on the grounds of highway impacts arising from large volumes of cars entering New Park Street, which is a Cul-de-sac. It is alleged that vehicles associated with the Madressa use double park along New Park Street, obstructing the entrance / exit of the car park at the rear of New Park Street, and occupy the car park associated with Kaspas and the Queen Vic Chippery, during drop off and pick times. Anti-social behaviour, including abuse and damage to vehicles, warranting Police intervention, is also alleged.

Members were advised that assessment of the planning application is ongoing and that all material matters that must be considered in the decision making process will be addressed. This includes highway impacts arising from the use. An officer recommendation will be available in due course. The statutory 8 week determination date expires 19th January 2022, though a decision may fall outside of this timescale, in the event of a mutually accepted extension of time.

RESOLVED – That the petition 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

<u>MATERIAL:</u>	<u>NOT MATERIAL:</u>
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 Growth & Development 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: 17/02/2022

Application No	Applicant	Site Address	Ward
Application Type			
10/20/0223	Mr K Dearden - Walsh & Dearden Ltd Sough Works, Sough Road Darwen BB3 2TS Full Planning Application for Erection of 10 starter units	Sough Works Sough Road Darwen BB3 2TS	Darwen South
RECOMMENDATION: Permits			
10/20/1258	Persimmon Homes Lancashire Mrs Rachael Graham Persimmon House Lancaster Business Park Caton Road Lancaster Lancashire LA1 3RQ Full Planning Application for Partial replan of development site known as Spring Meadows (approved under application reference 10/19/0317) involving 24 homes creating an additional 7no. new homes	Land to South of Spring Meadows Darwen	Darwen South
RECOMMENDATION: Permits			
10/21/0745	UV Care Blackburn Ltd Mr N Sellman The Moat House & Stables 24 Lichfield Road Sutton Coldfield B742NJ Full Planning Application for Proposed 4 Storey Care Home, and 2 Storey Assisted Living Apartments, and associated external parking	Land Off Eleanor Street Blackburn BB1 1JD	Blackburn Central
RECOMMENDATION: Permits			

Application No	Applicant	Site Address	Ward
Application Type			
10/21/0826			
Rocplas Unit 20 Furthergate Industrial Estate Harwood Street Blackburn BB1 3BS		Land off Carl Fogarty Way Blackburn	Audley & Queens Park
Full Planning Application for Erection of 4 storey building incorporating Use Classes B8 and E uses with formation of new access point from Carl Fogarty Way and associated works			
RECOMMENDATION: Permits			
10/21/1134			
Dwell Developments 11-23 Bridgewater place Northern Quarter Manchester M41QF		Land attached to 378 Bolton Road on corner of Bury Fold Lane Darwen	Darwen South Whitehall
Full Planning Application for Demolition of garages and erection of 8 dwellings with associated parking and amenity space (Use Class C3).			
RECOMMENDATION: Permits			
10/21/1210			
Longshaw Infants School Crosby Road Blackburn BB2 3NF		Longshaw Infants School Crosby Road Blackburn BB2 3NF	Blackburn South East
Full Planning Application (Regulation 4) for Erection of Single Storey Nursery Building			
RECOMMENDATION: Permits			
10/21/1393			
Blackburn With Darwen Borough Council Mr Chris Atkinson Third Floor One Cathedral Square Blackburn		Pleasington Cemetery Tower Road Blackburn BB25LE	Livesey With Pleasington
Full Planning Application (Regulation 3) for Construction of new prayer room facility including soft landscaping works and associated parking			
RECOMMENDATION: Permits			

REPORT OF THE STRATEGIC DIRECTOR

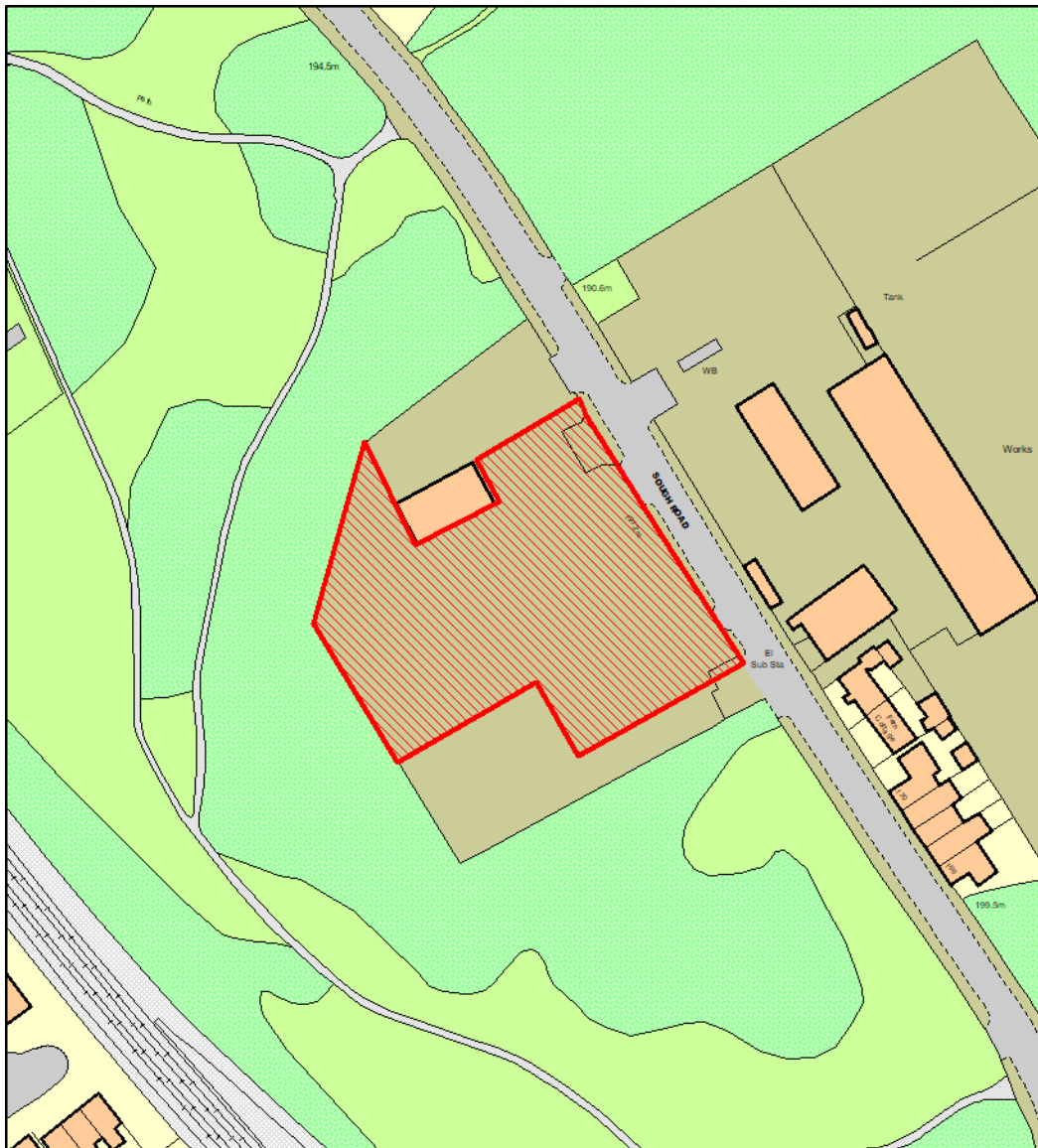
Plan No: 10/20/0223

Proposed development: Full Planning Application for Erection of 10 starter units

**Site address:
Sough Works
Sough Road
Darwen
BB3 2TS**

Applicant: Mr K Dearden - Walsh & Dearden Ltd

**Ward: Darwen South
Councillor Kevin Connor
Councillor Lilian Gladys Salton
Councillor Andrew Walker**



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 This application considers a proposal for full planning permission for 10no. general industrial (Class B2) starter units, comprising 2 buildings split into 10 separate units, on the Sough Works site, off Sough Road, Darwen. It is intended that these units will be let to small businesses in the area.
- 2.2 This application is presented to Committee on account of the application being for 10 units, with a site area of 3677.00sqm, in accordance with the Scheme of Delegation in the Council's Constitution.
- 2.3 The site is within the urban boundary of Darwen, in a prominent location, and is currently used for open wagon storage. The proposed development is welcomed, with the units creating 905sqm of new internal floorspace for general industrial use.
- 2.4 The site is already hard surfaced and self-enclosed, with established boundary walls on all 4 sides. The site adjoins green infrastructure on 3 sides. There are no trees on the site itself, but the site is well screened on 3 sides by mature trees, with a wall adjoining the Sough Road frontage.
- 2.5 The site lies predominantly within a coal low risk area, although a small portion to the north of the site is within a coal resource / high risk area. The site is not within a flood zone, and foul and surface water would be disposed via the main sewer. There are no protected or priority species on the site, nor are there any designated sites, important habitats or other biodiversity features.
- 2.6 Assessment of the application finds that the proposal will deliver a scheme that will improve the appearance of the site, and will assist in meeting the Council's strategic aims and objectives, including economic growth, and visual and regeneration benefits.
- 2.7 The applicant submitted the following reports as supporting documents:
- Tree Map and Tree Survey
 - Transport Statement
 - Design and Access Statement
 - Ground conditions report
- 2.8 All relevant issues have been addressed through the application or can be controlled or mitigated through additional planning conditions.

3.0 RATIONALE

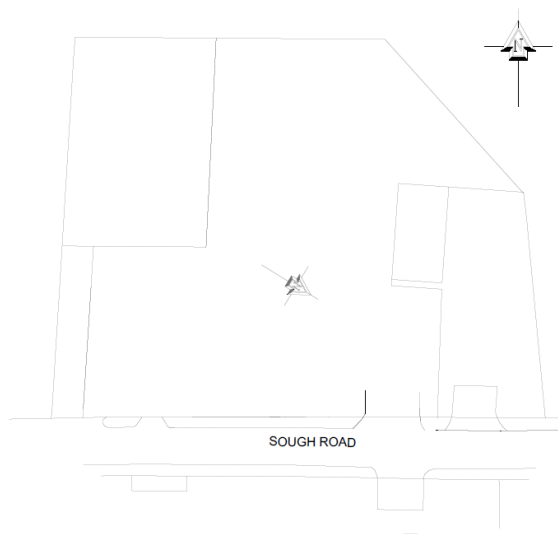
3.1 Site and Surroundings

3.1.1 The application site lies within the urban boundary of Darwen, and is accessed directly from Sough Road. The immediate area is defined by its commercial / industrial character, including the land directly opposite the application site on the other side of Sough Road, and otherwise surrounded by green infrastructure. The wider area is mixed use, with other commercial uses and residential dwellings within walking distance.

3.1.2 An aerial view of the site is shown below.

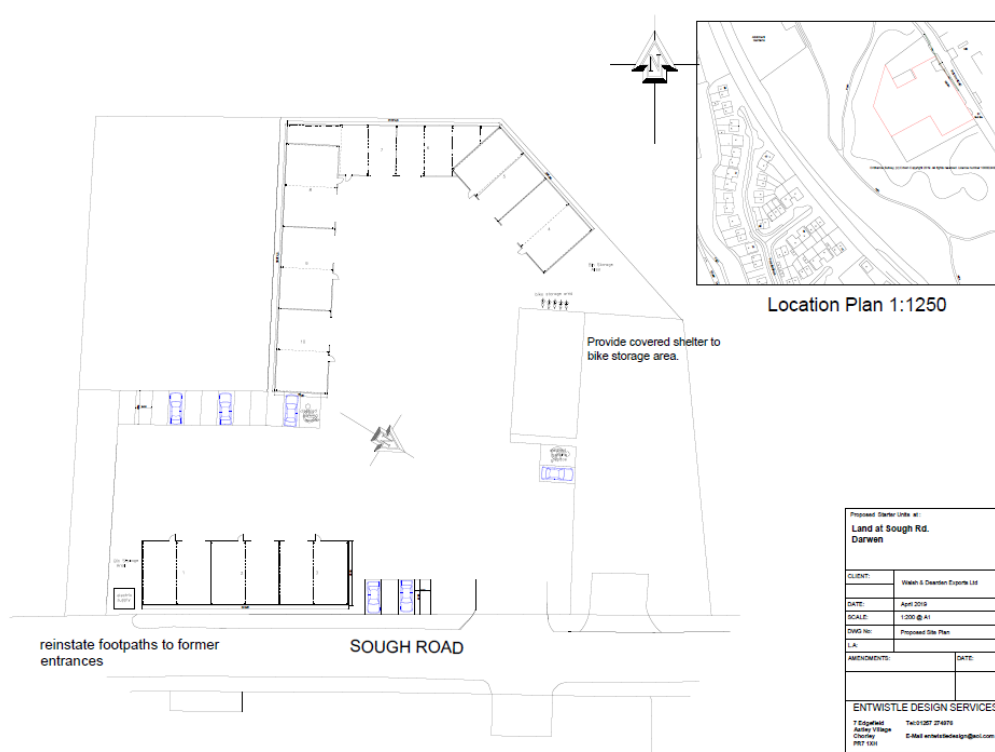


3.1.3 The existing site layout is shown below:



3.2 Proposed Development

- 3.2.1 This application seeks approval for 2 buildings, comprising a total of 10 starter units, within the constraints of the existing site, which is presently used for open storage of wagons.
- 3.2.2 One of the 2 proposed buildings, comprising units 1-3 out of the 10 units applied for, would be a regular rectangular footprint, and would stand towards the front of the site fronting Sough Road.
- 3.2.3 The other proposed building, comprising units 4-10, would be positioned at the back of the site, and is designed in an irregular U-shape, to reflect the irregular shape of the existing site, and to maximise the number of units that can be safely accommodated within the site boundary without unduly impacting upon functionality.
- 3.2.4 The proposed site layout was amended on 17th March 2020, to address initial highway related concerns, and a full re-consultation was undertaken.
- 3.2.5 A further minor amendment was also made on 26th May 2020, to address additional feedback received from the Council's Highways consultee.
- 3.2.6 The amended site plan is shown below:



- 3.2.7 The proposed units would have a large shared service yard, and would create 905sqm of new internal floorspace for use as general industrial starter units.
- 3.2.8 The units are designed as typical industrial type buildings, constructed from grey sheeting walls and roofs with red flashings, and would measure circa 6.8m to the eaves, with a shallow central ridged roof.

3.2.9 The existing access from Sough Road would be utilised, and it is noted that the site access has already been altered in preparation for the development approved under planning permission 10/13/1058.

3.2.10 On-site parking provision for 18 cars would be retained, including mobility spaces, a bin storage area, and a cycle shelter to promote sustainable travel.

3.2.11 The elevations and floor plans of the proposed units are shown below.



3.2.12 Site photos (photos taken 27/01/2022):







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:

3.3.2 Core Strategy

Policy CS1: A Targeted Growth Strategy

Policy CS2: Typology of Employment Land

Policy CS3: Land for Employment Development

Policy CS4: Protection and reuse of employment sites

Policy CS13: Environmental Strategy

Policy CS15: Protection and Enhancement of Ecological Assets

Policy CS16: Form and Design of New Development

Policy CS18: The Borough's Landscapes

3.3.3 Local Plan Part 2 (LPP2) (December 2015):

- 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 28: Development Opportunities
- Policy 41: Landscape

3.4 **Other Material Planning Considerations**

3.4.1 National Planning Policy Framework (The Framework) (2021)

3.4.2 The Framework sets out the government's aims and objectives against which planning policy and decision making should be considered. The following sections of the Framework are considered relevant to assessment of the proposal:

- Section 2 – Achieving sustainable development
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 14 – Meeting the challenges of climate change, flooding and coastal change
- Section 15 – Conserving and Enhancing the Natural Environment

3.4.3 Blackburn with Darwen Parking Standards

4.0 Assessment

4.1.1 The key issues in relation to this application are:

- Principle
- Amenity
- Environment
- Highways
- Design
- Other matters

4.1.2 Principle

4.1.3 In principle, the development of this site is welcomed, subject to assessment of the specific impacts. The proposal is supportive of Policy CS3: Land for Employment Development. The Local Development Plan reaffirms NPPF's principle 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.

4.1.4 The Core Strategy also sets out the principle of protecting existing employment sites, whether allocated as such or not, in order to maximise economic potential and in recognition of an under provision within the borough.

4.1.5 As a proposal to maintain the existing employment use, and involving the effective re-use of land, the principle is considered acceptable, with the NPPF'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:

4.1.6 Amenity

4.1.7 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.

4.1.8 As an existing industrial building within a wider commercial setting with reasonable separation to residential uses, the proposal does not pose an excessive amenity threat. Public Protection has, however, recommended conditions to apply a degree of control over noise and disturbance and any potential land contamination issues.

4.1.9 Subject to application of such conditions, compliance with Policy 8 is achieved.

4.1.10 Environment

4.1.11 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.

4.1.12 The site is an open hard surfaced site. It is not located within a Flood Zone. Accordingly, a Flood Risk Assessment was not required. No objections were raised by United Utilities or the Councils' Drainage Team, subject to appropriate conditions.

4.1.13 No trees or protected species are present on the site, and although a small portion to the north of the site is within a coal resource / high risk area, no objections were raised by the Coal Authority.

4.1.14 Compliance with Policy 9 is therefore achieved.

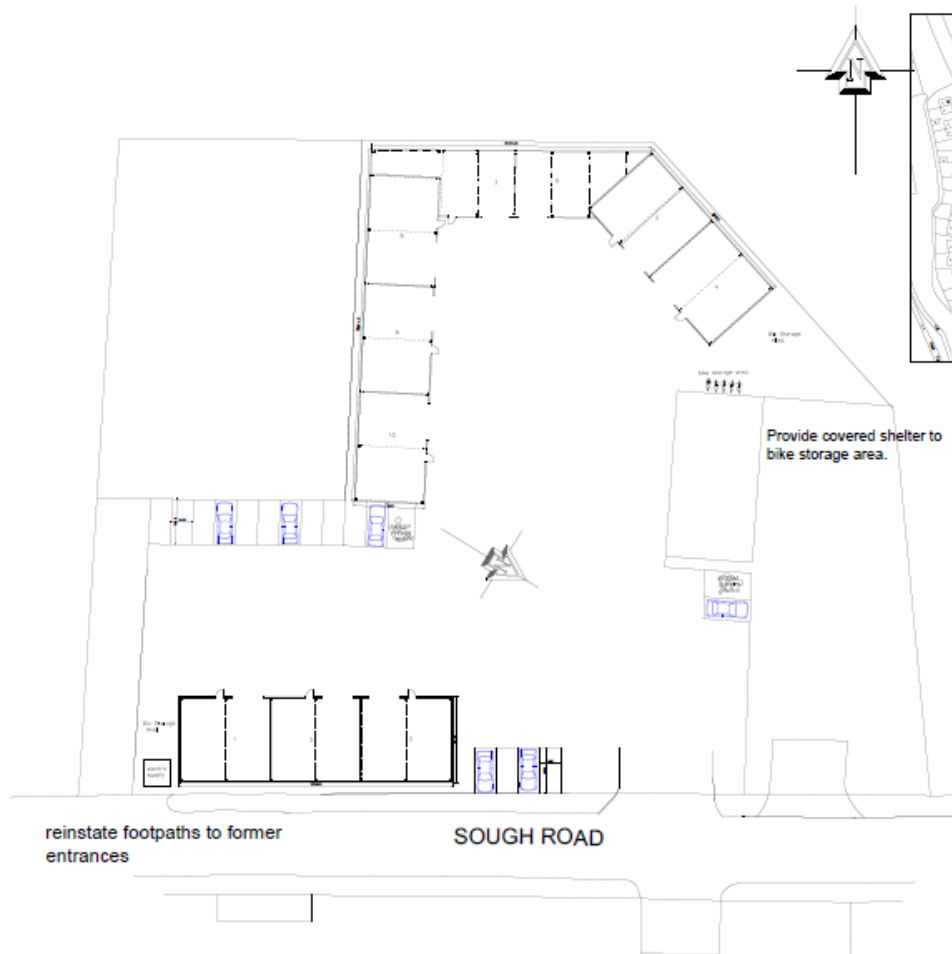
4.1.15 Highways

4.1.16 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.

4.1.17 The proposal has been subject to review by the Council's Highways consultee, who raised initial concerns which have now been addressed.

4.1.18 The proposal demonstrates adequate sightlines at the site access. Additional sightline detail was provided during the course of the application, and it is recognised that the existing access is being utilised.

4.1.19 The proposed layout comfortably meets the Council's adopted parking standards, including mobility spaces, and the large servicing yard includes a bin storage area, and a covered cycle shelter.



Amended Site Plan showing access and layout with car parking spaces.

4.1.20 The Council's Highways consultee no longer raises any objections following the receipt of amended plans to address initial concerns. However, the applicant needs to demonstrate how safe pedestrian access and movement within the site will be achieved. A condition can be attached to ensure receipt of this additional detail, in the interests of pedestrian and highway safety.

4.1.21 With this, and other relevant conditions as requested by the Council's Highways consultee to be attached, compliance with Policy 10 is therefore achieved.

4.1.22 Design / Character & Appearance

4.1.23 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.

4.1.24 The immediate setting of the site is industrial, framed by the green infrastructure that adjoins the site. The existing use of the site, for open storage of wagons, contributes very little to the street scene and detracts from

the visual amenity of the area. The trees adjacent the site help to screen the site when approaching from either direction along Sough Road.

4.1.25 The proposed new buildings, whilst predominantly comprising grey sheeting, with red flashing to add visual interest, would be an improvement on the present situation.

4.1.26 The proposed units would be functional and fit for purpose, and are considered appropriate in terms of size, scale and appearance for this site / setting. The removal of the open wagon storage from the street scene is considered to be of notable benefit, and the proposal would provide a visual uplift to the immediate area.

4.1.27 When considered alongside the economic benefits of the proposed starter units, the proposal is considered acceptable in design terms.

4.1.28 Compliance with Policy 11 is therefore achieved.

5.0 RECOMMENDATION

5.1 Approve.

5.2 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 proposals as detailed on drawings:
Location plan and Proposed Site Plan @A1
Proposed Elevations @A1

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

2. 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.

3. Prior to the commencement of construction works on site, the developer must submit to the Local Planning Authority (LPA) for written approval:
 - i. A comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Detailed proposals for subsequent site investigation based on the CSM shall be included as appropriate; the developer will be advised whether any further site assessment is required.

ii. If required by the LPA, the findings of the approved site investigation work, including an appropriate assessment of risks to both human health and the wider environment, arising from contaminants in, on or under the land (including ground gas) will be submitted. Where unacceptable risks are identified an updated CSM, remedial options appraisal and detailed remediation scheme shall be presented for approval. No deviation shall be made from this scheme without the written express agreement of the LPA.

REASON: To ensure that the site has been made 'suitable for use', and 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.

4. Prior to the commencement of the permitted use, the developer must submit a comprehensive validation report to the LPA for written approval. The report shall demonstrate effective remediation in accordance with the agreed remediation scheme. All the installed remediation must be retained for the duration of the approved use and the LPA periodically informed in writing of any ongoing monitoring and decisions based thereon as appropriate.

REASON: To ensure that the site has been made 'suitable for use', and 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.

5. 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 and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- i.) separate systems for the disposal of foul and surface water;
- ii.) details of the rate of surface water discharge from the site to any soakaway, watercourse or surface water sewer for the 1 in 1 year and 1 in 100 year rainfall events (including an appropriate allowance for climate change), which shall not exceed the greenfield or pre-development rate;
- iii.) details of any necessary flow attenuation measures, including the use of SUDS;
- iv.) evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- v.) details of flood exceedance routes
- vi.) details of how surface water will be managed and pollution prevented during both the construction and occupation phases;
- vii.) a timetable for implementation, including details of any phased delivery; and
- viii.) details of a management and maintenance plan for the drainage system after completion, including any arrangements for adoption by an appropriate public body or statutory undertaker.

The scheme shall be implemented in accordance with the duly approved details before any of the units hereby approved are first occupied, and maintained as such thereafter.

REASON: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, including the adjoining Railway line, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Policy 9 of the Blackburn with Darwen Local Plan, and the National Planning Policy Framework.

6. Prior to commencement of the development hereby approved, 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 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) crime prevention measures during the construction of the development and,
 - vii) a scheme for recycling/disposing of waste resulting from excavation and construction works.

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 to comply with Policies 10 and 11 of the Blackburn with Darwen Borough Local Plan Part 2 and the National Planning Policy Framework.

7. Prior to the commencement of development hereby approved a scheme for the construction of the site access and off-site works of highway improvements shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the development.

REASON: To provide for the safety and convenience of users of the highway, for the free flow of traffic, and to safeguard the amenity of neighbouring premises in accordance with Policy 10/11/40 of the Blackburn with Darwen Borough Local Plan Part 2.

8. The covered cycle storage specified in the approved details referred to in Condition No.1. shall be implemented prior to occupation of the units, and retained in accordance with the approved details.

REASON: To provide for safe sustainable travel options, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

9. The external walling and roofing materials to be used in the construction of the development hereby permitted shall be as specified in the approved details referred to in Condition No.1.

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.

10. Prior to occupation of the units hereby approved, final layouts of the car parking and servicing areas, in particular internal footpath surfacing for pedestrians, shall be submitted for approval, laid out in accordance with the approved details and thereafter permanently retained.

REASON: To support safeguarding of pedestrians into the site and up to the entrance of the units, and to ensure the site is set out and suitable to support service vehicles, prior to occupation of the buildings, in accordance with Policy 10 of the Blackburn With Darwen Borough Local Plan Part 2, and the adopted Blackburn With Darwen parking standards.

11. 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.

12. The approved use shall only take place between the hours of Monday – Saturday 07:30 – 20:00; and Sunday 10:00 – 16:00. There shall also be no deliveries outside of the above times.

REASON: To safeguard residential amenity, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

13. Prior to the commencement of the approved use a scheme detailing the provision of electric vehicle charging infrastructure at the premises shall be submitted to and agreed in writing with the local planning authority. Prior to the occupation of the approved units the agreed scheme shall be implemented and thereafter retained.

REASON: To provide electric vehicle charging infrastructure in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2 and the Planning Advice Note on Air Quality.

14. The proposed hours of construction shall be only take place between the hours of 8am – 6pm, Monday to Friday, 9am to 1pm on Saturdays, and not at all on Sundays or Bank Holidays.

REASON: To safeguard residential amenity, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

6.0 PLANNING HISTORY

- 10/13/1058 — Replace existing boundary wall of site fronting Sough Rd & creation of new access, removing 2 drop kerbs. Approved 11/02/14
- 10/12/0405 - Demolition of buildings – Prior approval granted 28/05/12
- 10/10/0866 - Erection of 29 No. dwellings with amenity areas and common areas – Approved 12/01/11
- 10/01/0783 - Installation of double storey portacabin for Laboratory and Office – Approved 23/11/01
- 10.99/0041 - Erection of 26 No Dwellings – Approved 27/05/99
- 10.98/0212 - Retention of concrete panel fence topped with razor wire – Approved 22/05/98
- 10.97/0269 - Security palisade fencing to boundary wall adjoining Sough Road – Approved 16/06/97

7.0 CONSULTATIONS

7.1 Fire Service

7.2 Standard comments only.

7.3 Coal Authority

7.4 No objections

Thank you for your consultation letter of 10 March 2020 seeking the views of The Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: Material Consideration

I have reviewed the Coal Authority records and although there are mine entries recorded close to the site these are associated with extraction of Flagrock and not coal. We assume

that the LPA will require any additional information they consider relevant to ensure that the applicant has demonstrated that these features do not pose a risk to the development. On the basis that none of the mining risks recorded as being present in the vicinity of the site are associated with coal mining, no Coal Mining Risk Assessment is required and we have no specific comments to make.

Please do not hesitate to contact me if you would like to discuss this matter further.

7.5 United Utilities

No objections subject to conditions

With regards to the above development proposal, United Utilities Water Limited ('United Utilities') wishes to provide the following comments.

Drainage

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.

We request the following drainage conditions are attached to any subsequent approval to reflect the above approach detailed above:

Condition 1 – Surface water

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.

Condition 2 – Foul water

Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

The applicant can discuss any of the above with Developer Engineer, Robert Brenton, by email at wastewaterdeveloperservices@uuplc.co.uk.

Please note, United Utilities are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for Adoption and United Utilities' Asset Standards. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets.

Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

For schemes of 10 or more units and other major development, we recommend the Local Planning Authority consults with the Lead Local Flood Authority regarding the exact wording of any condition. You may find the below a useful example:

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.

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances.

Water Supply

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for. To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at DeveloperServicesWater@uuplc.co.uk. Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

United Utilities' Property, Assets and Infrastructure

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

For advice regarding protection of United Utilities assets, the applicant should contact the teams as follows:

Water assets – DeveloperServicesWater@uuplc.co.uk

Wastewater assets – WastewaterDeveloperServices@uuplc.co.uk

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

A number of providers offer a paid for mapping service including United Utilities. To find out how to purchase a sewer and water plan from United Utilities, please visit the Property Searches website; <https://www.unitedutilities.com/property-searches/>

You can also view the plans for free. To make an appointment to view our sewer records at your local authority please contact them direct, alternatively if you wish to view the water and the sewer records at our Lingley Mere offices based in Warrington please ring 0370 751 0101 to book an appointment.

Due to the public sewer transfer in 2011, not all sewers are currently shown on the statutory sewer records and we do not always show private pipes on our plans. If a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further. Should this planning application be approved the applicant should contact United Utilities regarding a potential water supply or connection to public sewers. Additional information is available on our website <http://www.unitedutilities.com/builders-developers.aspx>

7.8 Highways

7.9 No objections, subject to conditions/informatives.

7.10 Initial response (14th April 2020):

PROW – no implications

The submission details have been reviewed.

The proposal received is for Erection of 10 starter units.

Parking/Access

In accordance with the adopted parking standards, based on the total floor area being 905sqm and measured against a parking standards of 1 car space per 60sqm. This would

equate to 15 spaces, the drawing and detail they have provided indicate 23 spaces. No justification is offered on why this number of spaces is necessary – please seek further clarification.

Each parking spaces should be 2.4m wide and 4.8m in length.

1 disabled spaces (sited near the entrance of the units) and provision for cycle and PTW spaces has been provided. Details of the coverage and security mechanisms to support the cycle and PTW is to be provided.

Access

Vehicular Access into the site is already established, though planning consent obtained in 2014. The adjacent access which was closed did not have the footway reinstated, please request this is completed under this application, at the developer's expense.

No details of sightlines have been provided, these are required to be received for full assessment.

No pedestrian linkage from the highway into the site has been provided; this should be away from the vehicle access point.

Servicing

No detail on how frequent deliveries to the site will be are offered.

We acknowledge that a swept path has been submitted with the Transport Statement. These show two swept path manoeuvres, however they are not near the units as delivery collection points, please provide details on how materials imported and exported will be managed within the site.

The turning area should be away from the car parking area, please request consideration of this.

Transport Statement

The trips associated with the development are not greater than 30 two way trip, and therefore do not impact upon the highway in an adverse manner

Other

Construction Method Statement is required, please condition

Matters 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)
- Any old entrances no longer required will require closing and formally reinstating back to full footway.
- 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, in principle would have no objections, subject to the above matters being satisfactorily addressed?

7.11 Further response from Highways (received by email on 29th April 2020):

You will see from the attached that there was more than sightlines that needed to be addressed

1. Sightlines: which have been presented. The left splay is drawn incorrectly and right splay appears to be obstructed
2. Coverage and security details for the cycle and ptw was requested, we have information received showing Sheffield stand, but no details on secure mechanism for ptw and also no details on shelter have been offered
3. The servicing concerns raised have not been dealt with
4. Nor the matter concerns no of parking spaces

7.12 Further response from Highways (following further details received 7th May 2020):

- The sightline details are still drawn incorrectly
- We maintain the request that the cycle stands should be covered
- I did review the attached statement with regards to servicing being unknown and therefore no details of future occupants of the units. However they do need to ensure the site is set out and suitable to support service vehicles, if unknown they need to demonstrate worst case scenario
- Pedestrian access is not just for visitors but for employees as well, as we encourage all alternative methods of transport i.e. walking...They should therefore be safeguarded when entering the site and up to the entrance of the building.
- Parking spaces are acceptable

If you need to move the application forward, more than amenable to having the above matters conditioned

7.13 Further response from Highways (following further details received 26th May 2020), received 31st December 2021:

Matters reviewed are:

- The details received have been received, the sightlines are now drawn correctly, albeit they seem possibly compromised by the front wall...please ensure this area is splayed and reduced accordingly, please attach standard conditions 2 and 3 to support this.
- A plan showing the coverage detail for the cyclist has been received, this is adequate, and deemed acceptable
- No details offered to support safeguarding of pedestrians into the site and up to the entrance of the units, please condition.
- No further information presented with regards to servicing worst case scenario

Construction Method Statement is required, please condition

Matters 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)
- Any old entrances no longer required will require closing and formally reinstating back to full footway.
- 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, in principle would have no objections, subject to the above matters being satisfactorily addressed?

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, 4, 8, 10, 11, 14, 15 and 17

7.14 Clarity from agent, received on 25th January 2022:

With regard to the sight lines they are close to the wall but they don't cut through it. The wall is behind the red line. The bit that sticks out in front of the red line is the foot path. It is a bit confusing! I think perhaps she thought the footpath was the wall. The confusion lies in the multiple lines at the site access.

7.15 Final comments from Highways (dated 31/01/22)

We are happy to proceed with the details as received.

I would add, the outstanding issues with regards to internal footpath servicing need also to be conditioned.

7.16 Public Protection

With reference to the above application, I recommend that the following condition(s), informative(s) and/or comment(s) be included if planning permission is granted:

Contaminated Land

The site itself has an industrial history and there are known landfills in close proximity.

Contaminated land will need to be considered and investigated in the usual way.

No information has been submitted with the application although due to the low sensitivity of the end use this can be conditioned using the standard contaminated land condition used by this authority.

Residential Amenity

There are residential premises in the locality of the site, whilst it is difficult to predict any amenity impact it would be prudent to agree an hours restriction with the applicant to control deliveries and any likely nuisance that may be caused from late operation. There is potential for some flexibility on this.

A suggested condition would be;

Condition – Hours Restriction

The approved use shall only take place between the hours of;

Monday – Saturday – 7:30 – 20:00

Sunday – 10:00 – 16:00

There shall also be no deliveries outside of the above times.

Reason

To safeguard residential amenity.

Air Quality

According to the AQ PAN document the site needs to install standard mitigation. This will include some form of electric vehicle charging provision.

Condition – Electric Vehicle Provision

Prior to the commencement of the approved use a scheme detailing the provision of electric vehicle charging infrastructure at the premises shall be submitted to and agreed in writing with the local planning authority. Prior to the occupation of the approved units the agreed scheme shall be implemented and thereafter retained.

Reason

To provide electric vehicle charging infrastructure in accordance with the planning advice note on air quality.

7.17 Contaminated Land Officer

I've now reviewed the unusual Wormseye Report submitted with the application 10/20/0223:

Wormseye: Walsh and Dearden, Sough Road, Darwen. Report on Ground Conditions. June 2013

It is not in itself a ground investigation but a review of an earlier ground investigation by Sub Surface. Strictly I'd need to see the original Sub Surface Phase 2, but for some reason it has not been submitted nor has a Phase 1 report referred to. Nevertheless I can conclude enough in the short time available from this report.

Firstly, the site still needs both contaminated land conditions, as original stated in John Wood's memo. The reasons for this are it was previously used as Rosehill Refinery, an extremely contaminative use. There are also probably mine shafts on site. When Wormseye did a site walkover for this 2013 report they noted the presence of drums of methanol and drums simply labelled "biocide".

Although some investigation was carried out by Sub Surface, which found limited exceedances of commercial-industrial assessment criteria, the Wormseye review correctly notes that the TPH and sVOC analysis was inadequate for such as site and that additional targeted investigation such as banded TPH analysis and targeted methanol and "biocide" analysis is required. The submitted Wormseye report also quotes from an unseen Phase 1 that states rather alarmingly:

"The site is likely to be classified as contaminated under Part 2A of the Environmental Protection Act due to the presence of potentially contaminative sources on and within proximity of the site"

Wormseye disagree, although they do state that further intrusive investigation is recommended "if greater confidence is required". I'm 100% in agreement with this conclusion, greater confidence is required as is extensive additional investigation. The site has the potential to be highly contaminated. I agree with Wormseye that such as site is not suitable for residential development. However, even with a less sensitive commercial/industrial end use I would encourage any additional investigation to use up to

date assessment criteria, to identify and analyse for the biocide on site, full VOC analysis, banded TPH analysis and more than the 4 boreholes used in the Sub Surface report.

This must be presented to me for review a full and detailed investigation proposal before commencing investigation. This site has the potential to be a highly contaminated site and I will need to ensure everything is done correctly. I will also need to see all reports referred to, the missing Desk Study and Sub Surface Phase 2. However, these are old reports that will use now outdated assessment criteria and additional work will be required.

7.18 Cleansing

7.19 No issues

7.20 Drainage

Lead Local Flood Authority Position

We have no objections to the proposals but require the following condition

Condition 1

Prior to commencement of the development, a foul and surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall ensure that foul and surface water is drained on separate systems. The surface water drainage scheme shall be based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion). The surface water drainage scheme must be in accordance with the non-statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and, unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

7.21 Publicity

7.22 16 neighbours were consulted on 10th March 2020 and a site notice was displayed. No representations were received.

8.0 CONTACT OFFICER: Tom Wiggins – Planner, Development Management.

9.0 DATE PREPARED: 04th February 2022

-REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/20/1258

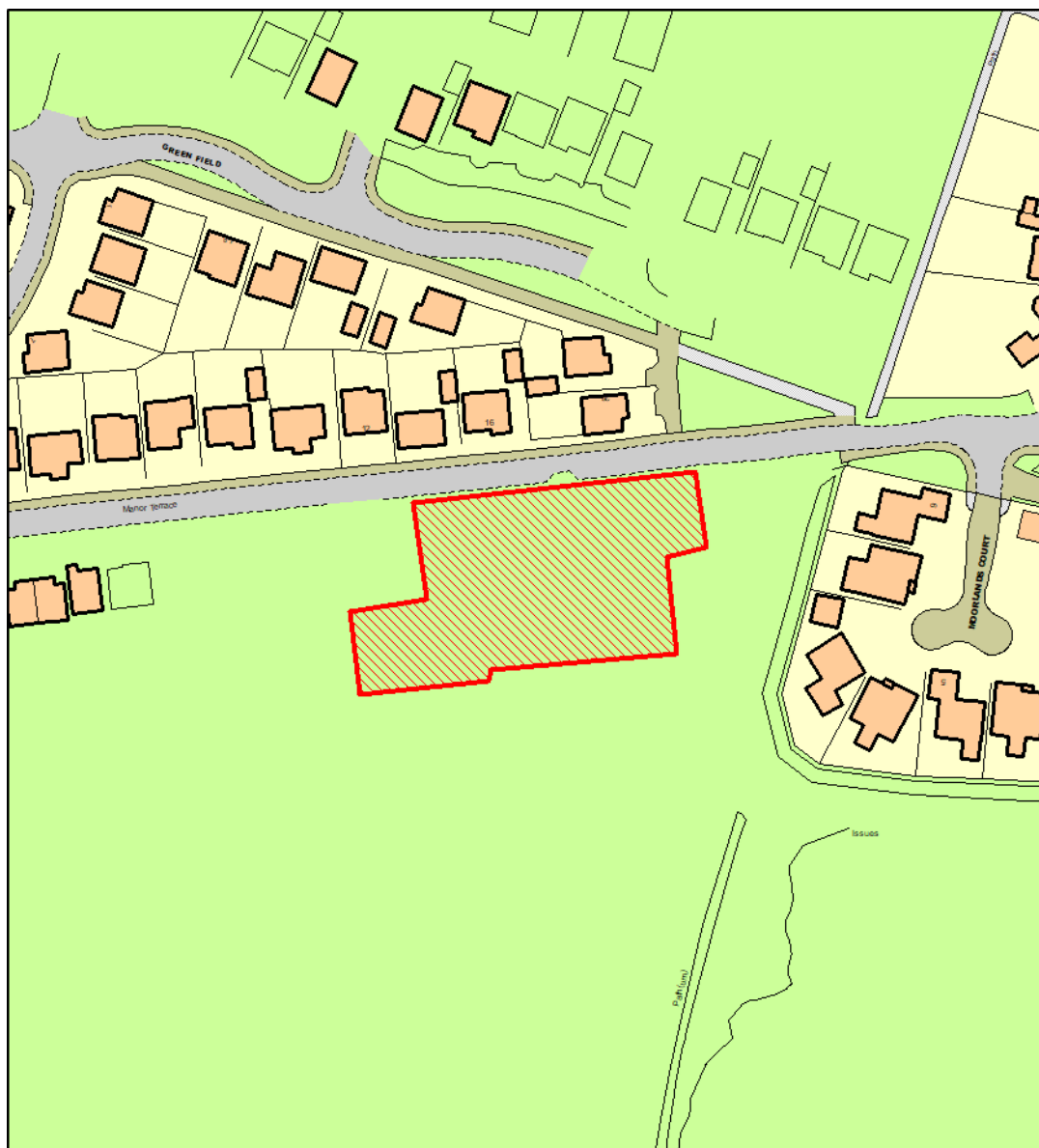
Proposed development: Full Planning Application for partial re-plan of development site known as Spring Meadows (approved under application reference 10/19/0317) involving 24 homes creating an additional 7no. new homes

Site address: Land at Spring Meadows, Darwen

Applicant: Persimmon Homes and Northern Trust

Ward: Darwen South

Councillor	Kevin Connor
Councillor	Lilian Salton
Councillor	Andrew Walker



1.0 SUMMARY OF RECOMMENDATION

- 1.1 **APPROVE** – Subject to the recommended conditions set out within section 4 of this report; and the modification of the existing s106 legal agreement relating to planning approval 10/19/0317 to redirect education financial contributions from primary to high school provision in the locality.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is before Members due to it relating to a partial re-plan of an earlier planning permission approved by the Planning & Highways Committee.
- 2.2 The proposal will deliver a high quality housing scheme 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 and Local Plan Part 2. The proposal is also satisfactory from a technical point of view, with all issues relative to the assessment 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 This application relates to a partial re-plan of a section of the site covered by planning approval 10/19/0317, which provided for 168 dwellings and associated infrastructure and open space on land to the south of Spring Meadows, Darwen
- 3.1.2 The current application site extends to approximately 0.65 hectares and forms the north eastern corner of the active Persimmon residential development. The eastern boundary is partially formed by existing residential properties forming a cul-de-sac from Spring Meadows. To the north, on the opposite side of Spring Meadows, is the Tilia Homes development that is currently under construction to provide 126 dwellings, pursuant to reserved matters planning application 10/16/0789.

3.2 Proposed Development

- 3.2.1 The application seeks full planning permission for a re-plan relating to the delivery of 24 homes to replace the 17 previously approved. The proposals include *4no. 2 bed homes, 11 no. 3bed homes and 9 no. 4 or more bed houses*. The changes result in additional smaller bedroomed properties as well as a reduction to the area of public open space in this portion of the site. The modest realignment of the new road linking to Spring Meadows is the only modification to the road layout previously approved.
- 3.2.2 The following images set out the existing approved and current proposed layouts;



Fig 1: Section of approved layout under planning permission 10/19/0317

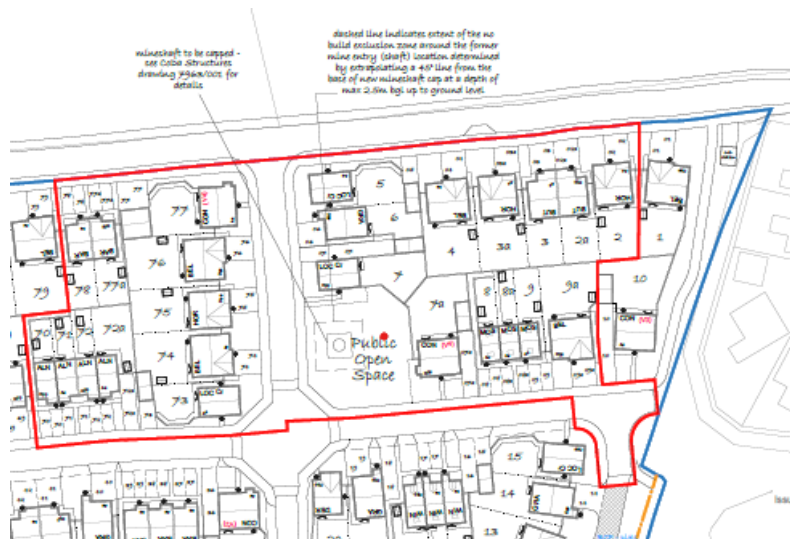


Fig 2: Proposed layout under current application 10/20/1258

3.2.2 The proposed development will continue to provide a net density of approximately 40 units per hectare, with the appearance of dwellings complimenting those already being constructed.

3.3 Development Plan

3.3.1 The Development Plan comprises the Core Strategy and adopted Local Plan Part 2 – Site Allocations and Development Management Policies. In determining the current proposal, the following are considered to be the most relevant policies:

3.3.2 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS5 - Locations for New Housing
- CS7 – Types of Housing

- CS8 – Affordable Housing
- CS15 – Ecological Assets
- CS16 – Form and Design of New Development
- CS22 – Accessibility Strategy

3.3.3 Local Plan Part 2

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 12 – Developer Contributions
- Policy 16 – Housing Land Allocations
- Policy 18 – Housing Mix
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development

3.4 **Other Material Planning Considerations**

3.4.1 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.

3.4.2 The National Planning Policy Framework 2021, has been updated since the previous permissions, but the amendments have not impacted the compliancy of the proposals and they should therefore be determined expeditiously.

3.5 **Assessment**

3.5.1 The main issues pertinent to the assessment of the proposal are:

- Principle of residential development.
- Design and Layout
- Residential Amenity
- Highway Considerations
- Ground stability

3.5.2 Principle of Development

The principle of residential development was established by planning approval 10/19/0317. Notwithstanding, the site is located within the Urban Boundary of Darwen. New development will be focused to such areas as stipulated by CS1

of the CS and Policy 1 of LPP2. Policy CS5 identifies the preferred location for new housing within the Borough, where market conditions permit its delivery, to be the inner urban areas of Blackburn and Darwen. The current proposal remains consistent with all of the identified policy requirements

3.5.3 The site is designated within LPP2 Policy 16 as a Housing Land Allocation, specifically identified as allocation 16/16: Pole Lane South. Accordingly the principle of residential development of the site is supported, subject to Key Development Considerations referred to in Policy 16/16, namely:

1. Provision of a robust Green Belt boundary.
2. Minimise impact on the landscape character, ecological and recreational value of the West Pennine Moors.
3. Ground contamination and mitigation where necessary.
4. Consideration for surface water and use of Sustainable Urban Drainage Systems.
5. Consideration of ecological impact.
6. Connectivity to the existing Public Rights of Way network.
7. Expansion of the housing offer in Darwen and the Borough as a whole.
8. Contribution toward the provision of additional primary school capacity in the locality.
9. Contribution toward the Darwen Eastern Distributor Corridor.

3.5.4 Design and Layout: Policy 11 of LPP2 is of relevance and requires all new development to present a good standard of design. Development will be expected to demonstrate a good understanding of the wider context and make a positive contribution to the local area, including enhancing/ reinforcing the established character of the locality.

3.5.5 The principle driver for the re-plan of this section of the overall site has been additional works to identify and remediate a former coal mine entry within the open space area. The works have enabled the exclusion zone to be more tightly defined and thus increased the developable area.

3.5.12 The proposed development provides a net density of approximately 40 units per hectare, when considering the development area of 0.65 hectares. The 24 units include 4 no. 2 bed homes, 11 no. 3bed homes and 9 no. 4+ bed houses.

3.5.13 Policy 18 of the Local Plan Part 2 illustrates that the Council requires a detached and semi-detached housing offer to be the principal element of the dwelling mix on any site that is capable of accommodating such housing. Given the intended mix across the development area the proposal remains compliant with this requirement.

3.5.14 The properties are consistent with those approved under 10/19/0317, having a modern appearance, principally constructed with red brick walling and grey roof tiles to reflect the vernacular form, though elements of render offer variety and visual interest. Generally the proposals are considered to assimilate well with the prevailing character of the area.

- 3.5.15 The properties have carefully considered internal layouts to offer a variety of configurations to appeal to families of varying sizes and needs. The house types represent an appropriate variety of styles and, together with their orientation, will create varied and attractive street scenes.
- 3.5.16 The reduction of the area of open space in this part of the site is considered to be without detriment to the overall provision. The main functional open space on the southern edge of the development remains unaffected by the current proposal. In summary the open space provision remains consistent with the Council's adopted Green Infrastructure SPD and Policy 40 of the LPP2
- 3.5.16 Residential Amenity: Local Plan Policy 8 supports new development that secures a satisfactory level of amenity for surrounding uses and for occupants/ users of the development itself. The Council's adopted residential design guide SPD provides additional guidance with particular reference to separation distances between dwellings to ensure the amenity of residents is protected.
- 3.5.17 The Residential Design Guide SPD indicates an appropriate separation of 21 metres between facing windows of habitable rooms of two storey dwellings, unless an alternative approach is justified to the Council's satisfaction. Where windows of habitable rooms face a blank wall or a wall with only non-habitable rooms a separation of no less than 13.5 metres shall be maintained, again unless an alternative approach is justified to the Council's satisfaction. The development is broadly consistent with these requirements, both in relation to the relationship to properties within the site and those on the periphery.
- 3.5.18 The Council's Public Protection Team has reviewed the application and offers no objection to the development subject to the use of conditions attached to the initial approval, in order to safeguard the amenity of future occupants of the site and those existing residents in the area. These conditions relate to land contamination; control on working hours (08:00 to 18:00 Mondays to Fridays, 09:00 to 13:00 Saturdays, Not at all on Sundays and Bank Holidays); noise and dust management during construction phase; and the provision of electric charging points and gas boiler emissions to safeguard air quality.
- 3.5.4 Highways and Access
- Core Strategy Policy 22: Accessibility Strategy and Local Plan Policy 10: Accessibility and Transport, aim to ensure that new developments provide appropriate provision for access, car parking and servicing so as to ensure the safe, efficient and convenient movement of all highway users is not prejudiced.
- 3.5.5 Vehicular access to the overall Persimmon site will remain via two entrances, approximately 110m apart, on Spring Meadows. This current application boundary includes the eastern of the two access points, with no changes to position or junction geometry from that agreed previously.
- 3.5.8 The Council's highway officer has expressed some minor concerns with the internal layout of the development. The parking arrangements for the small

number of terrace units include offset parking, which is sub-optimum but insufficient to warrant refusal. Similarly concerns regarding the size of detached garages falling below the Council's adopted internal standard of 6m x 3m are noted and can be satisfactorily addressed via planning condition.

- 3.5.9 The Council's Public Rights of Way (PROW) officer advises that the development does not affect the public rights of way which run around the perimeter of the wider Persimmon site.
- 3.5.10 The provision of 7 additional units beyond those committed within the 10/19/0317 is not considered to have any tangible impact upon the wider highway network. Overall compliance with Policies 10 and 22 is achieved.
- 3.5.20 Ecology: Policy CS15 seeks to protect and enhance the Boroughs ecological assets with the aim of establishing and preserving functional networks. Policy 9 seeks to avoid disturbance to protected species and provide compensatory measures when necessary, as per considerations 2 and 5 of Policy 16/16. Given the application site is already part of the wider construction site it is no longer in a natural state. Thus it is considered that the conditions imposed upon the 10/19/0317 permission remain sufficient to safeguard ecological interests and no additional controls are required as part of this assessment.
- 3.5.23 Flood Risk and Drainage: Policy 9 of LPP2 requires development to demonstrate that it will not be at risk of flooding and use of Sustainable Urban Drainage Systems (SUDS) is required, as per consideration 4 of Policy 16/16.
- 3.5.24 The site is located within Flood Zone 1. The applicant provided a Flood Risk Assessment (FRA) with the initial application, as per NPPF guidance. The FRA demonstrated that the development will be at low risk of flooding and would not increase the opportunity of flooding elsewhere. This current re-plan of a small section of the site does not alter the overarching drainage strategy for the development, including the requirement for on-site water retention.
- 3.5.25 The Councils Drainage Officer and United Utilities have no objection to the proposal subject to conditions relating to; foul and surface water being drained on separate systems; surface water scheme to be agreed; and scheme for future maintenance and management of the surface water system to be agreed. Subject to those controls compliance with the water management element of Policies 9 and 16 is achieved.
- 3.5.26 Ground Stability: Policy 8 part (iii) indicates that development will be permitted where it can be demonstrated that in the case of previously developed, or other potentially contaminated or unstable land, a remediation scheme can be secured which will ensure the proposal provides for a safe environment for occupants and users.
- 3.5.27 A section of the current site area was left as open space within the 10/19/0317 planning approval due to the presence of a former mine entry. Following work to address conditions on the earlier permission the applicant has submitted supporting reports to establish the associated risk and appropriate remediation measures. The outcome is a reduction of the open space area

and an increase in the developable area, which has prompted this application to re-plan this part of the wider site.

3.5.28 Initially the Coal Authority objected to the application, however that objection has been fully removed following the receipt of a suite of documents including; 'No Build Zone Assessment Report'; 'Completion Report for the Drilling and Grouting Treatment of Sandstone Mine Workings'; and 'Completion Report for the Treatment and Capping.

3.5.29 *"In summary, mine shaft reference 370421-033 was uncovered and visually identified by way of mechanical excavation by ARC, during May 2019, and is positioned on coordinates 370475.645, 421275.575. The ground level at the mine shaft location was recorded at 217.423m AoD. The mine shaft was noted to be 2.50m in diameter, infilled with local disturbed deposits and partially lined, and was proven to a maximum depth of 5m below existing site levels (212.423m AoD). SDL have subsequently proven the base of the shaft to be positioned at a depth of 63m below existing site levels, and the shaft has now been adequately stabilised and capped in accordance with Coal Authority permit reference 20038".*

3.5.30 The Coal Authority's latest response offers no further objection to the replan of this part of the site, subject to recommendations within the submitted 'Exclusion Zone/No Build Zone Assessment Report' being carried out on site. The submission of the grouting and capping completion reports suffices in this regard and no additional controls are necessary.

3.5.25 Financial Contributions: The original planning application 10/19/0317, was the subject of a s106 legal agreement. Following a viability review financial contributions to provide for off-site affordable housing (£150,000); off-site highway improvements (£150,000); and primary school provision in the locality (£1,500,000).

3.5.26 The current development does not warrant any additional contributions to make the proposal acceptable in planning terms. However, the developer has agreed to a variation to the original s106 legal agreement to redirect the education contributions from primary to high school provision following additional needs assessments.

3.5.30 Summary: This report assesses the full planning application for 24 dwellings on a parcel of undeveloped land, accessed from Spring Meadows road, Darwen. In considering the proposal a wide range of material considerations have been taken in to account during the assessment of the planning application

3.5.31 This report concludes the proposal provides a high quality housing development with associated infrastructure on an allocated housing site. The principle of development is agreeable with the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, and the National Planning Policy Framework. Furthermore the scheme is acceptable from a technical perspective, with all matters being adequately addressed, or capable of being appropriately controlled via planning conditions.

4 RECOMMENDATION

4.1 Approve subject to;

- (i) That delegated authority is given to the Strategic Director of Place to approve planning permission subject to a Deed of Variation agreement under Section 106 of the Town and Country Planning Act 1990, relating to the payment of financial contributions which relate to the following matters:
- revise the £1.5m existing education contribution so that 50% of it is for secondary school places, and 50% for primary school places. The first 50% received will be spent on the provision of secondary school places.
 - add reference to the current planning application to re-plan part of the site (ref 10/20/1258).

Should the Deed of Variation of s106 agreement not be completed within 6 months of the date of this resolution, the Strategic Director of Place will have delegated powers to refuse the application

(ii) Conditions relating to the following matters

- 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.
- 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;

SMD.PL01 rev T, received 10th May 2021

6X3GD-01; 6019.05 rev A; SMD.302 rev D; and SMD.EVCL rev B,
received 21st December 2020

House Types; ALN, BAR, BEL, CON(V4), LOC Cr, GRA, HOR and MOS

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

- Construction work shall take place in accordance with the details set out within the Construction Management Plan, received 21/12/2020. 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, to protect the visual amenities of the locality and to comply with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

- Prior to the occupation of any of the dwellings hereby approved, details of the proposed arrangements for future management and maintenance of the 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: In the interests of residential amenity and highway safety, in accordance with the requirements of Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

- 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 interests of residential amenity, water management and highway safety, in accordance with the requirements of Policies 8, 9 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

- Notwithstanding the submitted details, prior to the commencement of development a scheme detailing the provision of detached garages in accordance with the Council's adopted internal space standards of 3m x 6m shall be submitted to and approved in writing by the Local Planning Authority. The development shall be in accordance with the approved details.

REASON: To ensure vehicles can be parked clear from the highway in the interests of the safe, efficient and convenient movement of all highway users, in accordance of the requirements of Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2

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

REASON: To manage the risk of flooding and pollution of water resources, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Local Plan Part 2

- Prior to the commencement of development, other than remediation, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme for that phase must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall

discharge to the public sewerage system either directly or indirectly. 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 the requirements of Policy 9 of the Blackburn with Darwen Local Plan Part 2.

- Prior to occupation of each phase the development hereby approved, a sustainable drainage management and maintenance plan for that phase 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 for that phase shall include as a minimum:
 - a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a residents' 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.

- The construction of the development hereby permitted, including deliveries, shall only take place between the hours of;
 - 8:00 and 18:00 - Monday to Friday
 - 9:00 and 13:00 - Saturdays
 - No work to occur - Sundays and Bank HolidaysREASON: 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.

- 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.

- 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.

- Prior to first occupation of each dwelling, external vehicle charging facilities shall be implemented in accordance with drawing SMD.EVCL rev B, received 21/12/2020

REASON: To facilitate electronic vehicle charging and to mitigate air quality impacts arising from the development, in accordance with the requirements of Policy 36 of the Blackburn with Darwen Borough Local Plan Part 2

- The development hereby approved shall be undertaken in accordance with the Materials Schedule, reference SMD-01-rev H, received 21/12/2020

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

- The development shall be implemented in accordance with the boundary treatments detailed within the submitted drawing SMD.302 rev D, received 21/12/2020

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 Gib Lane Masterplan.

- Trees and shrubs shall be planted on the site in accordance with the landscaping scheme set out within drawing 6019.05 rev A, received 21/12/2020, during the first available planting season following completion of the works, and thereafter retained. 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 of healthy trees and shrubs in the interests of amenity in accordance with Policy 40 of the Blackburn with Darwen Borough Local Plan Part 2.

5 PLANNING HISTORY

10/16/0266 - Outline planning application for erection of 134 dwellings , with associated infrastructure and landscaping (Approved July 2016)

10/17/0250 - Works to straighten and upgrade Spring Meadows road so that it can be adopted (Approved May 2017)

10/19/0317 - Full Planning Application for Erection of 168 no. Residential Dwellings, Associated Infrastructure and Public Open Space

6 CONSULTATIONS

6.1 Highways:

PROW: the development doesn't affect the public rights of way which mainly run around the perimeter of the site.

The proposed parking accords with the Council's adopted standards, with the exception of some detached garages that have smaller internal dimensions than the 6x3m requirement. The use of 'offset' parking to the terrace units is not ideal, but wouldn't warrant refusal of the proposal. No additional impacts to surrounding highway network than that considered in response to the initial application 10/19/0317

6.2 Public Protection:

No objection subject to conditions relating to; electric vehicle charging points within each plot; maximum gas boiler emissions; noise and dust management plan to be agreed and implemented; construction hours restricted to 8am to 6pm Monday to Friday, 9am to 1pm Saturday; contaminated land standard conditions.

6.3 Lead Local Flood Authority:

No objection subject to conditions relating to a revised drainage layout, including details of surface water storage for the additional properties.

6.4 Education:

No objection. Request that previously secured financial contributions be redirected to high school rather than primary school provision in the locality

6.5 Police Architectural Liaison Officer:

No objections. Lancashire Constabulary would advocate that this new development for residential housing should be designed in accordance with Secured by Design Homes 2019 security specifications.

6.6 Coal Authority:

No objection. *"The submission is now supported by an Exclusion Zone/No Build Zone Assessment Report, dated 8 March 2021 and prepared by Geol Consultants Limited. This report reconsiders the no build zone previously identified around the mine entry 370421-033 in light of the remedial works implemented on site. The report authors comment that given the stabilisation works completed on site and the fully designed and structurally adequate cap installed, the risk of failure occurring anytime in the future is extremely low, particularly given that more than two-thirds of the mine shaft is based below rockhead level. They note that given the ground conditions identified, coupled within the stabilisation works completed, it would not be unreasonable to reduce the overall size of the exclusion zone to a more appropriate size. They comment that this is subject to all buildings which extend into the original exclusion zone area are based on piled foundations, extending to bedrock so that additional loads are not imposed onto the shaft walls or lining. The report authors state that since the mine shaft has been grouted and there are no structural loadings to be placed onto, or above the reinforced shaft cap, no additional settlement is not considered relevant and an overall exclusion zone / no build zone spanning an area of 9.00m, extending by a distance subtended at an angle of 45o from the underside edge of the reinforced shaft cap is deemed more appropriate for this development. I have sought technical advice from colleagues on the information submitted and based on this, and the professional opinions of the report authors set out therein, we have no objection to the replan of this part of the site as proposed, subject to the recommendations within the report being carried out on site".*

6.7 Environmental Services

No objections.

6.8 United Utilities:

No objection. Subject to use of standard conditions relating to; foul and surface water to be drained on separate systems; surface water scheme to be agreed; and scheme for future management and maintenance of the surface water system.

6.9 Public Consultation:

40 neighbouring properties have been individually consulted by letter, site notice displayed and a press notice issued. 2 letters of objection have been received (see section 9)

7 CONTACT OFFICER: Martin Kenny, Principal Planner, Development Management

8 DATE PREPARED: 2nd February 2022

9 SUMMARY OF REPRESENTATIONS

Objection – Mr Peter & Mrs Beverley Aspin, 8 Moorlands Court, Darwen, Received 15.01.21

Dear Sir

We wish to register our objections to increasing the number of houses by 7 on this project. There is already a great many houses on both the housing development sites either side of Spring Meadows of which their egress is onto Spring Meadows. An additional 7 houses will further increase traffic onto a small road, increase congestion and the potential risks of accidents.

Increasing the number of houses even by a small amount in this partial plan makes this area seem overcrowded and takes away the feel of spaciousness of the original plan. It appears that the 'public open space' within this area has also been significantly reduced in size, thus further denying the residents of this area local green space.

There are also concerns by the residents of Darwen about the wider impact on GP, Dental and Hospital provision in the area, school places (another possible 15-16 children) other local services not only with this development but the wider Blackburn with Darwen Plan. There does not seem to be adequate provision for expansion of these services and increasing this project just adds to this burden.

These terraced houses are of a smaller footprint being built close to larger detached houses and will reduce the value of these houses- both the new planned houses and the existing houses at the top end of Spring Meadows.

Across Darwen there are a number of large housing developments planned and as such the congestion, reduction of green space and population should be distributed across the area.

Please take into account these concerns not only for the residents here now, but the future residents of the area.

Kind regards

Mr Peter & Mrs Beverley Aspin

Objection – Mrs Diana J Conn, Unknown address, Received 19.01.21

Dear Gavin Prescott,

I am astounded that you are considering allowing an increase in the amount of houses on the land south of Spring Meadows also now called Spring Meadows. As a resident of original Spring Meadows I know how busy the lane was up to the estate before 14 new houses were built with drives opening onto the lane from Kier Simons site, there now appears to be another 18 houses all with drives opening directly onto the lane from the Persimmons site, extra traffic from the 150 houses on the estate potentially, assuming most have at least 2 cars, that is traffic from over 400 cars up & down the lane daily not to mention deliveries, visitors etc. The road has been straightened but not widened to account for all this extra traffic, cars parking on the side of the rd, which they are already starting to do & the road is treacherous in winter forcing early commuters to leave cars on the road so they can get off it in the mornings. At the moment the rd is very quiet due to lockdown which has been very lucky for the contractors with all the construction traffic but when things back

to normal I envisage it being a nightmare in peak times. Then now you are potentially going to allow an extra 48 cars from 24 homes to add to the chaos. The green spaces which were promised would be left around the site are being eroded into. The badgers had there sets on this site & mysteriously disappeared!!! It is not acceptable. I am worried that emergency services would struggle to get up here & if someone breaks down on the road that's the whole estate cut off. Please strongly consider turning down this application,

Mrs Diana J Conn.

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/21/0745

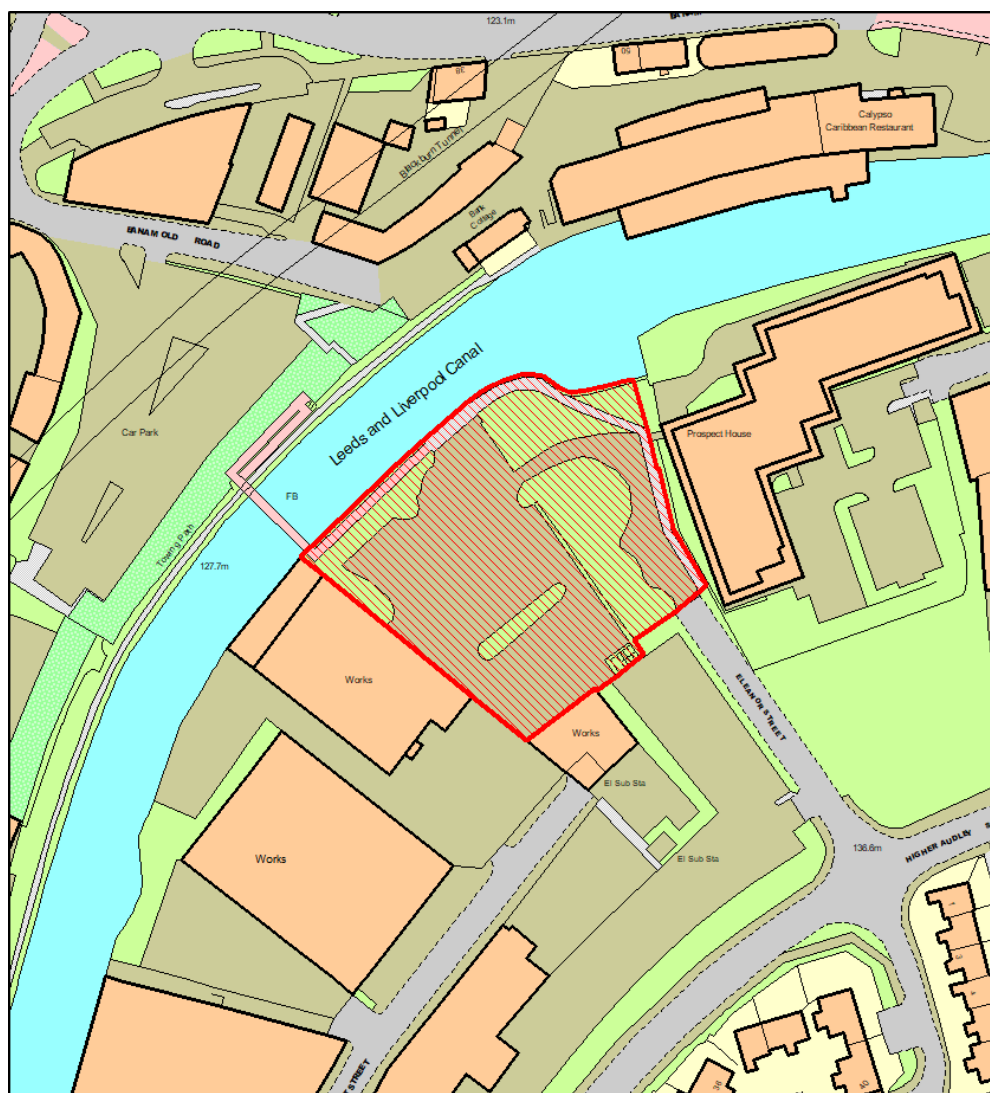
Proposed development: Full Planning Application for: Proposed 4 Storey Care Home, and 2 Storey Assisted Living Apartments (Use Class C2), and associated external parking.

**Site address:
Land Off Eleanor Street
Blackburn
BB1 1JD**

Applicant: UV Care Blackburn Ltd

Ward: Blackburn Central

**Councillor Samim Desai
Councillor Zamir Khan
Councillor Mahfooz Hussain**



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 as a major application at a non-allocated site. This is in accordance with the Council's adopted Scheme of Delegation.
- 2.2 Assessment of the application finds that the proposal corresponds with the Council's overarching growth strategy, as set out in the Core Strategy and Local Plan Part 2.
- 2.3 More specifically, assessment demonstrates the ability to deliver a high quality development which supports medium term demand for dedicated care and assisted living accommodation, without detriment to the surrounding area. Moreover, the development would re-purpose a long vacant site and alleviate instances of anti-social behaviour, including but not necessary limited to fly-tipping. The application is also acceptable 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.
- 2.4 Assessment, takes account of outline planning permission previously granted by the Committee, on 24th October 2016, for a 4 storey, 88 bed care home, as an important material consideration, being within the current Development Plan period; notwithstanding that this permission has now lapsed.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site (the site) comprises 0.45 hectares. It is located within the urban boundary, a short distance to the east of Blackburn Town Centre and is bound by the Leeds and Liverpool Canal to the north, Twin Valley Homes office accommodation to the east and industrial premises (Spice Factory) to the west. The Eanam Conservation Area and Listed Buildings are located to the east, on the opposite side of the Canal.
- 3.1.2 The site is vacant and representative of *previously developed land* (brownfield), with remnants of mills walls remaining, as a legacy of its former industrial use. A hard surface also exists, corresponding with the footprint of the former mill. Vehicular access is via Eleanor Street / Higher Audley Street from the south.
- 3.1.3 The surrounding area is a mix of residential and commercial uses, punctuated by a range of local amenities.

3.1.4 The site is identified by the red edged area, extracted from Google aerial imagery:



3.2 Proposed Development

3.2.1 Full planning permission is sought for the erection of a 4 storey care home, comprising 70 beds and a 2 storey building comprising 7, 1 bed assisted living (self-contained) apartments (Use Class C2). External parking and landscaped areas are also proposed.

3.2.2 The proposed new home will provide 24-hour care for the residents of the home, and will be registered with the Care Quality Commission (CQC).

3.2.3 The new care home will incorporate the following facilities:

- All bedrooms will be full wet room en-suite bathrooms;
- 24-hour care provision;
- residents coffee shop, Library, Gym, and various lounge and dining areas assisted bathrooms/ wc's;
- hairdressing and cinema;
- kitchen, laundry, staff facilities etc;
- secure landscaped garden complete with raised flower beds; and
- large reception area, and family meeting room.

- 3.2.4 Vehicular access into the site will be from that already established off Eleanor Street, from which an internal road will sweep into a central car park.
- 3.2.5 A total of 18 parking spaces including 2 disabled spaces, and an ambulance, delivery bay, will be provided for visitors and staff. In addition, there will be a covered cycle store, and a loading bay for service vehicles and an ambulance. The car parking areas are provided at the front of the new care home.
- 3.2.6 It is submitted that the proposal would provide state of the art facilities, in exceedance of the national minimum spatial requirements, as defined in the Care Standards Act 2000 and those of the CQC.
- 3.2.7 Full details are set out in the submitted drawings and Design and Access Statement. The rendered image and proposed site plan below, show the development in-situ (AP Architecture Ltd).





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 – 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

- CS1 – A Targeted Growth Strategy
- CS13 – Environmental Strategy
- CS15 – Protection and Enhancement of Ecological Assets
- CS16 – Form and Design of New Development
- CS17 – Built and Cultural Heritage
- CS19 – Green Infrastructure
- CS21 – Mitigation of Impacts / Planning Gain

3.3.4 Local Plan Part 2

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport

- Policy 11 – Design
- Policy 12 – Developer Contributions
- Policy 38 – Green Infrastructure on the Adopted Policies Map
- Policy 39 – Heritage
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 47 – The Effect of Development on Public Services

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (The Framework) (2021)

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.

Areas of The Framework especially relevant to the proposal are as follows:

- Section 2: Achieving Sustainable Development
- Section 5: Delivering a sufficient supply of homes
- 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
- Section 16: Conserving and enhancing the historic environment

3.4.2 National Planning Policy Guidance (NPPG).

3.5 Assessment

3.5.1 In assessing this full application there are a number of important material considerations that need to be taken into account, as follows:

- Principle of the development;
- Amenity impact;
- Environmental impact;
- Highways and access; and
- Design and layout.

3.5.2 Principle

The site has no specific designation and lies within the defined Inner Urban Boundary, which is the preferred location for new development, in accordance with Core Strategy Policy CS1, and Local Plan Part 2 Policy 1. In land use terms, therefore, the principle of the proposal is acceptable.

3.5.3 Effect on Public Services

Policy 47 seeks to ensure that development meets the needs of the local populous in the first instance. Importantly there is concern for development which ostensibly provides accommodation or services used by vulnerable people, but which is provided in an ad-hoc way with little or no reference to wider strategies for commissioning support services. This can result in users going on to require a wide range of other support services provided by the public sector and placing greater pressure on such services. In this context, development will be granted planning permission provided that infrastructure, facilities and services exist, or can be provided via the development, which will allow the development to proceed without an unacceptable adverse impact on existing provision.

3.5.4 The Council's Adult Service's Strategic Commissioning consultee initially offered an objection to the proposal. Objection was based on the notion that there is no current demand for a facility of the size proposed, due to an over provision of residential care beds in the borough, with a forecasted under provision only arising from 2030; and that additional development before 2030 could place undue pressures on the existing residential care market, leading to migration of people with high care dependency from outside of the local authority area, thereby pressuring local health and care services. Absence of a formal commissioning agreement with a health care / social care provider was also cited as a concern.

3.5.5 An 'Older People's Projection Model' has been provided to aid assessment. The model forecasts an over-provision of residential care in 2025 of just 28 beds and an overall deficit of 52 beds for registered care; 2025 being considered broadly representative of the likely timeline for delivery of the development. It is confirmed (by Adults Services) that the forecast does not account for the beds previously granted outline permission in 2016. The permission has, however, since lapsed, meaning those beds can be disregarded.

3.5.6 The applicant has submitted their own 'Needs Assessment' which forecasts a deficit of beds at 2025 and a continued upward trending deficit up to 2030, based on a 10 minute drive catchment. A forecasted deficit of beds at 2025 is, therefore, mutually agreed. Consequently, this additional provision proposed would serve to address to the issue.

3.5.7 It is also noteworthy that the Council's Strategic Housing Market Assessment (2014) recognises that there will be a considerable growth in the number of elderly households which will increase the need for additional residential care solutions, forecasting an increase in the need for housing with car of 40% borough wide.

3.5.8 Following dialogue with Adult's Services around the level of available evidence to reasonably support refusal of the application, their objection was, in effect, withdrawn, as confirmed by communication received from the Council's Strategic Director of Adult Services, Health and Strategic Commissioning People; as set out at paragraph 6.2.

3.5.9 Members are advised that the available evidence is not sufficiently robust or representative to explicitly demonstrate that conflict with the aims and objectives of Policy 47 will arise from the proposal, contrary to the initial objection. In addition, members are also advised there is not enough available evidence to support the imposition of a condition relating to a formal commissioning agreement with a health care / social care provider.

3.5.10 Moreover, the overall benefits otherwise arising are significant and are considered to weigh heavily in favour of the proposal. These include environmental gain arising from re-use of previously developed land subject to persistent fly-tipping and other ant-social behaviours, particularly when considered in the context of the historic canal corridor and proximity of heritage assets, as illustrated in the image below; economic gain arising from creation of up to 70 full-time jobs (Planning Support Statement, AP Architectural Ltd, Sept 2021); and social gain arising from dedicated elderly care accommodation.



3.5.11 Amenity

Policy 8 requires development to make a positive contribution and to secure satisfactory levels of amenity and safety is 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.

3.5.12 The development would make a positive contribution to the area, given the derelict and generally unsightly nature of a site, which is visually prominent from the Canal towpath to the north.

3.5.13 Relationship between buildings:

The proposed buildings would be located within a mixed area, including office accommodation to the east, industrial premises (The Spice factory) to the west, as well as a dwelling and offices opposite, to the north, beyond the Canal. Separation between proposed habitable (bedroom) windows and those in the front elevation of the dwelling on the opposite side of the Canal is circa 30m which is in accordance with the minimum standard set out in the SPD. Opposing habitable windows within the development range from between 25m and 28m, also in accordance with the minimum standard. No windows are proposed facing adjacent buildings. An acceptable relationship between buildings is, therefore, achieved, ensuring satisfactory levels of amenity.

3.5.14 Noise / odour / pollutants:

Noise and Odour Assessments were submitted with the previous application in 2015. The Council's Public Protection consultee acknowledges that no significant change to surroundings uses has occurred since.

3.5.15 Although odour and, to a lesser extent noise, from nearby commercial uses, including Khan Khazana commercial cooking and the Spice Factory remain evident from within the site, impact is not considered to be severe towards internal living conditions for residents of the care facility, subject to implementation of suitable double glazing and mechanical ventilation. Such measures will be secured via conditions, as recommended by Public Protection.

3.5.16 Whilst Public Protection do not offer objection to the proposal, they assess odour impact on proposed outdoor residential amenity spaced to be 'moderate adverse', whilst recognising that mitigation is unachievable. Although a modest degree of conflict arises with the safeguarding amenity objectives of the policy, such conflict is not considered to outweigh the benefits otherwise arising from the proposal.

3.5.17 Public Protection also recommend assessment and remediation, if necessary, of ground contamination to be secured via application of the Council's standard contaminated land conditions, to protect the health of future residents.

3.5.18 It is inevitable that some disruption for occupants of adjacent premises will arise during construction of the development. Submission, of a Construction and Environmental Management Plan (CEMP) and control over hours of construction, via conditions, would guard against any significant disruption and disturbance.

3.5.19 Safety:

The Canal & Rivers Trust have assessed the impact of the proposal on the structural integrity of the Canal and the threat of contamination thereto, during and post construction. No objection is offered, subject to submission of a Risk Assessment and Method Statement, via condition.

3.5.20 Accordingly, it is found that satisfactory levels of amenity and safety would be secured future residents and surrounding uses, in accordance with the requirements of Policy 8 and The Framework.

3.5.21 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.

3.5.22 Flood risk / drainage:

A Flood Risk Assessment and Drainage Strategy has been submitted with the application and reviewed by the Council's Drainage consultee (as Lead Local Flood Authority) and United Utilities. No objection is offered, subject to submission of a detailed foul and surface water drainage strategy, via condition. United Utilities request for submission of finished floors levels (FFL's) prior to determination of the application has been superseded by submission of revised FFL's as a correction to the erroneous information contained on the original drawing.

3.2.23 Ecology:

An ecological appraisal of the site has been submitted with the application and reviewed by the Council's specialist consultee. As no habitats on site have any roost features for bats, no further activity survey work is required. Provision of bat (and bird) boxes will, however, be secured via condition, in order to enhance roosting and nesting opportunities.

3.2.24 Potential habitat for nesting birds was found in the trees and scrub, although no substantive evidence was found. Clearance of trees and vegetation outside of the bird nesting season (March to August) will, however, be secured via condition.

3.2.25 No evidence of protected mammals or priority invertebrates, reptiles or of invasive species was found either on site or within 250m.

3.2.26 Accordingly, it is accepted that there are no significant ecological constraints to developing the site and no objection is offered.

3.2.27 Trees;

The removal of self-seeded trees and scrub from within the site is proposed. No objection is offered in this regard from the Council's Arboricultural Officer. Protective fencing to trees adjacent to the site will be secured via condition throughout construction works. A comprehensive landscaping scheme will also be secured via condition, to provide mitigation for tree loss, biodiversity enhancement and in the interests of visual amenity.

3.2.28 Accordingly, the environmental impact of the development is found to be acceptable and in accordance with the requirements of Policies 9 and 40, and The Framework.

3.2.29 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.

3.2.30 A Transport Statement has been submitted with the application and reviewed by the Highways Council's consultee. No significant changes to the highway network have occurred since the previous grant of planning permission for a development of comparable scale to that currently proposed. Forecasted traffic generated by the proposal is accepted as within the tolerance of the local network capacity.

3.5.31 Access to the site will be taken from Eleanor Street (off Higher Audley Street) to the south. Although the street is currently adopted, it is unsurfaced and is closed off to traffic due to frequencies of fly-tipping. Consequently, the street will be upgraded with a surface treated carriageway width of 5.5m and a pedestrian footway width of 1.8m. Works will be secured via condition.

3.5.32 18 parking bays, including 2 disabled, are proposed. A dedicated ambulance delivery is also proposed. Parking is deemed acceptable to cater for demand arising from staff and visitors. Residents are unlikely to have a car due to their medical condition. Moreover, the site is in a highly sustainable location, with good pedestrian and public transport links to a range of amenities. Proposed on-site amenities including a hair salon and a cinema may also limited the need for transportation. Any additional parking could be displaced to Eleanor Street without disruption to the network since this road does not serve as a means of access to any other property. The internal road provides for adequate servicing space and manoeuvring of refuse vehicles, as demonstrated by the submitted swept-path analysis.

3.5.33 Impact of the proposal on highway safety and efficiency is accepted, considered in the context of The Framework's direction at paragraph 11, 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.

3.5.34 Submission of the aforementioned CEMP will address highway impacts arising from construction, including road cleansing.

3.5.35 A covered area for cycles and powered two wheel vehicles will be secured via condition.

3.5.36 Accordingly, highway impacts arising from the development are found to be acceptable and in accordance with the requirements of Policy 10 and The Framework.

3.5.37 Heritage and Design

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.

3.5.38 Policy 39 reflects The Framework in requiring development with the potential to affect designated or non-designated heritage assets to sustain or enhance the significance of the asset. In this context, a Heritage Statement has been submitted with the application and reviewed by the Council's Heritage consultee, who offers no objection.

3.5.39 Eanam Wharf Conservation Area (CA), which includes a number of Grade II listed buildings, is located to the north of the site, on the opposite side of the Canal. A rendered image of the proposal, from the perspective of the CA, is submitted to aid assessment of its impact (see paragraph 3.2.7).

3.5.40 The presence of a mix of building proportions locally, including large industrial and modern office buildings straddling the site, comparable in scale and mass to those proposed, ensures a development that will not appear out of place and which will integrate into its surroundings. The distinct change in character and scale of buildings adjacent to the application site is in stark contrast to those on the opposite side of the Canal within the CA. Views of the CA and Listed Buildings from the public realm of the canal towpath and footpath immediately north of the site will be unaffected by the proposal. The proposed layout also provides an outward facing development, towards the Canal and largely screens the less aesthetic parking and servicing element of the proposal. Moreover, the previous grant of planning permission for a building of similar scale and mass is acknowledged as precedent setting. For these reasons, the proposal is considered to have no discernible impact on the character and setting of the CA and Listed Buildings.

3.5.41 Lancashire Archaeology recommend submission of an archaeological investigation, recoding and analysis is secured via condition, on account of the potential for archaeological remains of the former Canton Mill (c.1865) which is considered a non-designated heritage asset.

3.5.42 The general design concept is of contemporary style buildings, broadly proportionate in scale to those adjacent. Red brick is included in the elevations, as part of a traditional mixed palette of materials, reflective of local residential vernacular. Coloured render and window frames are also proposed. The roof will have a plain modern roof tile. Example material images are show below. Final details will be secured via condition.



Extracted from Design and Access Statement, (AP Architecture Ltd, March 2021)

3.5.43 The garden areas will be designed to incorporate both formal gardens and less formal areas around the care home. Areas where residents can grow their own vegetables for use in the home will be included. Full (hard and soft) landscaping details will be secured via condition.

3.5.44 A gated refuse storage area is proposed, located to provide easy access for both staff and collection of waste.

3.5.45 Overall, the design of the development is found to be in accordance with the requirements of Policies 11 and 39 and The Framework.

3.5.46 Summary

This report assesses the full planning application for 4 Storey Care Home, and 2 Storey Assisted Living Apartments (Use Class C2), and associated external parking. 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 subject to:**

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 *to be added* and with the following drawings / plans / information: *to be added*.

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

3. Notwithstanding the submitted details, prior to commencement of any above ground works hereby approved, written and illustrative details, including colours and textures, 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. Notwithstanding the submitted details, prior to commencement of any above ground work hereby approved, a scheme of boundary treatment(s) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the precise location, height and construction materials of all boundaries. The approved scheme of boundary treatment(s) shall be implemented prior to first occupation of the development and retained thereafter.

REASON: To ensure that the external appearance of the development is satisfactory, in accordance with Policy 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

5. 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.

6. 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.

7. 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.

8. Should pile driving works be required on site, prior to the commencements of those works, a programme for the monitoring of generated noise and vibration shall be submitted to and approved in writing by the Local Planning Authority. The programme shall specify the measurement locations and maximum permissible noise and vibration levels at each location. Noise and vibration levels shall not exceed the specified levels in the approved programme.

REASON: In order to safeguard neighbouring amenity, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

9. The 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
Sundays or Bank Holidays: No site operations

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. Prior to commencement of the development hereby approved, a written scheme describing how odour from neighbouring commercial uses will be removed from air drawn into the mechanical ventilation system 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 be so retained thereafter.

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. All habitable rooms serving the development hereby approved will be provided with mechanical ventilation and double glazing to reduce the impact of external noise. The double glazed window assemblies will achieve a sound reduction index (Rw) of at least 36dBA. The mechanical ventilation and double glazing will be retained for the duration of the approved use.

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.

12. No development shall take place unless a Risk Assessment and Method Statement outlining the construction of foundations and construction works in proximity to the Leeds & Liverpool Canal have first been submitted to and approved in writing by the Local Planning Authority. The details shall:

- Include the design, depth and means of construction of the foundations of the new building (including cross sections in relation to the canal wash wall) and access path alongside the canal, together with any other proposed earth moving and excavation works required in connection with the development;
- Detail measures to limit loading from any land level changes upon the canal wash wall;
- Detail measures that will be taken to protect the wash wall of the canal and to limit any vibrations that could impact the wash wall structure during construction;
- Detail the location of stockpiles and construction equipment on site; and
- Include details of any protective fencing to be erected to safeguard the waterway infrastructure during construction.

The development shall thereafter be carried out in strict accordance with the agreed Risk Assessment and Method Statement.

REASON: In the interests of safeguarding the land stability of land adjacent to the canal, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

13. Prior to the commencement of development hereby approved, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes 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 in accordance with BRE365;
 - (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);
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (v) Incorporate mitigation measures to manage the risk of sewer surcharge as required;
 - (vi) Full details of overland flow paths and any associated mitigation measures as required; and
 - (vii) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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.

14. Prior to occupation of the development hereby approved, 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:
- (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - (ii) 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 the requirements of Policy 9 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

15. 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.

16. Prior to commencement of the development hereby approved, a scheme detailing the provision of bat and bird boxes within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved detail prior to operational use of the site and shall be so retained.

REASON: To ensure enhanced bat and bird nesting opportunities, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

17. The development shall be carried out in strict accordance with the submitted Arboricultural Impact Assessment, prepared by Martin F Holland, dated September 2021 (Drg No. 1). 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.

18. Prior to commencement of above ground works 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.

18. Prior to commencement of the development hereby approved, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide for the following:

- An appropriate 'stand-off' zone from the Canal;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- 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;
- measures to control the emission of dust and dirt during construction; and
- a scheme for recycling / disposing of waste resulting from demolition and construction works.

Construction shall proceed in strict accordance with the approved detail for the duration of those works.

REASON: In order to safeguard protected habitat; to avoid the deposit of debris into watercourse and onto the highway, in order to protect the amenity of the occupiers of the adjacent properties and in order to protect the visual amenities of the locality, in accordance with Policies 8, 9 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

19. No development, demolition, clearance or preparatory work shall take place until the applicant, or their agent or successors in title, has secured the implementation of a phased programme of archaeological investigation, recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. All archaeological works should be undertaken by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance of the Chartered Institute for Archaeologists (www.archaeologists.net).

REASON: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site, in accordance with Policy 39 of the Blackburn with Darwen Borough Local Plan Part 2.

20. Prior to occupation of the development hereby approved, the carriageway and footpath along the length of Eleanor Street shall be fully re-instated to adoptable standard and so retained.

REASON: In the interests of highway safety and efficiency, in accordance with Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2.

21. Prior to commencement of the development hereby approved, a scheme for the provision of covered and secure cycle and motorbike parking spaces 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 shall be so retained.

REASON: To ensure parking provision for alternative modes of transport, in accordance with Policy 10 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

22. Visibility splays at the site entrance shall not at any time be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height 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.

23. Prior to operational use of the development hereby approved and notwithstanding the submitted details, a refuse storage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide the location(s) of an enclosed communal area for bin storage with containers of an appropriate capacity and number, to include recyclable storage of paper, glass and cans, general rubbish and clinical waste. The approved scheme shall be implemented prior to occupation of the approved development and be so retained.

REASON: In order to ensure adequate bin storage facilities and in the interests of visual amenity, in accordance with Policies 8 and 11 of the Blackburn with Darwen Borough Local Plan Part 2.

5.0 PLANNING HISTORY

- 5.1 The site has a detailed planning history of consented developments that have not subsequently been built. This includes the following applications:

- 10/07/0651 – Development of 70 Apartments with associated parking and landscaping works – Approved with Conditions 28/09/2007;
- 10/13/0585 – Development of 70 Apartments (application to extend time limit of Application 10/07/0651) – WITHDRAWN; and
- 10/15/0296 – Development of 4 storey 88 Bed care home Approved with conditions 24/10/2016.

6.0 CONSULTATIONS

6.1 Public Protection

No objection:

There have been previous applications for similar developments on this site. When commenting on the most recent application (10/15/0296) I expressed concern regarding the potential impact of noise and odour on the occupants of the development. The applicant submitted noise and odour assessments. Permission for 10/15/0296 was granted, subject to a range of conditions including 18 (noise) and 7 (odour).

I've re-visited the site and checked out the neighbouring businesses. There don't seem to be any major changes.

From a noise point of view, the new proposed layout is slightly better. But Bateman Thermotooling continue to operate in the building by the SE perimeter of the site, so I'd still recommend the same condition. Suitable acoustic glazing and mechanical ventilation should provide adequate mitigation inside the buildings. Noise in the outdoor amenity areas shouldn't be an issue.

Odour from commercial cooking at Khana Khazana, and to a lesser extent the Spice Factory, is still evident. There was an obvious spicy aromatic cooking smell on the development site earlier today, and on at least one previous occasion. I'd like to comment separately on odour impact inside the development and odour impact in outdoor amenity spaces:

- Inside the buildings - if the developer implements a suitable odour scheme, which is likely to incorporate odour control and sourcing ventilation intakes away from the odour sources, then odour from neighbouring sources is unlikely to affect amenity inside the proposed buildings.
- Outside in outdoor amenity spaces – At times, the odour of commercial cooking will be evident in the proposed garden areas. I suspect that a representative assessment of outdoor odour would identify a 'moderate adverse' impact (odour character easily recognised, evident for an estimated 20% of the time, high receptor sensitivity). Outdoor amenity space wasn't as much of a feature for the previous development, more like greenspace in front of the buildings as opposed to garden areas, so I had less of an issue with the previous developer's odour assessment which concluded that, "... odour issues should not be viewed as a constraint to planning consent for the proposed development, subject to the inclusion of relevant mitigation." I can't see a way of mitigating the impact of odour in outdoor amenity spaces.

So in conclusion:

1. The impact of neighbouring noise sources upon residents inside the proposed development can be mitigated with suitable glazing and mechanical ventilation, and noise in outdoor amenity areas is unlikely to be an issue.
2. The impact of neighbouring odour sources upon residents inside the proposed development can be mitigated. This mitigation is likely to include odour control and locating ventilation intakes away from odour sources.
3. The impact of neighbouring odour sources on any outdoor amenity space is likely to be 'moderate adverse'. I can't see a way of mitigating the impact of odour in outdoor amenity spaces.

I recommend the following conditions if permission is granted for this development:

Odour Condition:

Prior to commencement of the development hereby approved, a written scheme describing how odour from neighbouring commercial uses will be removed from air drawn into the mechanical ventilation system 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 retained thereafter.

Reason - To safeguard the amenity of prospective occupants of the development

Informative - A suitable scheme is likely to incorporate odour control and locating ventilation air intakes away from the odour sources.

Noise Condition:

All habitable rooms will be provided with mechanical ventilation and double glazing to reduce the impact of external noise. The double glazed window assemblies will achieve a sound reduction index (Rw) of at least 36dBA. The mechanical ventilation and double glazing will be retained for the duration of the approved use.

Reason - To safeguard the amenity of prospective occupants of the development.

Contaminated Land:

I refer to the report entitled 'Desk Study with Walkover Survey, at Eleanor Street, Blackburn, November 2021'. The report has been prepared by Sub Surface North West Ltd on behalf of UV Care Blackburn Ltd.

It is the understanding of this Section 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 which would be required by this Section 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.

Based on the information provided, should permission be granted I would recommend that the standard contaminated land conditions are applied as well as the Watching Brief condition.

Desk Study

The desk study has been based, in the main, on a Groundsure report. This Section would always recommend as wide a consultation as possible when compiling the desk study, as per BS10175:2011 (as amended).

In particular at this site, it should be noted that there has been a long history of fly tipping at the site. The walkover identified some particular areas of concern, including a fuel tank, but items such as IBCs and building/demolition type waste has been deposited at the site

historically. As such, care should be taken, when undertaking any subsequent investigation, to provide sufficient coverage to identify potential contamination from historical fly tipping.

In terms of the pollution incidents identified in the Groundsure report, it is not clear whether the incident 63m east of the site originated 63m east, or the impact was identified 63m east. This should be borne in mind when conducting further work at the site.

Nevertheless, given the details of the proposed development, sufficient desk study information has been provided and no further desk study information is required.

Preliminary Conceptual Site Model (CSM)

The CSM has been presented in section 2.5 of the report. A number of potential sources of contamination have been identified. It should be noted that the mill on site had a chimney associated with it. This is potentially another point source, and should be targeted as part of the further works.

- Please update the CSM to include the historical chimney on site
-

The receptors identified include young children. Given the nature of the development, it is not clear whether your children would be the most appropriate receptor. However, it is acknowledged that this type of assessment may be more conservative.

Further works

The report concludes that an intrusive ground investigation is required at the site. The proposed details of this should be submitted to this Section for agreement before the works begin on site.

- Please submit the site investigation proposals for agreement

I 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 of the Environmental Protection Act 1990. Those providing expert advice to developers should be aware of the future reliance that may be placed on it.

All parties involved with waste and soil movement at the site should be aware that materials illegally deposited or deposited at inappropriate sites may be subject to relevant landfill taxes, payable by all parties. Only robust due diligence is a defence against joint liability. Illegal deposits can include moving waste soil material on sites, or between sites, without the appropriate permits, exemptions or duty of care.

6.2 BwD Adults Services

Initial objection:

COMMENTS:

In order to meet existing and future demands Adult Social Care is keen to ensure that a Commissioning Approach is taken to existing and future provision for accommodation and care services for vulnerable people.

Policy 47 of the Borough's Development Management Planning Policy sets out areas in which Adult Social Care can assess Planning Applications to ensure that all new provision for services for vulnerable people meet strategic needs. The policy addresses the following areas:

- 1) Need for the development

The council is currently working on a future Market Position statement as we emerge from the global pandemic and within that we will seek to test further our sufficiency and future demand not only for LD but for autism, mental health, elderly persons, extra care, residential care, nursing care and specialist needs such as for our ageing Asian population. We would then wish to work with health partners to ensure that there is a proper commissioning process supporting revenue commitment and that we are able to deliver the type and quality of accommodation /support that is needed for the long term that serves and supports the needs of Blackburn with Darwen.

The global Covid pandemic has created a lack of confidence in the residential care market and at the present time there is lack of demand. Adult Social Care modelling shows that we have an over provision of 79 residential care beds in 2021 and will only experience an under provision of care beds from 2030.

The local authority has just completed Albion Mill providing 74 supported housing apartments and it will be some years before we need additional care and support specialist housing provision.

Additional developments before 2030 could cause an over provision of care beds putting pressure on the existing market or importing people with high care needs from out of the area putting pressures on local health and care services.

C V Care Blackburn Ltd have not approached Adult Social Care to discuss the need for this development. The care market has changed significantly since October 2016, when a previous planning application for care provision was approved, and we do not accept that the previous approval sets a precedent.

2) Increase in Demand for service

We should not be supporting any residential and specialist supported housing without the necessary commissioning support from Health Partners. We are increasingly looking at joint financial planning over the medium term to ensure that the system remains coherent and sustainable.

It would appear that the application is not supported by any formal commissioning agreement with a health care/social care provider at this stage. As such we cannot offer support for this application and would recommend refusal as a specialist supported housing scheme. Clearly should our position change in the future it would result in commissioning against a known or projected demand and would have the agreement of health and care partners.

Additional Response:

I have not had anything further from Zoe or the commissioning team. Therefore if you cannot justify anything other than recommendation for approval then we are limited as to what else we can do.

I've cc'd Zoe into this email and therefore would suggest if you don't hear anything by 4pm today you proceed with Nick Blackledge's recommendation for approval.

Regards and thanks,
Sayyed M Osman

Strategic Director (Statutory DASS)
Adult Services, Health and Strategic Commissioning People
Blackburn with Darwen BC

6.3 BwD Arboricultural Officer

No objection:

Looking through the proposals I presume they are looking to clear fell the site. In principle, I have no objection to that as its mostly self-seeded scrub and a derelict site. The tree survey does show the need for protective fencing for some trees off site. If you could include a reference to this on your summing up that would be useful. The applicant will also have to show how they are going to mitigate the loss through a fully detailed landscaping scheme.

I am not sure if you use a site clearance condition as standard relating to timing and bird nesting. There is dense understory vegetation and will be suitable nesting habitat.

6.4 BwD Strategic Housing

Concerns:

The proposed scheme seeks to provide assisted living units which are not currently identified as required in the borough. The Council's Adults team has assessed that current provision and live schemes under development will provide adequate new older persons housing to meet the Boroughs demand to 2025.

Any new scheme would need the support of the Adults commissioning team to ensure there is suitable demand for the new units.

As such Strategic Housing Growth would not support this application unless it was also supported by the Adults Commissioning team as meeting local need.

We would suggest the developer contact the Council's Adults commissioning team at the earliest to understand local demand.

Strategic Housing Growth would be supportive of new housing developments that meet the Council's strategic objectives.

6.5 United Utilities

Further to the provided, Combined Drainage Layout, Ref: 0999-06-LEB-BML-XX-XX-RP-C-0500, Rev: P01, Dated: 19.06.2021, By: Barnsley Marshall Limited, United Utilities request a further review of the proposed site levels. This is because the proposed cover levels and ground levels immediately outside of the building (in particular reference to those at the Main Entrance) are situated at a higher elevation than the proposed Finished Floor Level of the main building. It is best practice to avoid levels falling towards a building and therefore it is prudent to elevate the building above the surrounding ground levels and associated drainage cover levels.

In addition, the proposed site is located at a topographic low point within the wider area. United Utilities therefore requests that the applicant assesses all risks of flooding to and from the development site including the risk from overland flows from elevated ground outside the site boundary and how these could be managed to minimise the risk to the proposed buildings.

We request this information is submitted for our consideration prior to determination of this application.

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.

Once the Council is satisfied that the application can be determined, we request the following drainage condition is attached to any subsequent approval to reflect the above approach. Notwithstanding the information required to satisfy the recommended drainage condition, we wish to reiterate that the information requested above is submitted prior to determination of this application:

Condition 1 - Foul and Surface Water Drainage Condition

Prior to the commencement of development (excluding demolition) details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes 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 in accordance with BRE365;
- (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);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (v) Incorporate mitigation measures to manage the risk of sewer surcharge as required;
- (vi) Full details of overland flow paths and any associated mitigation measures as required; and
- (vii) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

For schemes of 10 or more units and other major development, we recommend the Local Planning Authority consults with the Lead Local Flood Authority regarding the exact wording of any condition. You may find the below a useful example:

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.

6.6 BwD Drainage (as LLFA)

Lead Local Flood Authority Position

We have no objections subject to the development being carried out in full accordance with the surface water drainage / Flood Risk Assessment.

6.7 BwD Cleansing

They have 2 bin stores, totalling 10 bins, although I am not sure if they have sized for 1100 ltr size bins or not.

They will need to allow for 2 types of recycling bin (if they contract with us for collection that is) – one for paper, and one for plastic, glass and cans, along side general rubbish bins, plus also perhaps some clinical waste bins of course.

6.8 Canal & Rivers Trust

The main issues relevant to the Trust as statutory consultee on this application concern:

- a) The impact on the structural integrity of the Leeds & Liverpool Canal;
- b) The impact on the character and appearance of the waterway corridor;
- c) The proposed method of surface water disposal to the canal;
- d) Measures to reduce the risk of contamination to the waterway during and post construction; and
- e) Measures to enhance biodiversity on site.

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that suitably worded **conditions are necessary** to address these matters. Our advice and comments follow:

The impact on the structural integrity of the Leeds & Liverpool Canal

The proposals include the formation of a new building and replacement pathway within close proximity of the canal edge. Loading from new foundations or hardstanding areas have the potential to result in surcharging upon the canal wash wall. The wash wall is not designed as a retaining structure, and **additional loading caused by the new foundations, as well as associated construction works, could increase the risk of localised land slips into the canal in this location.**

Land stability is a material planning consideration, as highlighted by paragraph 183 (part a) of the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (e.g. Paragraph 001 Reference ID: 45-001-20140306). We consider therefore that this advice and

guidance clearly identifies that the planning system has a role to play in minimising the risk and effects of land stability on property, infrastructure and the public.

To address the above concern, we advise that a risk assessment and method statement should be provided to outline the proposed works and foundation designs to ensure that the final design would not result in adverse loading towards the waterway. **This could be reserved through the use of an appropriately worded condition.** Suggested wording is provided below:

“No development shall take place unless a Risk Assessment and Method Statement outlining the construction of foundations and construction works in proximity to the Leeds & Liverpool Canal have first been submitted to and approved in writing by the Local Planning Authority. The details shall:

- Include the design, depth and means of construction of the foundations of the new building (including cross sections in relation to the canal wash wall) and access path alongside the canal, together with any other proposed earth moving and excavation works required in connection with the development;*
- Detail measures to limit loading from any land level changes upon the canal wash wall;*
- Detail measures that will be taken to protect the wash wall of the canal and to limit any vibrations that could impact the wash wall structure during construction;*
- Detail the location of stockpiles and construction equipment on site; and*
- Include details of any protective fencing to be erected to safeguard the waterway infrastructure during construction;*

The development shall thereafter be carried out in strict accordance with the agreed Risk Assessment and Method Statement”

The impact on the character and appearance of the waterway corridor

The development site would be visually prominent when viewed from the canal. In line with the objectives of emerging Core Policy 7 (from the consultation draft of the emerging Local Plan), we advise that the Local Planning Authority should seek to ensure that the development is of a high-quality design, which enhances the surroundings and integrates with the green infrastructure network.

The proposed layout, with surveillance of the canal and access way to the canal bridge could help promote active travel and use of the canal, which could benefit residents and the wider community.

The setting of the canal is presently enhanced by the trees subject to removal. We advise that a degree of soft landscaping, incorporating native species, should be incorporated alongside the scheme to help compensate for the loss of trees and to visually integrate the site in with the neighbouring Green Infrastructure corridor.

We also advise that the final landscaping design on site should seek to appropriately screen the bin store area, which could otherwise detract from the outward appearance of the site, as

well as the attractiveness of the pedestrian route to the canal. Consideration could also be given towards minor amendments to re-site this elsewhere on site, further from public view.

In order to promote public access to the wider Green Infrastructure Network along the canal, we advise that landscaping works should incorporate surface improvements as necessary to the existing pathway that links up to the footbridge across the canal.

Surface Water Discharge

The proposals indicate a proposed surface water discharge to the canal. **We advise that full details of the proposed surface water drainage system, including details of any attenuation and the position of the outfall, would be required** so that it can be ensured that the proposals will not result in the formation of a pollution pathway to the canal or impact adversely upon water management or navigation within the canal. **Details could be reserved via the use of appropriately worded condition(s).**

Whilst a historic licence was granted to the previous occupier of the land, upon closure of the factory the site was demolished and cleared and the licence was subsequently terminated in 2003. The formation of a new connection, even re-using existing infrastructure, **would require consent from the Trust in our capacity as landowner. The applicant is advised to enter discussions with the Trust's utilities section at utilitiesenquiry@canalrivertrust.org.uk to discuss further.**

Measures to reduce the risk of contamination to the waterway

The site consists of previously developed land, which has the potential to contain contamination that could be released to the wider environment, including the canal, during development.

To reduce this risk, we recommend that the Local Planning Authority, taking account of relevant expert advice, should consider whether the proposals should be supported by relevant phase I and II geoenvironmental data to help inform the level of contamination on site and necessary remediation measures.

We advise that construction works should include measures to prevent the exposure of dust or unmanaged discharges into the canal or river. **Details could be included within a Construction and Environmental Management Plan (CEMP).** We recommend that any such Plan should include details of measures to manage the discharge of dust from site, and measures to limit unintentional runoff from exposed soils.

Measures to enhance biodiversity on site

Although the submitted ecology appraisal identifies no protected species or important habitats on site, we do advise that the aims of emerging policy DO6 'Natural Environment' from the consultation draft of the Local Plan and paragraph 174 (d) of the National Planning Policy Framework both seek to ensure that net gains for biodiversity are achieved where possible. In the case of this site, we would encourage the planting of native species to enhance the biodiversity along the canal edge, which could strengthen the role of the waterway as a Green Infrastructure resource. **Details could be provided within an approved landscape plan.**

Other Matters

The proposals include works in close proximity to the canal. **In our capacity as landowner, we wish to advise that the applicant/landowner may likely be required to comply with the Trust's 'Code of Practice for Works affecting the Canal & River Trust'.** The formation of a new surface

water discharge to the canal, even re-using existing infrastructure, would also require **consent from the Trust in our capacity as landowner**.

We therefore request that, in the event of a positive determination, the following informatives are appended to the decision notice:

“The applicant/developer is advised to contact the Canal & River Trust’s Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works would comply with the Trust’s “Code of Practice for Works affecting the Canal & River Trust”

“The applicant is advised to contact the Canal & River Trust’s Utilities Section in order to seek consent for the formation of a surface water discharge to the Leeds & Liverpool Canal. The Trust’s utilities section can be contacted at utilitiesenquiry@canalrivertrust.org.uk.”

6.9 Lancs Archaeology

The proposed development was the former site of Canton Mill, a non-designated heritage asset recorded on the Lancashire Historic Environment Record, PRN 14049, built in 1865 and demolished in 1980, after which the site was used as a car park. The 1850s & 1860s were two decades in which there were significant changes in the means of power transmission in mills, evidence of which can be determined archaeologically.

The re-use of the site solely for car parking is considered unlikely to have resulted in the total clearance of the site, and there is a potential for archaeological remains of the mill's power system to survive. Interest in Canton Mill, as the site was known, is however likely to be limited to an area in the north-east corner of the site, where a chimney and engine/boiler house can be seen on a 1960s aerial photograph of the site.

Such remains, if they do survive on site, would not be considered a constraint on the proposed redevelopment of the site, but would be of sufficient local significance to merit their archaeological investigation and recording. This could be secured by means of the following condition:

Condition: No development, demolition, clearance or preparatory work shall take place until the applicant, or their agent or successors in title, has secured the implementation of a phased programme of archaeological investigation, recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. All archaeological works should be undertaken by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance of the Chartered Institute for Archaeologists (www.archaeologists.net).

6.10 Environment Agency

The previous use of the proposed development site as a cotton mill presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is;

- located adjacent to a surface watercourse, and
- located upon a secondary aquifer A

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework. Without this condition we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

6.12 BwD Highways

Parking

In accordance with the adopted parking standards based on the use proposes that requirement for the facility would be as follows:

- C2 use 1 car space per 5 beds/70 beds proposed = 7 spaces
- C3 use 1 space per apartment = 7 spaces

A total allowance is therefore 14 spaces.

18 spaces are proposed (incl 2 disabled bays), please request justification.

All spaces conform to council standard bays sizes for manoeuvrability into and out of the bays.

No provision has been made available for cycles and PTW spaces. Details for this, together with coverage and shelter should need to be submitted for approval.

We note there is an ambulance bay is situated in on the bend, this may be better situated in a parallel form in front of the entrance.

Access

The Vehicular access into the site is to be taken from Eleanor Street. This section of highway me be adopted, however is in need of repair, both to the carriageway and footway, please attach condition for the surface to be brought up to adoptable standards in support of access to the site

There is no pedestrian connective route being proposed from the highway into the site. Please request this to be provided.

The connection to the canal /towpath from Eleanor Street should be refreshed and made available for use, please condition.

There is no mention of gates at the entrance to the development. Are any gates proposed, if so how will they be managed and controlled, please seek further clarification.

Servicing

A Swept path has been provided, this shows that a refuse vehicles can navigate through the site, turn and exit in forward gear.

No details of service vehicles in support of the facility have been provided. Further information should be provided for frequency of movements, the largest vehicle to visit the site. Please seek clarification, or condition accordingly.

Transport Statement

The report has been reviewed, the impact upon the network is not severe, and the proposal is deemed acceptable.

OTHER

- All existing street furniture including street lighting should be removed/disconnected at the applicants expense and relocated at locations to be agreed with by the relevant highways officer, (should they be required to do so)
- Construction method statement 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
- Condition survey to be undertaken prior to commencement on site, to record the status to support any claims of damage that may be caused as a consequence of construction vehicles to and from the site

To conclude – in principle we would support the scheme, subject to the above matters being addressed satisfactorily. Please also attach condition 5 and 15 from the previously approved scheme 10/15/0266.

6.13 BwD Heritage

No written comments received but verbal confirmation of support for the application offered.

6.14 GMEU Ecology

No response offered.

6.15 Lancashire Constabulary

No objection, standard comments.

6.16 Lancashire Fire Service

No objection, standard comments.

6.17 Public consultation

Neighbourhood consultation letters were sent out on 29th September 2021, to 29 addresses local to the application site. In addition, two site notices were displayed and a press notice was published in the Lancashire Telegraph on 21st October 2021. No comments were received.

7.0 CONTACT OFFICER: Nick Blackledge - [Principal Planner]

8.0 DATE PREPARED: 8th February 2022.

REPORT OF THE STRATEGIC DIRECTOR

Plan No:10/21/0826

Proposed development: Erection of 4-storey building incorporating Use Classes B8 and E uses with formation of new access point from Carl Fogarty Way and associated works

Site address: Land off Carl Fogarty Way, Blackburn

Applicant: Rocplas

Ward: Audley & Queens Park

**Councillor Altaf Patel
Councillor Yusuf Jan-Vimani
Councillor Salim Sidat MBE**



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 the application site is owned by Blackburn with Darwen Borough Council. A number of consultations have taken place during the course of the application and a summary of the responses received is detailed provided below in Section 6.
- 2.2 The proposed development has been publicised through letters to residents/occupants of the nearest 22 adjacent properties. A site notice was also displayed outside of the site on 7th September 2021. In addition, a number of reconsultations have taken place with neighbours and consultees upon the receipt of amended/updated information.
- 2.3 The Council's development plan supports new commercial developments and associated works within the defined urban boundary and employment areas, provided they constitute sustainable development, and accord with the development plan when taken as a whole.
- 2.4 The proposals would deliver a four-storey mixed-use commercial building with a flat roof and glazed frontage. Office space (Use Class E[g]), a showroom (Use Class E[a]) and warehousing (Use Class B8) would all be provided within. A new vehicle and pedestrian access point would be formed from Carl Fogarty Way into a carpark and logistics area.
- 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;
 - Foul and surface water drainage considerations;
 - Ensuring ecological harm is minimised;
 - Assessing the potential for terrestrial contamination;
 - Recording any presence of archaeology, and;
 - Minimising the proposals impacts on climate change and air quality.

3.0 RATIONALE

3.1 Site and Surroundings

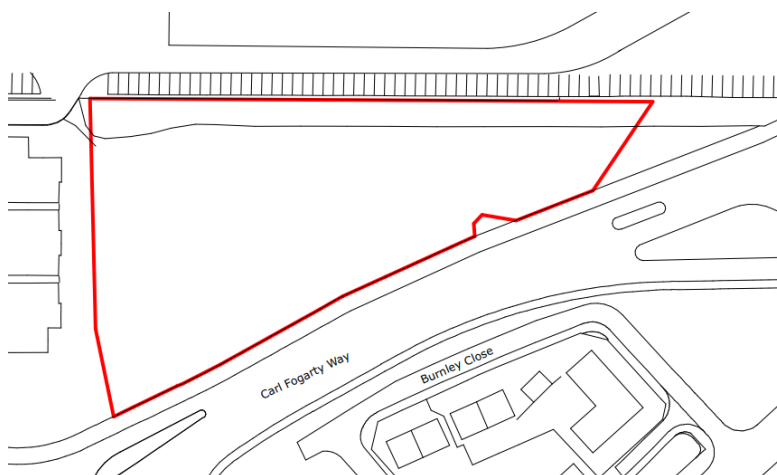
- 3.1.1 The application site is a plot of undeveloped land located within the defined urban boundary of Blackburn and the Furthergate Primary Employment Area. The site is currently enclosed by timber security hoardings with grasses and self-seeded trees covering the ground.

Figure One – Satellite image of the site



- 3.1.2 The site covers an area of circa 1.5 acres and tapers towards in northeastern edge. Footpaths run along the east and west boundaries with Carl Fogarty Way defining the southeast boundary. The Blackburn Enterprise Centre is positioned immediately to the west with a supermarket and large carpark directly to the north.

Figure Two – Location Plan showing the extent of the site



3.2 Proposed Development

- 3.2.1 As detailed above, this application seeks full planning permission for the erection of a four-storey mixed-use commercial building to be operated within

the parameters Use Classes B8, E(a) and E(g). Amended plans have been received during the application process with a reduction in floorspace now applicable for each of the proposed uses. The following floorspace calculations have been provided by the Agent;

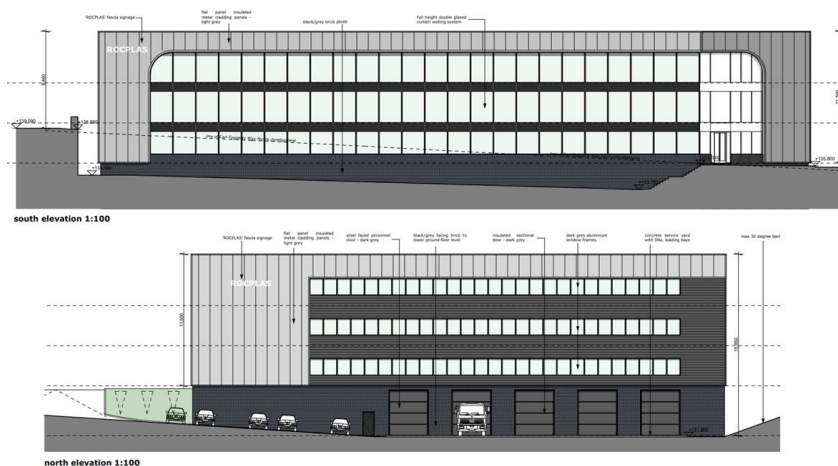
- Lower ground floor internal area – 1462m² B8 storage use + amenities
- Ground floor internal area – 1463m² E(a) retail use + amenities
- First and second floor – 2096m² combined E(g) office + amenities

Figure Three – Amended Proposed Site Plan



3.2.2 The reduced building would have a footprint of 1525 square meters and a flat roof up to 16m in height. Dark bricks and grey metal cladding would be used to externally finish the building with open glazed panels serving the showroom and office areas. A number of brick faced retaining structures would also be formed around the building to facilitate construction of the access ramp and parking and logistics areas.

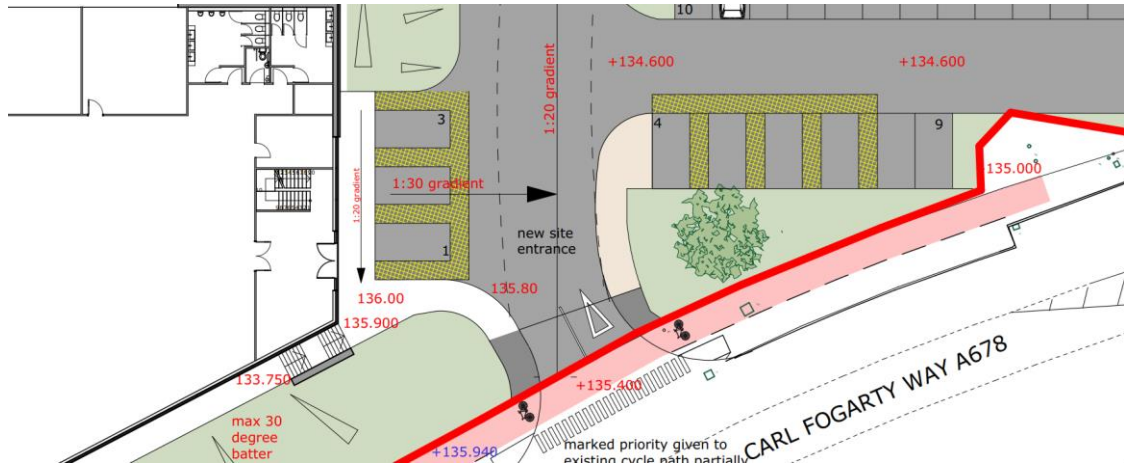
Figure Four – Amended Proposed North and South Elevation Plans



3.2.3 A single vehicle access point would be formed from Carl Fogarty Way accessing the parking and logistics areas. A 70-space carpark would be constructed to the east of the building inclusive of 7 spaces for disabled drivers

for 4 oversized spaces for wider commercial vehicles. A logistics area would be formed to the north elevation serviced by five roller shutter doors accessing the warehouse level.

Figure Five – Close-up of access detail



3.3 Case Officer Site Photos



3.4 Development Plan

3.4.1 Local Plan Part 2 (adopted December 2015):

- 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 14: Primary Employment Areas

- Policy 36: Climate Change
- Policy 39: Heritage

3.4.2 BwD Parking Standards

- A1 (Non-food Retail) – 1 space per 22 square meters of floorspace
- B1 (Offices): Business Parks – 1 space per 40 square meters of floorspace
- B8: Storage and Distribution – 1 space per 100 square meters of floorspace

4.0 **ASSESSMENT**

4.1 Principle of Development

- 4.1.1 Policy 1 identifies the preferred location for all new development to be within the defined Urban Boundary, which the site is situated within. In relation to developments within Primary Employment Areas, Policy 14 details that planning permission will be granted for development in Use Classes B1 (now E[g]) and B8 uses, provided there is no conflict with the overall function or developability of the Employment Area. The policy also supports supporting uses provided their scale is appropriate in the context of the Employment Area.
- 4.1.2 The predominant uses of this proposal are consistent with that policy direction. An ancillary retail use is proposed yet its scale would be appropriate in the context of the wider development. Moreover, the nature of the proposal would not conflict with the overall function or developability of the Employment Area overall, as it would be confined to a single enclosed site.
- 4.1.3 A condition is recommended to ensure the retail floorspace of the site is not increased under the provisions of Class E. Such a condition is necessary in order to prevent the creation of a large retail building within an allocated employment area. Subject to compliance with that condition, the proposed development would be acceptable in principle, in accordance with Policies 1 and 14.
- 4.1.4 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 all 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 occupies a prominent position in its immediate setting being positioned on sloping open land and adjacent to a wide main road. The site also forms part of one of the main gateways into the town centre as it is positioned on the junction of two arterial roads. That said, the surrounding buildings differ greatly in their form and scale and the immediate streetscene appears highly varied as result.

- 4.2.2 As detailed above, the proposed building would be constructed with a flat roof and modern construction materials, which would provide a contemporary design. At up to four-stories in height, it would appear as an overtly prominent building within the immediate streetscene. Level differences on site enable much of the lower level to be constructed below road level, which would reduce its height when viewed from the south. The rear elevation would appear more functional in comparison to the other open glazed elevations. That said, any views of the building taken from the north would be from private land and the impacts caused to public visual amenity would be appropriately minimised.
- 4.2.3 The Agent has submitted a streetscene plan showing the proposed building in relation to the adjacent Enterprise Centre, as shown below in Figure Six. Its form would be acceptable in the context of the varied streetscene with its height being set well below that of an adjacent building that is similar in scale. The proposals are thus acceptable in relation to aspect, form and scale.

Figure Six – Proposed Streetscene Plan



- 4.2.4 In relation to the proposed external construction materials, dark facing materials would be used throughout with a glazed curtain walling system installed within three elevations. Any windows and service doors to the rear would be dark grey in colour. Whilst the proposed fenestration of the building would be acceptable in the context of this site, the proposed facing materials would appear at odds with the predominantly red brick streetscene. The use of a paler brick and lighter grey cladding system would therefore be the preferred option. A condition is therefore recommended to agree those details together with the colours and finishes of any doors and windows to be installed.
- 4.2.5 A further condition is recommended to agree a hard and soft landscaping scheme in order to ensure visual enhancements are provided. Subject to compliance with those conditions, the proposed development would be acceptable in relation to design and visual amenity, in accordance with Policy 11.
- 4.3 Residential Amenity
- 4.3.1 Policy 8 states that all development proposals must secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself, with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy/overlooking, and the relationship between buildings.
- 4.3.2 Owing to ample separation, and subject to the imposition of conditions to restrict opening hours and sources of external lighting, the proposed development

would not be harmful to the amenities of the immediate neighbours once operational.

- 4.3.3 A further condition is recommended to control the logistics of the construction phase in order to minimise disruptions for neighbours from that phase. Subject to compliance with those conditions, the proposed development would be acceptable in relation to residential amenity.
- 4.3.4 For clarity, final comments from BwD Public Protection are yet to be provided. Any further comments made and/or conditions recommended will be added as part of a committee update report.

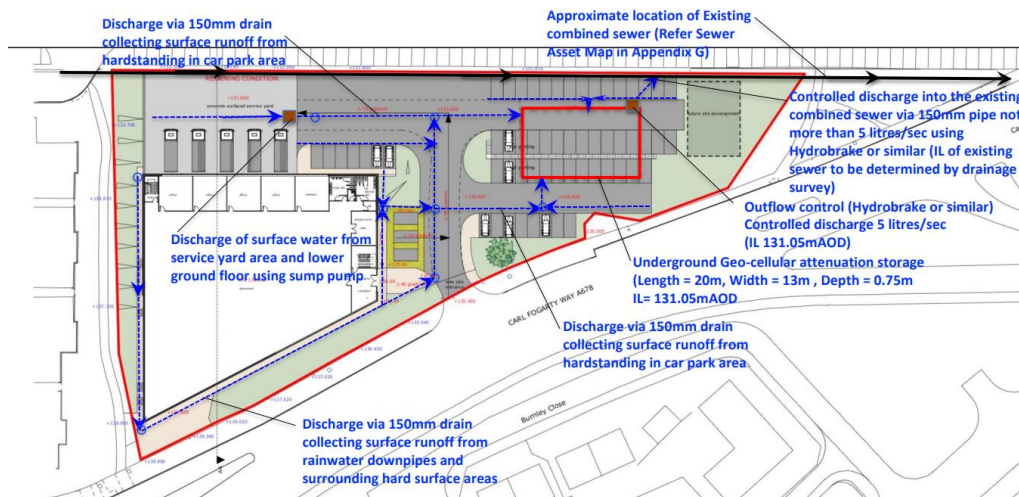
4.4 Highways, Parking and Servicing

- 4.4.1 Policy 10 outlines a general requirement for all 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.
- 4.4.2 As detailed above, amendments have been secured during the application process showing a building with a reduced floor area together with further bays within the proposed carpark. Such amendments have provided significant improvements in relation to parking arrangements, thereby addressing many of the initial concerns raised by BwD Highways. In support of the amended plans, an updated Transport Statement has been provided that adequately covers the majority of the concerns initially raised.
- 4.4.3 The access arrangements into the site are deemed to be acceptable together with the sightlines shown on the latest proposed site plan. A safeguarded pedestrian access route is also detailed on that plan. Discrepancies in the manoeuvrability of cyclists are still referenced in the final comments provided by BwD Highways. A Grampian condition is therefore recommended to finalise the design and layout of the new access point.
- 4.4.4 Although it is acknowledged that parking provision does not fully comply with the BwD Parking Standards, the amount of parking proposed for this development is deemed acceptable given the proposed end-use. The amended parking arrangements provide an adequate layout and a sufficient number of disabled and wider bays for commercial vehicles. A condition is recommended to ensure the parking and cycle storage areas are laid out in accordance with that plan prior to the development being brought into use.
- 4.4.5 A further condition is recommended to agree the type and position of any gates to be installed within the new access point. Such a condition is necessary in order to ensure vehicles do not wait in the carriageway to enter the site. Finally, a further condition is recommended to agree the logistics of the construction phase in order to minimise disruptions for the local highways network from that phases. Subject to compliance with those conditions, the proposed development would be acceptable in relation to highways, parking and servicing, in accordance with Policy 10.

4.5 Drainage

- 4.5.1 Further requirements within Policy 9 state that it must be ensured that all proposals are not subject to an unacceptable risk of flooding, or adversely contribute to the risk of off-site flooding. In response to those requirements, a Sustainable Urban Drainage Strategy has been submitted. Surface waters are proposed to be drained into a combined sewer with discharge rates restricted by a hydro-brake system, shown below in Figure Seven.

Figure Seven – Proposed Surface Water Drainage Scheme



- 4.5.2 BwD Drainage have reviewed the proposals and no objections have been raised. That said, United Utilities have raised concerns regarding the use of a combined sewer for surface waters. Such an approach will only be supported by them where evidence has been provided confirming that such an approach is the only viable option, which does not support this application.
- 4.5.3 Therefore, two conditions have been advised by United Utilities to control drainage systems and it is recommended both of those be added. Additional requirements are also contained within the recommended surface water drainage condition regarding arrangements for adoption and future maintenance. Subject to compliance with those conditions, the proposed development would be acceptable in relation to drainage, in accordance with Policy 9.

4.6 Ecological Considerations

- 4.6.1 Further requirements within Policy 9 state that all development proposals must avoid unacceptable impacts on environmental assets or interests, including habitats and species. In response to those requirements, an Ecological Appraisal has been submitted documenting the plants and habitats on site, shown below in Figure Eight.

Figure Eight – Phase 1 Habitat Survey Plan



4.6.2 Given that the site is enclosed entirely by built form, its ecological benefits are limited. That said, as the proposals would involve the removal of relatively well-established vegetation, a number of measures of ecological mitigation are detailed within the submitted appraisal in order to minimise harm to species during the construction phase.

4.6.3 A condition is recommended to ensure all of the measures advised are followed. The recommended landscaping condition will also ensure a certain level of replacement habitat is provided. Subject to compliance with those conditions, the proposed development would be acceptable in relation to ecological considerations, in accordance with Policy 9.

4.7 Contamination

4.7.1 Policy 8 contains 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. An initial Ground Investigation Report supports the application. However, its findings and recommended mitigation does not directly relate to these proposals.

4.7.2 The site is currently vacant yet contamination should be investigated given the industrial legacy of the area. Comments from LCC Archaeology also suggest that manufacturing has taken place on the site previously. It is therefore recommended that all three standard contamination conditions be imposed. Subject to compliance with those conditions, the proposed development would be acceptable in relation to contamination, in accordance with Policy 8.

4.8 Archaeology

4.8.1 In relation development proposals that could potentially affect nationally or locally important archaeological remains, Policy 39 contains an expectation to better reveal and increase understanding of those remains and their settings, unless it is demonstrated that this is not possible or desirable. Development affecting locally important archaeological remains and their settings will only be

permitted where the public benefits of the development outweighs the local value of the remains.

4.8.2 LCC Archaeology have reviewed the merits of the proposals and historic maps of the site indicate that remains from the Industrial Revolution are likely to be present. The archaeological study of industrial workers housing, and small industrial premises, can reveal significant detail about the living and working conditions of the people who lived and worked in our industrial towns.

4.8.3 As per the request by LCC Archaeology, it is therefore recommended that a condition be imposed to excavate the site and record any archaeological remains found. Subject to compliance with that condition, the proposed development would be acceptable in relation to archaeology, in accordance with Policy 39.

4.9 Climate Change and Air Quality

4.9.1 Policy 36 requires all 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. BwD Public Protection have reviewed submitted Air Quality Impact Assessment and a number of discrepancies have been raised with the document.

4.9.2 A condition is therefore recommended regarding the submission of an updated assessment complete with measures of mitigation. Subject to compliance with that condition, the proposed development would be acceptable in relation to climate change and air quality, in accordance with Policy 36.

4.10 Summary

4.10.1 This application involves the erection of a new four storey building providing commercial uses appropriate to the area. 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.

4.10.2 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, parking and servicing, drainage, ecological considerations, contamination, archaeology, and climate change and air quality.

4.10.3 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 and informative note.

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 (007 A), 001 I, 002 E, 003 G, 004 G, 005 E and 006 E.

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

3. The amount of floorspace operated within the retail use (Use Class E[a]) as part of the development hereby approved shall be restricted solely to the amount detailed on the approved plan '003 G', and shall remain ancillary to the storage and office use, with no further area of the site being used for such a purpose whatsoever.

REASON: In order to prevent the formation of a large retail building within an allocated employment area, in the interests of efficient land usage, and to comply with the requirements of Policy 14 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, 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: In order 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).

5. No above ground works shall commence on site unless and until, a detailed landscaping scheme has 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 confirming the types and extents of any areas of hardstanding to be applied;
- c) Details confirming the heights, types, and positions of any new boundary treatments, including fencing and gates;
- d) Details confirming that any trees lost will be replaced at a ratio of at least 2:1;
- e) Details indicating the location, arrangement, species, sizes, specifications, numbers, and planting densities of all new planting; and,
- f) 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: In order to ensure that the development is adequately landscaped so as to integrate with its surroundings, in the interests of visual amenity and local ecology, and to comply with the requirements of Policy 9 and 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 only be open between the hours of 8:00 – 17:00 Monday – Friday, 8:00 – 16:00 on Saturdays, and 9:00 – 16:00 on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to minimise disruptions for neighbours, 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).

7. 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).

8. 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 construction works, where relevant;
- f) Measures to control noise and vibrations from construction works, where relevant;
- 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: In order 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).

9. No development shall commence on site unless and until, a scheme for the construction of the site access, together with any required off-site works of highway improvement, has been submitted to and approved in writing by the Local Planning Authority. No development shall commence on site until the approved scheme has been implemented in its entirety, unless otherwise agreed in writing.

REASON: In order to ensure an appropriate access point is constructed, 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).

10. The development hereby approved shall not be brought into use unless and until, the vehicle parking and cycle storage provisions as detailed on the approved plan '001 I' have been provided in their entirety. The provisions installed shall thereafter remain in perpetuity with the development, unless otherwise agreed in writing.

REASON: In order to ensure adequate parking is provided and encourage sustainable modes of transport, 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).

11. Prior to their installation, details confirming the exact position of any gates required around the new access point hereby approved shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved details, unless otherwise agreed in writing.

REASON: In order to ensure any gates installed are adequately set back from the public highway, 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).

12. No development shall commence on site unless and until, a surface and foul water drainage scheme has 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). This investigation 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); and
- c) 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;
- d) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- e) 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 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).

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

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).

14. The development hereby approved shall be implemented in strict accordance with all of the measures of ecological mitigation detailed within the submitted Ecological Appraisal, prepared by Bowland Ecology and dated May 2019.

REASON: In order to minimise harm to local ecological populations during construction works, in the interests of local ecology, 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).

15. 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 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, and;
 - 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).

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).

16. 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).

17. 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).

18. No development shall commence on site unless and until, the applicant or their agent or successors in title has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation, which shall be submitted to, and approved in writing by, the Local Planning Authority. The programme of works should comprise and archaeological desk based assessment (DBA) of the site and further phases dependent on the findings of the DBA and each successive phase of the programme.

These works shall be undertaken by an appropriately qualified and experienced professional archaeological contractor and comply with the standards and guidance set out by the Chartered Institute for Archaeologists (CIfA). The development shall be carried out in accordance with the agreed details. The development shall thereafter proceed in strict accordance with the agreed details, unless otherwise agreed in writing.

REASON: In order to safeguard the recording and inspection of matters of archaeological/historical importance associated with the site, in the interests of adequately recording archaeological remains, and to comply with the requirements of Policy 39 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

19. No development shall commence on site unless and until, a scheme to reduce impacts on air quality has been submitted to and approved in writing by the Local Planning Authority, which accords with the Blackburn with Darwen planning advisory note on air quality. The development hereby approved shall thereafter be implemented in strict accordance with the approved scheme and none of the units shall be occupied until the agreed measures have been provided in their entirety, unless otherwise agreed in writing.

REASON: In order to minimise negative impacts on air quality, in the interests of combatting climate change, 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).

Specific Informatives

1. 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, we have no principle objections, subject to conditions.

(Parking/Access) There is some confusion on what is to be assessed and against what use classes for parking assessment. We have arrived at the conclusion that B1 area should be treated as one use, with the B8 combined with the Showroom areas assessed as a separate use. This amounts to a total of 93, only 61 have been provided. There is some discrepancy between the floorarea in the application and that presented in the TS, which when running the same formula, arrives at an allowance of 94 spaces (1 space difference).

Clearly, the provision of spaces provided is vastly under, and we have concerns supporting this moving forward. As you are aware Carl Fogarty Way is a main Strategic Highway into the Borough and is a red route. To, ensure that the site needs are met fully within the curtilage, we would seek further exploration of the site, to afford more parking spaces than have been presented. We also note on the layout received, that there are three disabled parking bays sited in the front of the building, immediately upon entering the site. We would suggest these are repositioned further into the site as is strategically possible to avoid any conflict issues.

The provision of disabled provision should accord with 10% of the total provision of bays, please request further amendment. All parking bays should conform to the parking bay standards of 2.4m x 4.8m with 6m manoeuvrability into and out of the spaces. End bays should have additional room for manoeuvre. We assume the units will require larger parking bays i.e. for the parking of transit vans, this should be accommodated within the layout if necessary. Please request further details.

There is no visible cycle's stands or PTW parking offered, are these being located within the building, please seek clarification. If they are external to the building, then details of this should be provided together with coverage and security. These should be located close to the entrance of the building.

(Access & Layout) A new access point is proposed into the site from Carl Fogarty Way. The access entrance is 6m wide with 6m radii. The access will be a properly formed entrance, to ensure a detailed scheme is received for approval, please attach a Grampian condition in support. The swept path shown within the TS highlights vehicles running close to the kerb radii, which suggests that the radii may need to be adjusted, please request consideration.

Concern is also raised by our transport Consultant on the impact the access layout would have on the cycle provision across the bellmouth, please see matters outlined below under Transport Statement.

No details of sightlines have been received for approval, please request further information, or condition accordingly. A safeguarded pedestrian access route is required from the highway up to the entrance of the building, please seek further details. There are gates proposed at the entry into the site, when will these gates be operational, please request clarification on the management of these. Will they remain open during operational hours, if so the gates should be set at least one car length, to ensure the highway is not obstructed

(Servicing) We are in receipt of Swept path analysis showing a 16.5m arctic, 12m rigid and a 7.5t box van (provided within the TA), the swept path for the largest vehicles is not an easy manoeuvre, and looks very challenging. To fully understand, if this may cause an issue, please can we request details on the frequency of these vehicles to the site. This together with similar details for the 12.5m rigid and 7.5t box van should also be provided. The largest vehicles appears to impact upon the kerb line at the entrance, and as mentioned above, may request the access radii to be adjusted.

(Transport Statement) Site Accessibility – The site is in a location with good accessibility situated on the Pennine Reach bus route with good walking and cycling routes. However, the site access would sever a length of segregated cycle lane. Consideration of LTN 1/20 should be given to the site access design. We are about to commence work on a borough wide Local Cycling & Walking Infrastructure Plan which will identify a number of schemes. While many of these schemes are early in development it is likely that schemes that directly relate to this development would include canal access improvements at Gorse Street and the creation of a comprehensive segregated cycle route from Shadsworth to the Burley Road / Accrington Road junction through improvements to the existing routes via Mulberry Walk, Romney Walk and Delph Lane.

Development Proposals – The development proposals seem to indicate that the development is for B8 distribution of around 5643 sqm with 61 staff/visitor parking spaces (inc. 3 disabled as required) and a service yard. However, we are concerned that the level of parking provision may be insufficient given the large amount of office space. Taken in isolation the benchmark parking standards indicate a requirement for 63 parking spaces for the office use (applying the 1 per 40m for B1 Business Parks standard) without consideration of the warehousing or salesroom elements. Applying a B8: Storage and Distribution standard of 1 per 100m for the other elements indicates a requirement for a further 31 spaces a total of 94 compared to the 61 proposed.

The parking accumulation table presented does not consider the trip generation potential for office use assuming a B8 trip generation rate applied to this element. It is considered highly likely that such a large element (the majority of the proposed development comprising 44.5% of GFA) is not ancillary and should be considered explicitly in this calculation. This should also be the case

for the trip generation calculation. The tables presented under the Trip Generation heading provide a TRICS trip rate for an office use but there are no trips shown in the following table with the floor space seemingly applied to the B8 use.

We are not content that the assessment presented provides an accurate or robust assessment of the potential trip generation or likely parking requirements and would recommend that this part of the assessment be revisited with additional assessment of the traffic impact of the proposed development if appropriate.

(Other) A Construction Method Statement is required, please condition. 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). Any old entrances no longer required will require closing and formally reinstating back to full footway. 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.

(Update) The amended scheme has taken into consideration the concerns we had expressed previously. Essentially the floor space has been reduced slightly and a few more car parking spaces provided. The parking accumulation has been updated with appropriate trip rates etc. and supports the proposed parking provision. The internal layout and parking levels are now deemed satisfactory. Please attach condition to ensure the car park is correctly laid out.

No response has been received with regards to the management of gates has been considered, please condition. Clarification and response is also sought on the servicing information that was requested.

There are also still issues with cycle connectivity yet this can be controlled on delivery of the site access construction details that require submission (Standard Condition 1). The cycle lane is shown to extend along the footway beyond where it returns to the carriageway. The cycle lane markings on the footway should terminate as per the existing markings to allow cyclists to transfer between the carriageway cycle lane and the segregated footway.

- 6.2 BwD Public Protection – The developer is required to submit an Air Quality Impact Assessment prior to determination of the application. The assessment must be produced in accordance with the Council's Planning Advisory Note regarding Air Quality. Such a report is necessary in order to identify any potentially adverse impacts on air quality that may arise from the development.

(Update) The submitted air quality assessment does not include the necessary information. We request that the developer is asked to confirm the site classification (see pages 3 to 6 of our air quality planning advisory note). In addition, we request that they provide the predicted AADT increases (increases in annual average daily traffic) that they have used to classify the site. This will

determine whether an assessment is needed. The key issue is likely to be whether the extra traffic generated exceeds the thresholds detailed in the PAN.

(Update to follow)

- 6.3 BwD Drainage – We have no objections to the proposals but require the following condition – The applicant is required to consult United Utilities to obtain Consent to Discharge the surface water runoff to the public sewer. Such a condition is necessary in order to ensure the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of surface water.
- 6.4 BwD Cleansing – No objections.
- 6.5 BwD Property Services – No objections.
- 6.6 LCC Archaeology – The historical mapping of the area shows the area of the proposed development as having been developed from at least the middle of the 19th century. The 1st edition Ordnance Survey, 1;10560, map, surveyed 1844-6 (Lancashire sheet 62) shows a group of houses and structures in the area of the south western area of the site (some of which may be under the current highway line as the road is likely to have been upgraded for modern traffic since the original survey). By the 1890s the 25" to 1 mile map (Lancashire sheet LXII.6) shows the site area bounded by what were probably terraced houses of different types (some with rear outriggers, some shown in plan as simple rectangles) and a complex of buildings and structures identified as a black lead works.

Black lead was a compound used for (amongst other purposes) blackening and polishing cast iron stoves and fire grates and was manufactured by mixing powdered graphite, along with such substances as charcoal and bone ash, and using liquids such as turpentine and various oils as a carrying medium to produce a paste that was used domestically. The presence of PAH (polycyclic aromatic hydrocarbon) compounds on the site, identified in the Ground Investigation Report (GIR) by Ian Farmer Associates may be due to contamination from the black lead works.

The GIR also identifies the site as having "made ground" varying in depths from 0.7 m to 3.9 m. This "made ground" is likely to contain archaeological features and deposits relating to the buildings on the site, their occupation and use, and their demolition. The deeper deposits may be indications of cellars below houses or of "cellar dwellings" where families lived in the cellars, usually in fairly squalid conditions.

The archaeological study of industrial workers housing, and small industrial premises, can reveal significant detail about the living and working conditions of the people who lived and worked in our industrial towns and which are not documented by historical sources.

We would advise therefore that we do not have any objection in principle to the redevelopment of this site but that there should be an archaeological assessment of the potential for significant archaeological remains to survive and the formulation of a staged programme of investigation to mitigate the impact of the proposed development on any archaeological features and deposits that might survive on the site and which will be affected by the development proposals.

We would advise that the first stage of this should be an archaeological desk based assessment to identify and analyse surviving historical documentation relating to the site which will in turn identify areas likely to be of the highest significance. From this, working in conjunction with the architects, a programme of excavation and recording, the extent being dependant on the detailed design of the proposed buildings' foundations.

The following condition should be attached to any planning permission that might be granted – No development, site clearance/preparation, or demolition shall commence until the applicant or their agent or successors in title has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation, which shall be submitted to, and approved in writing by, the local planning authority. The programme of works should comprise and archaeological desk based assessment (DBA) of the site and further phases dependent on the findings of the DBA and each successive phase of the programme.

These works shall be undertaken by an appropriately qualified and experienced professional archaeological contractor and comply with the standards and guidance set out by the Chartered Institute for Archaeologists (CIfA). The development shall be carried out in accordance with the agreed details. Such a condition is necessary in order to ensure and safeguard the recording and inspection of matters of archaeological/ historical importance associated with the site.

- 6.7 United Utilities – (Drainage) 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. Following our review of the submitted F Sustainable Urban Drainage Systems (SuDS) Strategy, (Ref: QFRA 1987, Version: 1.0, Dated: 14.07.2021, By: UK Flood Risk Consultants, we can confirm the proposals are unacceptable in principle to United Utilities. This is because the drainage hierarchy has not been sufficiently investigated or evidenced. We would also ask that the applicant provides a detailed foul water drainage strategy including manhole cover and invert levels. We request the following drainage conditions are attached to any subsequent approval to reflect the above approach;

(Conditions) Condition 1 (Surface water) – 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:

- f) 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;
- g) 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
- h) 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. Such a condition is necessary in order to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

Condition 2 (Foul water) – Foul and surface water shall be drained on separate systems. Such a condition is necessary in order to secure proper drainage and to manage the risk of flooding and pollution.

(Management and Maintenance of Sustainable Drainage Systems) Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

For schemes of 10 or more units and other major development, we recommend the Local Planning Authority consults with the Lead Local Flood Authority regarding the exact wording of any condition. You may find the following example useful;

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. Such a condition is necessary in order 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.

6.8 Canal and River Trust – No objections.

6.9 Lancashire Constabulary – We would advocate that the development be designed and constructed using the security principles and security rated products as stated in the attached Secured by Design (SBD) 'Commercial 2015' Design Guide.

6.10 Lancashire Fire and Rescue – The proposed Planning Application has been noted and the Fire Authority gives its advice in respect of access for fire appliances and water supplies for firefighting purposes to the site. A number of recommendations have been made to make the applicant aware of conditions that will have to be satisfied on a subsequent Building Regulation application.

6.11 Ward Cllrs

6.12 Public responses – None received.

7.0 CONTACT OFFICER: Christian Barton – Planning Officer

8.0 DATE PREPARED: 04th February 2022

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/21/1134

Proposed development: Full Planning Application for: Demolition of garages and erection of 8 dwellings with associated parking and amenity space (Use Class C3).

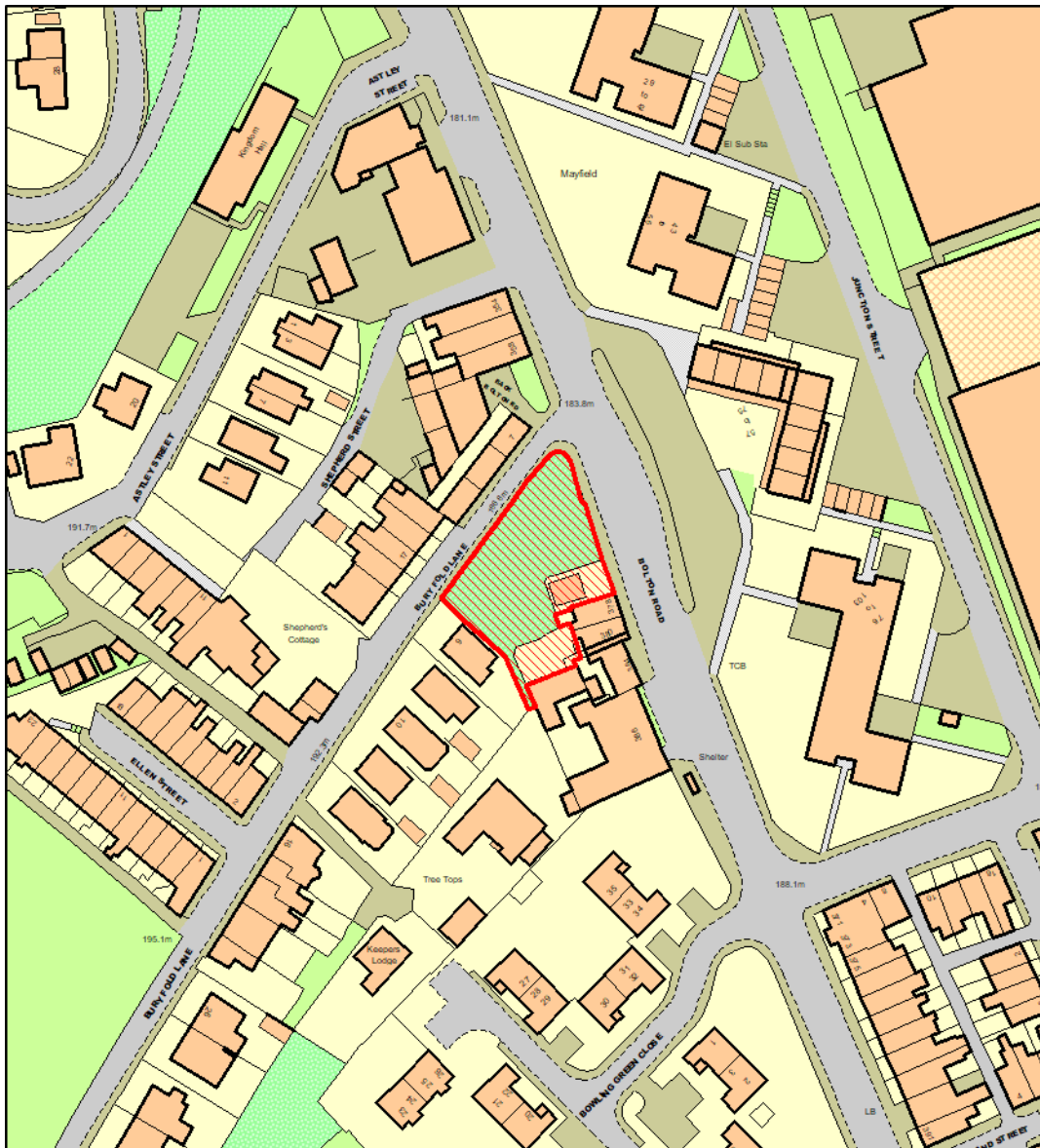
Site address:

**Land attached to 378 Bolton Road on corner of Bury Fold Lane
Darwen**

Applicant: Dwell Developments

Ward: Darwen South

**Councillor Kevin Connor
Councillor Lilian Salton
Councillor Andrew Walker**



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 the receipt of five objections, including one from Darwen South Ward Councillors. This is in accordance with the requirements of the Council's adopted Scheme of Delegation.
- 2.2 Assessment of the application finds that the proposed development corresponds with the Council's overarching growth strategy, as set out in the Core Strategy and Local Plan Part 2. It suitably demonstrates the ability to deliver a high quality development, consistent with the surrounding area, which would make an important contribution towards the Council's housing delivery targets, adding to the vitality of the local housing market. The application is also acceptable 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
- 2.3 Assessment, takes account of planning permission previously granted under delegated officer powers in 2017, for 8 apartments, as an important material consideration, being within the current Development Plan period; notwithstanding that this permission has now lapsed.

3.0 RATIONALE

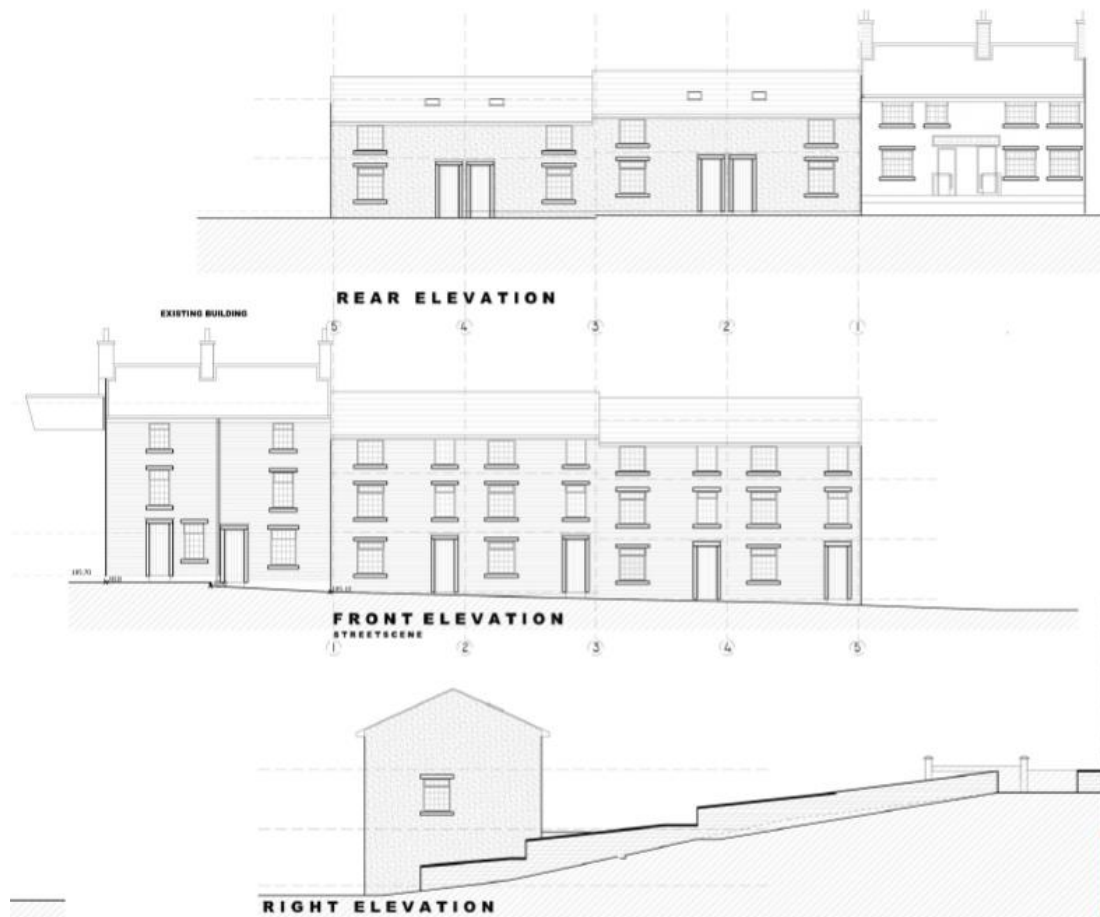
3.1 Site and Surroundings

- 3.1.1 The application site (the site) comprises 955 square metres. It is located at the junction of Bolton Road (A666) and Bury Fold Lane, Darwen, to the immediate east of a short row of historical stone fronted properties containing 'Darwen Furniture and Gifts', the former Bowling Green Public House, and two retail units.
- 3.1.2 The site rises gradually from east to west, featuring semi mature trees and vegetation. It is *previously developed land* (brownfield), having been cleared of buildings over the course of the past 15 years or so. Residual rubble is evident central to the site.
- 3.1.3 Bungalows are present to the immediate west of the site and stone fronted terraces to the north, along Bury Fold Lane. The area is generally residential in character, supported by a range of local amenities.
- 3.1.4 The site is identified by the red edged area, extracted from Google aerial imagery:



3.2 Proposed Development

- 3.2.1 Full planning permission is sought for the erection of 8no. 2 bed dwellings / apartments (Use Class C3). External parking (12 spaces) and amenity space is also included, together with soft landscaping.
- 3.2.2 Vehicular access into the site will be from Bury Fold Lane, via the established access on the south side.
- 3.2.3 The dwellings would adjoin the gable of the property to the south, which is also within the applicant's ownership, and would present as three storey's high to Bolton Road. Due to the site topography, they would appear two storey in height to the rear, being set into the slope. Stone facades to Bolton Road are proposed, with rendered sides and rear, to blend with adjacent buildings.
- 3.2.4 Full details are set out in the submitted drawings and Design and Access Statement. The following images are extracted from the Design and Access Statement (12/23 Architecture Design Ltd, November 2021):



Amended site plan received 15th December 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 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS5 – Locations for New Housing
- CS6 – Housing Targets
- CS7 – Types of Housing
- CS13 – Environmental Strategy
- CS15 – Ecological Assets
- CS16 – Form and Design of New Development
- CS19 – Green Infrastructure

3.3.3 Local Plan Part 2

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 18 – Housing Mix
- Policy 36 – Climate Change
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development

3.4 Other Material Planning Considerations

3.4.1 Residential Design Guide Supplementary Planning Document (2015)

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.

3.4.2 Green Infrastructure & Ecological Networks SPD (2015)

This document provides guidance in relation to maximising opportunities to improve existing green infrastructure and to create new green infrastructure and ecological networks.

3.4.3 Air Quality Planning Advisory Note

3.4.4 National Planning Policy Framework (The Framework) (2021)

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.

Areas of The Framework especially relevant to the proposal are as follows:

- Section 2: Achieving Sustainable Development
- Section 5: Delivering a sufficient supply of homes
- Section 6: Building a strong, competitive economy
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places

3.4.5 National Planning Policy Guidance (NPPG).

3.5 Assessment

3.5.1 In assessing this full application there are a number of important material considerations that need to be taken into account, as follows:

- Principle of the development;
- Amenity impact;
- Environmental impact;
- Highways and access; and
- Design and layout.

3.5.2 Principle

As the garages proposed for demolition have no specific designation, their demolition is accepted. The development is otherwise supported by the sites position within the defined Urban Boundary, which is the preferred location for new development, in accordance with Core Strategy Policy CS1, and Local Plan Part 2 Policy 1.

3.5.3 Although Policy CS5 states a preference for housing led development to be located within the inner urban areas, it also supports such development within accessible locations elsewhere within the urban area. As a site located along the A666, in an easily accessible location served but regular bus services, the development is supported.

3.5.4 The development is further supported by Policy CS7 which encourages a full range of new housing in order to widen the choice available in the local market.

3.5.5 Moreover, the previous grant of planning permission in 2017, further establishes the principle of housing led development at the site.

- 3.5.6 Accordingly, in land use terms, the principle of the development is found to be acceptable, in accordance with the provisions of the Development Plan and The Framework.
- 3.5.7 Amenity
Policy 8 requires development to make a positive contribution and to secure 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.
- 3.5.8 Notwithstanding the presence of semi-mature trees, the site's appearance is somewhat unkempt and visually out of character with the urban A666 corridor. The scale and form of the proposed development would make a positive contribution, particularly to the A666 frontage.
- 3.5.9 Residential amenity / relationship between buildings:
The submitted site layout demonstrates appropriate separation between proposed and existing dwellings adjacent to the site, in compliance with the Council's adopted *minimum* separation standards of 21m interface between primary windows and 13.5m between primary windows and blank elevations, with the exception of the interface between the proposed secondary living room window in the north facing gable elevation and primary windows to the opposing dwelling to the north on Bury Fold Lane. As a proposed secondary window, the issue can, however, be overcome via a condition requiring a non-opening and obscure glazed window, to guard against loss of privacy.
- 3.5.10 The linear arrangement of dwellings, guards against any internal privacy issues arising between proposed dwellings.
- 3.5.11 Proposed outdoor amenity space to the rear of the buildings is recognised as open and absent of privacy safeguarding measures. Whilst this outdoor space is not explicitly communal, the circumstance is not dissimilar nor untypical of the type of space associated with apartment dwellings of the nature proposed. Moreover, the space is generous and ample to service the needs of occupants.
- 3.5.12 Pollutants / noise:
Although a Phase 1 Ground Contamination Report has been submitted with the application, further detailed assessment and remediation, if necessary, of ground contaminants, shall be secured via condition of the Council's standard contaminated land conditions, to protect the health of future occupants.
- 3.5.13 The Council's Public Protection consultee has requested the submission of pre-determination Noise Assessment. Such request is, however, considered unreasonable, due to the presence of existing residential properties in the vicinity. Instead, suitable internal noise levels secured via condition, is considered a proportionate response.

- 3.5.14 It is inevitable that some disruption for occupants of adjacent premises will arise during construction of the development. Submission, of a Demolition / Construction and Environmental Management Plan (DCEMP) and control over hours of construction, via conditions, would guard against any significant disruption / disturbance or pollution.
- 3.5.15 Accordingly, it is found that satisfactory levels of amenity and safety would be secured future residents and surrounding uses, in accordance with the requirements of Policy 8 and The Framework.
- 3.5.16 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.
- 3.5.17 Flood Risk / drainage
As a site located within Flood Zone 1, it is at the lowest risk of flooding. Review of the submitted Flood Risk Assessment by the Council's Drainage consultee (as Lead Local Flood Authority) and United Utilities confirms the development to be at no significant risk of flooding, subject to submission of a detailed foul and surface water drainage strategy, secured via condition.
- 3.5.18 Ecology:
An Ecology Survey has been submitted with the application and reviewed by the Council's specialist consultee. It is accepted that there are no significant ecological constraints to developing the site and no objection is offered.
- 3.5.19 Although removal of two flat roof garages is proposed, the nature of their construction and proximity to the A666 means that the threat to bats and their habitat is very low risk. Application of an informative will suffice to advise the developer of their obligations towards Bats, as a protected species.
- 3.5.20 No Invasive Species were identified. Application of an informative will suffice to advise the developer of their obligations around management of any encountered during clearance and construction.
- 3.5.21 Potential habitat for nesting birds was found in trees and shrubs, although no substantive evidence was found. Clearance of trees and vegetation outside of the bird nesting season (March to August) will, however, be secured via condition.
- 3.5.22 Submission of detailed landscaping strategy, to compensate for tree loss and bird nesting habitat, as a proportionate response to the brownfield nature of the site, will be secured via condition.

3.5.23 Trees:

A Tree Survey Report has been submitted with the application and reviewed by the Council's Arboricultural consultee. No objection is offered to the removal of trees, in acknowledgement that none are preservation worthy and the precedent of the previous grant of planning permission. Replacement planting via the above noted landscape strategy, will provide mitigation.

3.5.24 Moreover, the benefits otherwise arising from developing the site, are considered to weigh moderately in favour of tree loss.

3.5.25 Accordingly, the environmental impact of the development is found to be acceptable and 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 Access into the site is to be taken from the existing access to the south side of Bury Fold Lane. Efficient two way passage in and out of the site is indicated on the submitted site layout. Notwithstanding concern expressed by the Council's Highways consultee toward the absence of demonstrable vehicle tracking and sightlines, the access is the same as that previously approved. It is, therefore, deemed acceptable for this comparable proposal. Submission of sightlines will, however, be secured via condition.

3.5.28 Proposed on-site car parking is 12 spaces which equates to a shortfall of 4 spaces, when assessed against the Council's benchmark standards for a development of this nature. Parking provision is, however, considered, on balance, to be acceptable, taking account of the sites location on a regular bus route, support for 12 spaces previously.

3.5.29 Notwithstanding a highway consultee recommendation, widening of the Bury Fold Lane / Bolton Road junction and the pedestrian footpath along Bury Fold Lane, is considered unreasonable and unviable. Members are advised that the previous permission do not include such requirements. Moreover, footpath widening would encroach into the site, thereby compromising the proposed parking provision.

3.5.30 It is considered refusal of the application due to the absence of these recommended works would be unreasonable, on account of the previous, precedent setting permission and The Framework's direction at paragraph 11, 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.

3.5.31 It is considered that impacts on the road network arising from the proposal are not evidently severe.

3.5.32 Submission of the aforementioned DCEMP will address highway impacts arising from construction, including road cleansing.

3.5.33 Accordingly, highway impacts arising from the development are, on balance, found to be acceptable and in accordance with the requirements of Policy 10 and The Framework.

3.5.34 Heritage and Design

Policy 39 reflects The Framework in requiring development with the potential to affect designated or non-designated heritage assets to sustain or enhance the significance of the asset. In this context, a Heritage Statement has been submitted with the application and reviewed by the Council's Heritage consultee.

3.5.35 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.

3.5.36 The adjacent group of stone fronted buildings to the south are acknowledged as having some historical and architectural significance. Though neither are nationally or locally listed, they are regarded as non-designated heritage assets. Impact of the development on this group of buildings and the street scape in general is considered to be acceptable, by reason of a proportionate reduction in proposed ridgeline height, emphasising a degree of subservience and avoidance of competing scale, as well as matching coursed stone and fenestration details. Render to the rear and side elevations is accepted, in response to side and rear render to the adjacent group. The buildings, therefore, reinforce local distinctiveness and constitute good design.

3.5.37 The perimeter stone wall will be retained, to areas absent of new buildings. Appropriate hard and soft landscaping, secured via condition, will ensure a well-integrated development.

3.5.38 Submission of precise external material details will be secured condition.

3.5.39 Overall, the design of the development is found to be in accordance with the requirements of Policies 11 and 39 and The Framework.

3.5.40 Summary

This report assesses the full planning application for 8 dwellings with associated car parking and amenity space (Use Class C3). 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 RECOMMENDATION

4.1 Approve subject to:

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 *to be added* and with the following drawings / plans / information: *to be added*.

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

3. Notwithstanding the submitted details, prior to commencement of any above ground works hereby approved, written and illustrative details, including colours and textures, 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. Notwithstanding the submitted details, prior to commencement of any above ground work hereby approved, a scheme of boundary treatment(s) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the precise location, height and construction materials of all boundaries. The approved scheme of boundary treatment(s) shall be implemented prior to first occupation of the development and retained thereafter.

REASON: To ensure that the external appearance of the development is satisfactory in accordance with Policy 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

5. 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.

6. 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.

7. 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.

8. Should pile driving works be required on site, prior to the commencements of those works, a programme for the monitoring of generated noise and vibration shall be submitted to and approved in writing by the Local Planning Authority. The programme shall specify the measurement locations and maximum permissible noise and vibration levels at each location. Noise and vibration levels shall not exceed the specified levels in the approved programme.

REASON: In order to safeguard neighbouring amenity, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

9. The 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
Sundays or Bank Holidays: No site operations

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. The windows contained in the gable elevation at the northern side of the building hereby approved shall be non-opening and contain obscured glazing in accordance with written and illustrative details which shall be submitted to and approved in writing by the Local Planning Authority. The approved glazing shall be installed prior to occupation and shall be so retained.

REASON: To protect the privacy and amenity of neighbouring properties, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

11. Prior to commencement of the development hereby approved, a scheme detailing the proposed glazing and doors on the Bolton Road elevation shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of soundproofing to properties. The development shall be implemented in accordance with the approved details and shall be so retained.

REASON: To ensure appropriate residential amenity standards for future residents and in the interest of good design, in accordance with Policies 8, 11 and 39 of the Blackburn with Darwen Borough Local Plan Part 2.

12. Prior to the commencement of development (excluding demolition) details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes 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 in accordance with BRE365;

(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);

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

(v) Incorporate mitigation measures to manage the risk of sewer surcharge as required;

(vi) Full details of overland flow paths and any associated mitigation measures as required; and

(vii) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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.

13. 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.

14. 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.

15. Prior to commencement of the development hereby approved, a Demolition, Construction and Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority. The DCEMP shall provide for the following:
- The parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - 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;
 - measures to control the emission of dust and dirt during construction; and
 - a scheme for recycling / disposing of waste resulting from demolition and construction works.

Construction shall proceed in strict accordance with the approved detail for the duration of those works.

REASON: In order to safeguard protected habitat; to avoid the deposit of debris into watercourse and onto the highway, in order to protect the amenity of the occupiers of the adjacent properties and in order to protect the visual amenities of the locality, in accordance with Policies 8, 9 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

16. Prior to the commencement of development hereby approved, a scheme for the construction of the site access, including details of visibility splays, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the development.

REASON: To provide for the safety and convenience of users of the highway, for the free flow of traffic, and to safeguard the amenity of neighbouring premises, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

17. Visibility splays shall not at any time be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height 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.

18. Prior to commencement of the development hereby approved, details of a shelter for mobility scooters / motorcycles / bicycles shall be submitted to and approved in writing by the Local Planning Authority. The approved shelter shall be installed prior to occupation of the development, and shall be so retained.

REASON: To ensure that adequate mobility / cycle parking is provided for 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 operational use of the development hereby approved and notwithstanding the submitted details, a refuse storage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide the location of an enclosed communal area for bin storage with bins for each individual dwelling. The approved scheme shall be implemented prior to occupation of the approved development.

REASON: In order to ensure adequate bin storage facilities and in the interests of visual amenity, in accordance with Policies 8 and 11 of the Blackburn with Darwen Borough Local Plan Part 2.

5 PLANNING HISTORY

5.1

Application Number	Description of Development	Decision	Date
10/17/0912	Erection of 8 apartments with parking and amenity space.	Approved under delegated powers with conditions	19/02/2018
10/14/0562	Erection of 8 new apartments as retirement homes with parking facilities, amenity space, bin store and access from Bury Fold Lane.	Approved under delegated powers with Conditions	28/04/2014
10/13/0639	Development of 8 new build retirement home flats	Withdrawn	
10/08/0621	Resubmission of application no. 10/08/0167 to allow: demolition of garage, construction of 1no ground floor B1 use unit and 2no apartments; renovation of existing building to form 1no class A2/B1 unit and associated car parking and landscaping	Approved under delegated powers with Conditions	15/08/2008

6 CONSULTATIONS

6.1 Public protection

Predetermination

With reference to the above application, I will require the following additional information before I can make my recommendations.

Pre-determination Traffic Noise Assessment

Proposed Residential Development adjacent A666

A pre-determination acoustics report shall be submitted detailing traffic noise levels at the application site. The report shall detail any sound attenuation measures recommended to protect the proposed dwellings and outdoor amenity garden areas. Reference should be made to the National Planning Policy Framework and Noise Policy Statement for England.

The applicant (or any consultant appointed by the Applicant) should contact Andy White (tel: 01254 585585) to discuss the required assessment detail.

Reason:

To identify whether the site is a suitable location for this residential development and, where necessary, ensure an appropriate level of protection against traffic noise.

6.2 BwD Drainage (as Lead Local Flood Authority)

Lead local Flood Authority Position

We have no objections to the proposals subject to submission of a foul and surface water drainage scheme.

6.3 Heritage

The proposed properties will create what appears visually as a row of four terraces, with simple fenestration in keeping with the wider area. The proposed dwellings will adjoin the existing three-storey stone cottages, to the south and front Bolton Road, spanning out northwards to the corner of Bury Fold Lane.

The D & A Statement notes that materials and tradesmen will be locally sourced. The application outlines that the proposed dwellings will be faced with stone to the front elevation with rendered blockwork to the side and rear elevations; a slate roof and white uPVC windows.

I would recommend that should the application be approved, suitable materials are secured by a suitably worded Condition.

To the rear of the proposed dwellings 12 parking spaces will be provided (including a disabled parking space), within close proximity to the proposed dwellings. The Car park will be tarmac with concrete pin kerbs and footpath kerbs to the edges. Paving to the rear of the gardens will be Indian stone, whilst all other areas will be grassed over for low maintenance. It is unclear from the submission documents if the existing boundary wall is to be retained.

Impact to the Non-Designated Heritage Asset.

The Government's guidance identifies NDHA's as being buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets. P.203 makes reference to the LPA's need to consider the effect of an application on the significance of a NDHA when determining an application. In carrying out its planning balance, an LPA should have regard to the scale of any harm or loss and the significance of the heritage asset.

In this respect, P.203 requires the LPA to consider two aspects;

1. The scale of the harm or loss, and
2. The significance of the NDHA.

The adjoining (NDHA's) significance are based on their aesthetic, and historic value. This is primarily evidenced in their traditional architectural form and materials. However, as NDHA's I can only afford a low significance to the buildings.

Unlike in the case of designated assets, LPA's are only required to carry out a simple weighing exercise of those material matters and that any impact (which carries no statutory duty on behalf of the LPA) should be considered against the merits of the whole application including the new development. It is for the Council to apply what weight it considers appropriate to those material matters in its decision so long as it is being reasonable.

I note that the application site was previously granted permission with conditions for the erection of 8 apartment's on 19/02/2018 (Planning Reference 10/17/0912).

Architecturally, the scale and the proportions of the proposed properties appear as a row of three-storey terraces from the front elevation (Bolton Road), and reflect the scale and mass of the existing adjacent three-storey NDHA's (No's 378-386 Bolton Road). Similarly, the rear elevation of the proposed dwellings appear as two-storey terraced properties, which are in proportion to the row of terraces on Bury Fold Lane.

In terms of materials, the proposed facing stone to the front elevation matches the stone used on the adjacent NDHA's. Similarly the use of slate for the roof ties in with the predominant material used locally. I feel these would be suitable materials that, will help the new buildings harmonise with the traditional appearance, found on both the NDHA's and in the wider area. This could be secured via a suitably worded Condition.

In regards to the rendered blockwork proposed for the side and rear elevations, I would prefer to see these elevations to be a continuation of the facing stone. However, I acknowledge that this is only a minor point and given, that these elevations face away from the NDHA's, I cannot say that the use of render will cause any discernible harm, to the locally important buildings.

Similarly, I cannot say that the use of uPVC for the windows of the proposed properties will cause any harm to the NDHA's, as uPVC windows are widely used in the area, including to some of the NDHA's.

Overall, subject to the details of the proposed facing stonework being provided, I consider the proposed development will not cause any discernible level of harm to the significance of the adjoining NDHA's.

Conclusion / recommendation

As I am required to do so, I have provided a balanced judgement in my comments in relation to the need to preserve the significance of heritage.

As indicated above, subject to the submission of material detail (stone), the scheme would accord with the aims of Chapter 16 of the NPPF and conform with Policy CS17 (Built and Cultural Heritage) and Policy 39 of the Local Plan.

Growth Lancashire

6.4 BwD Highways

Parking

In support of 8 no. 2bed dwellings, the allowance in accordance with the approved parking standards is 2 spaces per dwelling together with 2 secure cycle spaces per dwelling. This would equate to 16 spaces cap parking spaces and 16 secure cycle parking spaces within the curtilage of the development. One of the parking spaces has been designated for disabled users.

The applicant has again submitted only 12 car parking spaces and no secure cycle spaces. No reasonable justification is offered for the low number of spaces. This is the same layout that was previously submitted – this issue has not been addressed.

The car parking bays detailed on the attached plans are 2.4m by 5.0m, this is acceptable and conforms to the standards bay sizes. To enable cars to manoeuvre into the parking spaces the minimum width of the access should be 6.0m – the applicant has provided a minimum clearance of 5.1m, which is insufficient. We request further consideration of these matters.

No provision for the parking of PTW/cycle transport has been made, this is to be provided close to the entrance of the building, secure and covered.

The applicant cannot rely on on-street parking for the remaining 4 car parking spaces either along Bury Fold Lane which is so narrow that the residents have resorted to parking on the footway in order not to block the road or indeed along Bolton Road itself.

Please request an explanation as to why the provision for parking is inadequate.

Please request a plan showing the swept path analysis for each parking bay.

Access

Vehicular access into the site is positioned 40m away from the junction with the A666, the access width is proposed has been increased from 4.5m to 5.2m, this is adequate to get two car passing one another, at the entrance mouth.

There are however concerns about the set-back position of the gates themselves restricting the swept path of cars manoeuvring in and out of the car parking spaces.

There is also concerns with the access being partially blocked by cars being parked in front of the existing houses opposite the proposed entrance. This would result in the vehicle having to mount the footway adjacent to the entrance in order to drive into and out of the entrance.

Bury Fold Lane, is restricted in width in this location which is further compounded by vehicles parked by the residents of the terraces opposite on street. Please request swept path analysis showing the movements into and out of the site area as has not been provided. This may

highlight the need to push the site entrance further into the site, to allow for the turning of vehicles.

Gates are proposed near the entrance, they have been set in one car length to avoid obstruction on the highway. Clarification is requested on how the gates will be managed and controlled.

No vehicle or pedestrian sightlines have been marked on drawings seeking approval please request these to be provided.

A direct route for pedestrians from the entrance of the building connecting onto the highway has been provided as previously requested. The location shown is acceptable.

The footway along the frontage on Bury Fold Lane is substandard in the interest of pedestrian safety - especially the residents from this development proposal, the footway should be widened at the developer's expense, into their site. There is a section that the footway is 1.2m this should be widened to 1.5 to allow a continuous footway access. This should be accompanied by tactile and dropped kerbs at access/junctions points.

The footway along the proposed frontage with Bolton Road is also substandard in the interest of pedestrian safety, a minimum width of the footway of 3.0m should be retained. This should also be accompanied with tactile and dropped kerbs at access / junction points.

The junction of Bury Fold Lane with the A666 is restrictive for movements, and would benefit from a localised widening to aid traffic turning into Bury Fold Lane whilst one is waiting at the junction to turn out. Taking into the account the already approved development, and the additional traffic from this site, we would request these improvements works are undertaken as part of a 278, please attach a Grampian condition in support of this.

Other

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

Matters 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.

In principle we are supportive of the scheme, provided however that these outstanding matters can be addressed by the applicant. A reduction in the number of proposed dwellings from 8 to 6 may well be necessary in order to address the parking and access issues highlighted.

6.5 BwD Strategic Housing

Housing Growth have no objection to the above planning application subject to proposals meeting building regulations and planning policies.

6.6 BwD Arboricultural Officer

The trees aren't bad but not necessarily TPO worthy which would of course scupper the proposals, and permission has previously been granted. The longer they leave the site the better the trees become.

If they are given approval they will have to seriously consider a mitigating landscaping scheme.

6.7 BwD Cleansing

A bin store is indicated but there is no explanation to support this. We would want each property to have its own bins and not shared bins.

6.8 United Utilities

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.

In the absence of a detailed foul and surface water drainage scheme we would kindly request that if you are minded to grant Planning Consent for the above development that the condition and advisory notes provided below are included within the consent:

Prior to the commencement of development (excluding demolition) details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes 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 in accordance with BRE365;
- (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);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (v) Incorporate mitigation measures to manage the risk of sewer surcharge as required;
- (vi) Full details of overland flow paths and any associated mitigation measures as required; and
- (vii) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

6.9 Ecology (GMEU)

Summary

Given the nature of the site, scale and proximity to busy main road, potential ecological issues associated with bats, nesting birds, invasive species and ecological mitigation can be dealt with via condition and or informative.

Bats

A couple of flat roof garages appear to require removal, these are low risk structures set in to the slope and surrounded by vegetation and residential buildings, on a main road. I am therefore satisfied that whilst there is a theoretical risk of bats utilising these buildings, that the risk is very low. The new dwellings will also abut the gable end of the existing building. They are however significantly lower and will not impact on areas where potential bat roosting features could be present.

I therefore recommend an informative along the following lines is applied to any permission.

Whilst the buildings to be demolished are very low risk for bats, the applicant is reminded that under the 2019 Regulations it is an offence to disturb, harm or kill bats. If a bat is found during demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

Nesting

Birds

Semi-mature trees and shrubs are present, potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition along the following lines be applied to any permission.

No works to trees or shrubs shall occur between the 1st March and 31st 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.

Invasive Species

Sites such as this are moderate to high risk for Japanese knotweed. None however is visible on streetview. I recommend an informative along the following lines is applied to any permission.

It is an offence under the Wildlife & Countryside Act 1981, as amended to introduce, plant or cause to grow wild any plant listed in Schedule 9 part 2 of the Act. Species such as Japanese knotweed and Himalayan balsam are included within this schedule. If any such species will be disturbed as a result of this development a suitably experienced consultant should be employed to advise on how to avoid an offence.

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. The development site is

primarily brownfield, currently undergoing succession with google earth indicating the site having been cleared of vegetation and buildings over the last 15 years with trees and shrubs retained along the road frontages. Currently no mitigation is being proposed. There appears to be some scope for replacement native tree planting such as silver birch, rowan and holly and bird boxes could be integrated in to the new building for typical house dwelling species such as house sparrow. I therefore recommend a condition along the following lines is applied to any permission.

A landscape plan shall be submitted to and approved in writing by the LPA, prior to commencement of development. The content of the plan should include elements to mitigate for loss of trees shrubs and bird nesting habitat. The approved plan will be implemented in accordance with the approved details.

6.11 Public consultation

Neighbourhood consultation letters were sent out on 8th November 2021, to 110 addresses local to the application site. In addition, a site notice was displayed. Five objections were received (see Summary of Representations):

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

8.0 **DATE PREPARED: 3rd February 2022.**

9.0 SUMMARY OF REPRESENTATIONS

Objection – Cllr Kevin Connor & on behalf of other Darwen south ward cllrs, Darwen South, Received 19.11.21

Eight Dwellings adjacent to 378, Bolton Road BB3 2PS

Historically many promises have been made to improve the egress for motorists from Bury Fold Lane on to the A666, most notably with planning applications relating to the development at Ellerslie House [10/19/0642].

This development could have been an opportunity to make good the promises but instead if it materialises it will just exacerbate the problems residents in Bury Fold Lane face on a daily basis.

There is an apparent reluctance to accept that Bury Fold is a narrow lane with no other means of access or egress and parking for residents is a big problem resulting in real frustration that if this application is passed it will not only add to the number of vehicles but reduce sight line at the junction with the A666; there is no provision for any extension of the existing no parking restrictions at that junction.

The application will not add any significant number to housing provision but will increase the immediate areas density. Any flooding, subsidence or service problems at the junction, which is not a rarity, brings considerable disruption for residents. Planning committee members will, we hope, question just where construction, delivery and contractors vehicles will park if permission is granted and ask what, if any, the resulting consequences for residents and access for emergency vehicles will be.

We ward councillors see no merit in this land as a development opportunity more as an opportunity missed to make real improvements to this part of Bury Fold Lane for the long suffering residents.

Councillor Kevin Connor

And on behalf of Darwen South Ward Councillors

Councillor Lilian Salton and Councillor Andrew Walker

Objection – Janice Cowell, New House Bury Fold Lane, Darwen, Received 24.11.21

Re :- Planning Application - 10/21/1134

Site Address *Land attached to 378 Bolton Road on corner of Bury Fold Lane Darwen*

I wish to comment on the above planning application. I have no objection to the eight proposed dwellings which will tidy the area, but I do take issue with the traffic problems residents frequently face at the bottom of Bury Fold Lane, which both the planners and the applicant seem to be choosing to ignore

Section 8 of the application entitled Pedestrian and vehicle access makes no mention of the ongoing problems residents are experiencing entering and exiting the Lane onto and from the A666. The Planning Application indicates that two lanes are available at the exit of the lane onto the A666. This is actually only for the first ten yards or so after which the lane reverts to a one lane bottleneck.

I would in fact challenge the applicant or planning officers to try to turn left onto Bury Fold Lane when travelling from the South (Bolton side) of the A666. when a second car is exiting the lane travelling towards the town centre (Northbound) from the A666. Residents frequently must reverse into the A666 which is very dangerous.



This picture taken near the junction with Ellen Street clearly show the lack of space available for safe passage

Yours Sincerely

Janice Cowell New House Bury Fold Lane Darwen BB3 2QG

Objection – Steve Wood, Mayfield fish & chip shop, Received 25.11.21

To whom it may concern,

I wish to object to this planning application on the grounds of car parking space and the negative effect on local businesses unless further parking facilities are provided.

The council allowed the build of the Furniture shop/ Resturaunt on neighbouring Bolton road site with no forward thinking (in my opinion) about parking facilities for customers. These customers now use the car park adjacent on the Mayfield Flats complex opposite. This is detrimental to both tenants of the flats (Many of whom are elderly and need to park close to home) and the current businesses based on the Mayfield precinct.

I need to digress slightly here to get my point over!

I have spoken to both Together housing and the council highways as to who is responsible for this car park, (In order to get it gritted during winter)

The council says it belongs to Together housing and so will not grit!

Together housing say it's the council and therefore a public highway.

So IT CANNOT BE BOTH WAYS!

My point being if its a public highway and road tax is paid anybody is allowed to park, (no argument, If that's the case take responsibility BWDBC and grit in winter!)

If it belongs to Together housing (No need to grit in Winter) but you cannot allow this car park to be part of the availability of car parking spaces in the local area if it is private! (And that's my point!)

Also builders/contractors and suppliers WILL use the car park again taking up the valuable short term customer parking spaces we need for our businesses to exist profitably and provide facilities for the community.

(I appreciate this would be short term whilst the project is built, but short term may be enough to kill these businesses)

Finally my Personal view (which I admittedly don't have the facts on) very few dwellings only have one car per household, Again were will any second vehicle or visitor to the dwelling park?

With evidence of adequate parking facilities I would be happy to support the planing application, I would love to see the area improve.

Without adequate parking I feel the need to strongly object!

Yours faithfully Steve Wood (Mayfield fish and chip shop)

Zest Bistro, Anubis Dog groomers, Gemmini Hair Salon

Objection – Christine & Brian Chappell, 34 Bury Fold Lane, Darwen Received 29.11.21

Objection in relation to Planning Application 10/21/134

To Whom it May Concern

Although we have little objection to the proposed development using a viable piece of unkempt land we do object to the potential increase in traffic flow and parking.

Whoever put the proposed plan together has little knowledge of Bury Fold Lane:

To quote:

“Bury Fold Lane does have on street parking which does not cause any issue to the traffic flow up and down it.

The above statement is totally untrue: regularly vehicles have to back out onto the A666 to allow vehicles to come out of Bury Fold Lane, large vehicles cannot pass parked cars, access to driveways are blocked by irresponsibly parked cars.

“The lane has excellent visibility around the site entrance which is also wide enough for an entry and exit at the same time. “

If the site entrance is tapered away this may be true however, visibility on a narrow lane and so close to the junction with the A666 will be limited. Current properties struggle with visibility due to the speed and volume of vehicles using Bury Fold Lane so why would this access/exit point be any different?

“The existing junction with Bolton Road currently has good visibility

Inaccurate statement. Even though there are some yellow lines in place on the A666 they are insufficient to provide ‘good visibility’. Councillors have tried to get a vehicle removed advertising a business to no avail. Many vehicles park on Bolton road for the current businesses, including vans and wagons, leaving little or no visibility. At times it is a death trap.

“The existing junction currently has no flow restrictions or access issues and non are proposed to arise from this development.”

The existing junction DOES HAVE flow restrictions in that two vehicles cannot pass when entering or leaving Bolton Road. Current residents have little space to enter their homes as they do give consideration to vehicular traffic but when all cars are parked flow is disrupted.

There appears to have been no consultation with many residents of Bury Fold Lane that will be affected by this development in relation to traffic flow and this is disappointing. It is not just residents' parking/use of the lane: the increase in the number of delivery vehicles now has to be taken into account as this has increased dramatically over the past 20 months and this has also caused access issues and pinch-points. Neither is there any mention of the severe disruption anticipated due to a previous development further up the lane being approved and how this will be managed if the two developments are taking place at the same time. Could this please be considered in any planning approval?

Yours sincerely

Christine and Brian Chappell

Objection – Donald Sharples, Heightside Farm, Bury Fold Lane, Darwen, Received 29.11.21

Reference: Planning application 10/21/1134

To Whom It May Concern

I am totally opposed to the planned development for the following reasons.

There are already 70 resident vehicles travelling along Bury Fold Lane on a daily basis along with heavy goods vehicles using the lane to access my farm.

The proposed development has the potential of adding a further 16 vehicles all using the lane for access to the properties. The development already approved of some 20 properties at Ellerslie House, could increase traffic by at least another 40 vehicles.

The lane is narrow with poor access to the A666 and this development will create considerable problems to current residents and also will further compromise my business.

Finally, although I feel I have no alternative but to object to this plan, I hold out little hope of success as National and Local Government policy would seem to be to allow development of any parcels of land regardless of the impact on local area or business.

Yours sincerely

Donald Sharples

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/21/1210

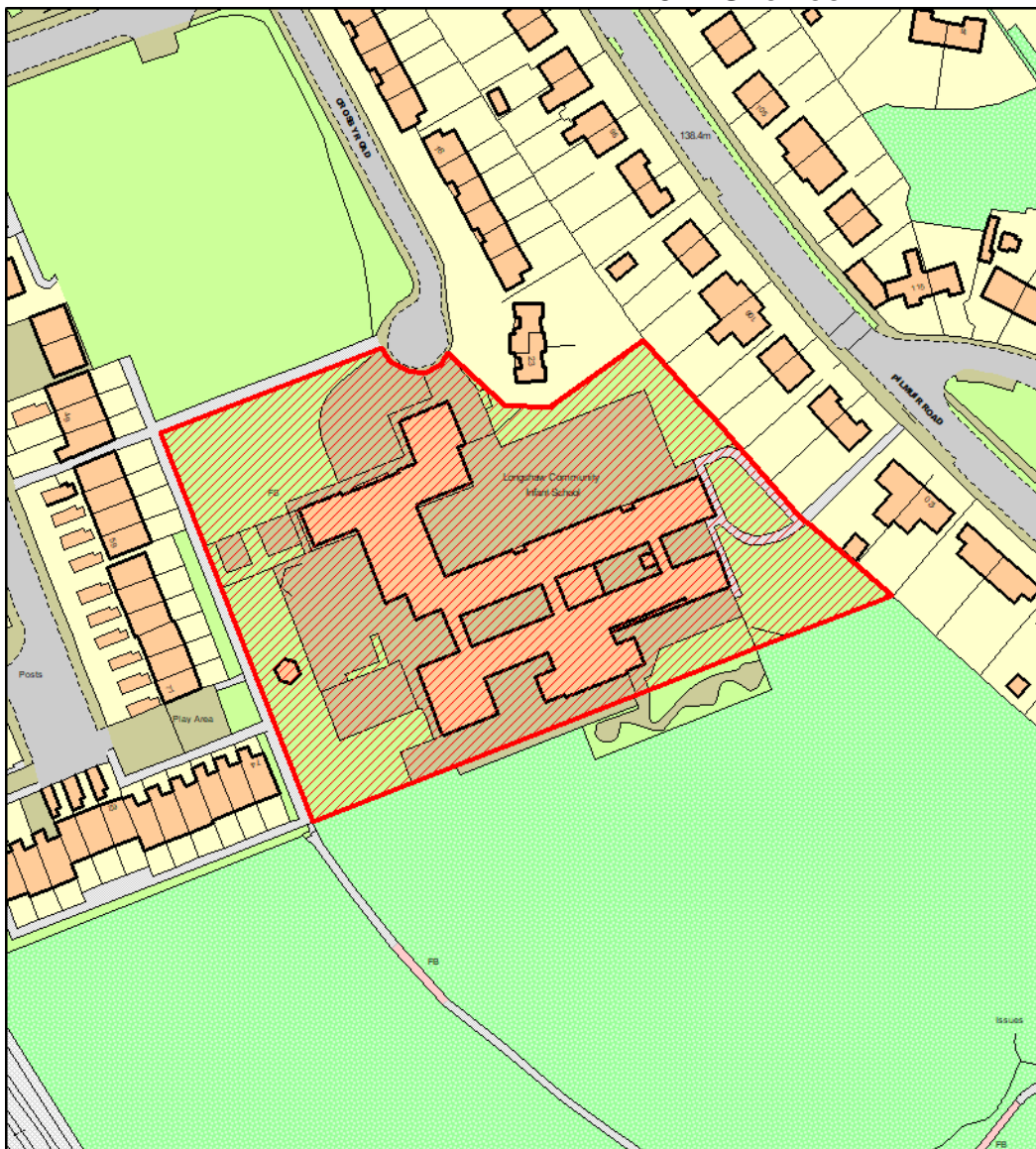
Proposed development: Full Planning Application (Regulation 4) for Erection of Single Storey Nursery Building

Site address:

**Longshaw Infants School
Crosby Road
Blackburn
BB2 3NF**

Applicant: Longshaw Infants School

**Ward: Blackburn South East Councillors: Tony Humphrys; Vicky McGurk
Jim Shorrocks**



1.0 SUMMARY OF RECOMMENDATION

- 1.1 APPROVE, subject to the conditions recommended within Paragraph 5.1.

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, as Blackburn with Darwen Borough Council is the Applicant. The planning application has been submitted under Regulation 4 of the Town & Country Planning Regulations 1992.
- 2.2 Longshaw Community Infant School and Longshaw Nursery federated in May 2021. Currently the two buildings and premises are both separated from each other by a distance of around 100m. The proposal seeks to erect a new nursery building within the grounds of the school to enable the two uses to be in close connection and allow better management. The existing Longshaw Nursery building will then be demolished after completion of the new building. Wider works currently outside the school grounds will also take place by way of creating a larger parking area and an external play area for the proposed nursery.
- 2.3 The Councils Development Plan supports new early year centre buildings within existing public buildings/facilities, provided they constitute sustainable development, and accord with other relevant Policies set out in the Blackburn with Darwen Borough Council Development Plan.
- 2.4 In summary, assessment of the application finds that on balance the proposal is acceptable, with all material planning considerations and issues having been addressed throughout section 4 of this report. A number planning conditions are recommended to control the development and allow adequate mitigation of any concerns established.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site relates to Longshaw Infant School which is positioned at the end of the cul-de-sac on Crosby Road, within the Blackburn Urban boundary and on the border of the Inner Urban settlement boundary. The school grounds itself comprise of large linked building, a small front car park and several surrounding hard-surface and grassed play areas. The proposal site is positioned in the north-western part of the school which is currently subject to soft landscaping (grass) and has two oak trees present. The existing Longshaw Nursery School is situated over 100m away to the north of the Infant School.
- 3.1.2 Residential dwellings are located immediately east and north-east of the school on Crosby Road and Pilmuir Road and to the west on Peel Close. Beyond Peel Close sits a railway corridor which is largely surrounded by trees

and scrub. To the north adjoining the grounds of the school is an area of open grassland which previously occupied Longshaw House, a home for older people. A large green area consisting of scattered trees, scrub and grassland is located to the south and separates Longshaw Infant School and Our Lady of Perpetual Succour Church and Primary School.



Figure 1: Google aerial view of the application site

3.2 Proposed Development

- 3.2.1 Full planning permission is sought for a new single storey nursery building set within the school grounds, comprising a footprint of circa 360sqm. The proposed building will be rectangular in appearance and sited 5m away from the front elevation of the existing school. It will measure approximately 20.2m in width with a depth of 17.8m. Height to the ridge will be 6.2m and 3.8m to the eaves.
- 3.2.2 Proposed external walling material is brickwork with numerous window openings to all four elevations and two sets of bi-folding doors on the rear and side (northern) elevations. The building will feature a hipped roof constructed in Britmet tiles. The proposed floor plan and elevations of the building are shown below.

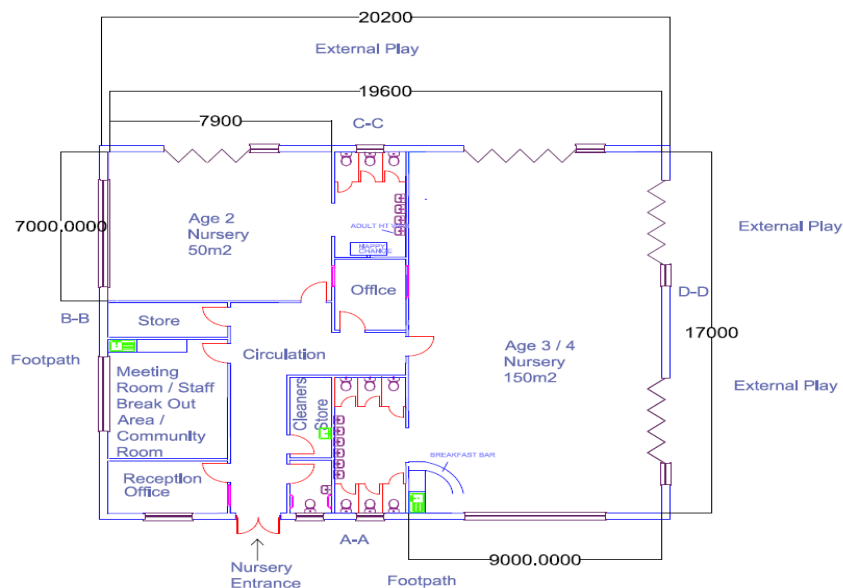


Figure 2: Proposed Floor Plan

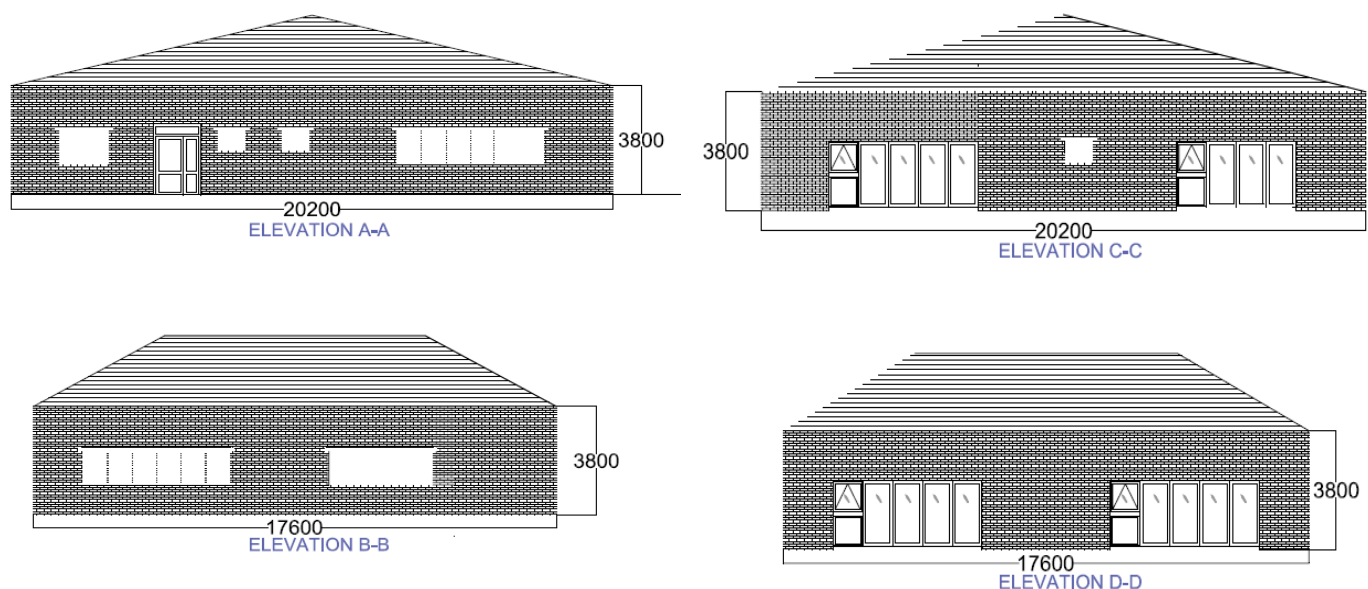


Figure 3: Proposed front (east) and side (south) elevations (left). Proposed rear (west) and side (north) elevations (right).

3.2.3 Part of the proposal also involves a land transfer to acquire a small parcel of land from the former Longshaw Home for Older People site which is positioned immediately north to provide an external play area and additional car parking provision. The land is Council owned. No objections have been raised by Blackburn with Darwen Growth and Property Team regarding this land transfer and its associated use. An existing public footpath adjacent the schools boundary which leads from Crosby Road to Peel Close is to be re-positioned approximately 14m further north.

3.2.4 Access to the proposed nursery building will be reached via the same arrangements as the school which is at the end of the cul-de-sac on Crosby

Road. The proposal seeks to create an enlarged parking area to the front which will provide an additional 15 parking bays on top of the existing 14 spaces. Figure 4 demonstrates the proposed site plan.

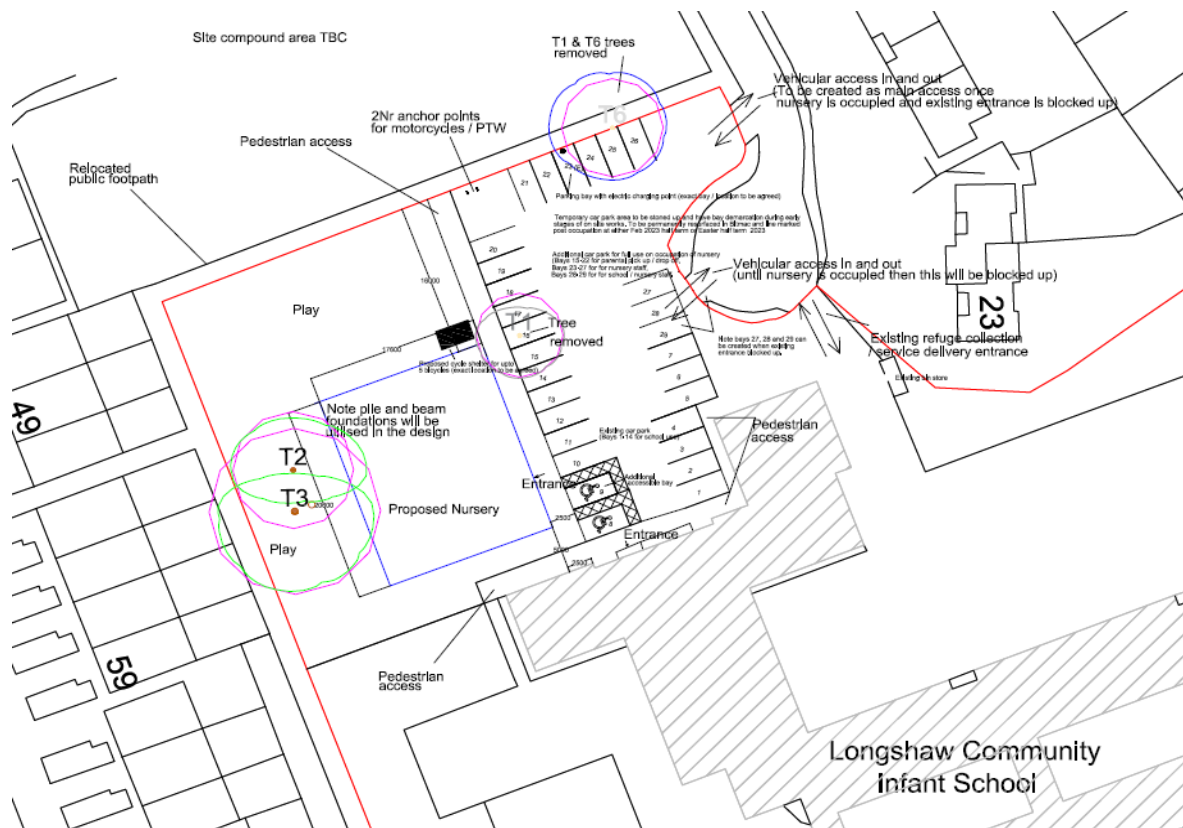


Figure 4: Proposed Site Plan

- 3.2.5 The submitted D & A statement indicates the proposed building will provide new nursery teaching space to accommodate nursery provision for ages 2, 3 and 4. The expected numbers are to be 20 - 2 year olds, and 65 - 3/4 year olds. The operation will consist of a morning session and afternoon session, each with an overall number of 85 children attending.
- 3.2.6 Following construction and operation of the proposed nursery building, the existing Longshaw Nursery School is to be demolished. This will be subject to a separate process under an application for prior notification for proposed demolition.

3.3 Case Officer Photos



3.4 Development Plan

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

3.4.2 The 'Development Plan' comprises the adopted Core Strategy DPD (2011) and adopted Local Plan Part 2 – Site Allocations and the Development Management Policies (2015). The following policies are considered relevant in assessment of the proposed development;

3.4.3 Core Strategy

- Policy CS1 – A Targeted Growth Strategy
- Policy CS11 – Facilities and Services
- Policy CS16 – Form and Design of New Development

3.4.4 Local Plan Part 2

- Policy – 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 36 – Climate Change
- Policy 38 – Green Infrastructure

3.5 Other Material Planning Considerations

3.5.1 National Planning Policy Framework (NPPF) (July 2021)

The Framework sets out the government's aims and objectives against which planning policy and decision making should be considered. The following sections of the Framework are considered relevant to assessment of the proposal:

- Section 2: Achieving sustainable development
- Section 12: Achieving well-designed places
- Section 15: Conserving and enhancing the natural environment

4.0 ASSESSMENT

4.1 When assessing this application there are a number of important material considerations that need to be taken into account. They are as follows:

- Principle of Development
- Residential Amenity
- Design/Visual Amenity
- Highways
- Environment
- Air Quality

4.2 Principle of Development

4.2.1 Policy CS1 of the Core Strategy and Policy 1 of the LPP2 emphasise that the focus of new development should be within the urban area. The provision of early years centres is covered by Policy CS11 which relates to facilities and services. The policy states 'the range and quality of public services and facilities will be expanded and enhanced; in particular, but not limited to existing key public buildings / facilities (point iii).

4.2.2 The existing Longshaw Nursery was previously privately owned and run as a separate entity from the school. However, the nursery is now owned by the school. Given the amount of refurbishment that was required to the existing nursery building it was deemed not viable. With this in mind, and to better facilitate management / logistical reasons, the proposal seeks to erect a new nursery building within the school grounds. As such, the development is proposed for a site that has current educational use, and therefore the provision of a nursery building within this site is considered acceptable in land use terms. Also, the continuation of nursery provision, within a residential area

where children are likely to live, would also be a complementary use. The proposed development therefore accords with the above policy requirement set out under CS11.

- 4.2.3 The site sits within an area designated as Green Infrastructure (GI) under LPP2, Policy 38. When assessing partial losses of such land to development, of Policy 9 should be taken into account. The Policy states development will not be permitted unless it can be accommodated without the loss of function of open space; the impact can be mitigated or compensated through new or improved green infrastructure elsewhere; or the need for or benefits arising from the development demonstrably outweigh the harm caused.



Figure 5: Extent of allocated Green Infrastructure land

- 4.2.4 When considering the extent of a relatively small loss of green space in context with the wider Green Infrastructure allocation within this area, it is considered the harm caused by the proposal will be very minimal. The existence of the school building and nearby dwellings also already compromises the openness of this minor parcel of land. For these reasons, the scale of the proposed development can be supported without detriment to the overall function of the GI. Additionally, given the nature of the application there are some clear benefits in relation to providing an early years centre within grounds of the school. As such, it has clearly been justified the loss of Green Infrastructure in this instance is acceptable, thus according with Policy 38.
- 4.2.5 Taking the above into account, the principle of the development is therefore accepted, in accordance with LPP2, Policy 7 and the NPPF's stated presumption in favour of sustainable development; which should proceed without delay, subject to assessment of the following matters.
- 4.3 Residential Amenity
- 4.3.1 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

loss of light, privacy/overlooking, noise, nuisance, pollution, contamination, and the relationship between buildings.

- 4.3.2 In terms of residential amenity, the rears of No. 51-61 Peel Close will be at a distance of approximately 21.5m to rear elevation of the proposed building. As such, owing to this ample separation relationship and the single storey nature of the building with modest overall height, the proposed development would not lead to any unacceptable implications for nearby occupiers in terms of loss of light and outlook.



Figure 6: Site photos showing proximity of site to the rear of the properties on Peel Close

- 4.3.3 Concern has been raised from nearby residents regarding the potential increase in noise disturbance associated with playing activities in the external play areas of the proposed nursery. A noise assessment has been submitted with the application to establish expected noise levels and impact to existing noise sensitive properties on Peel Close.
- 4.3.4 The assessment was based on the fact that 50 children would be playing outside at the same time. However, the agent has confirmed the maximum amount of children at any one time will be 26 due to the amount of staffing needed to monitor outdoor play. Notwithstanding this, the noise assessment concluded the impact from the proposed nursery is expected to be at the No Observed Adverse Effect Level, owing to the fact the difference was determined to be no greater than 1dB.
- 4.3.5 The Council's Public Protection Officer points out that with all noise assessments, there is some uncertainty associated with the predicted outcomes, particularly as there is no standard method for assessing noise from nurseries. However, having reviewed the submitted information goes on to indicate *'the predicted noise levels do not warrant a refusal of the application on noise grounds'*. Nevertheless, it is acknowledged noise is likely to increase by virtue of distinctive shouts, laughter and screams of young children playing.
- 4.3.6 As such, in order to safeguard loss of amenity to surrounding properties a scheme for the installation of a noise barrier along the western boundary is to be conditioned which will adequately mitigate much of the concerns regarding

noise. Furthermore, conditions restricting the amount of children using the outdoor areas to 30 at any one time, and hours of use solely to 8am-5pm Monday to Friday will additionally reduce the level of harm to the living conditions of adjacent occupants.

- 4.3.7 Members should also be reminded that the premises is an existing primary school and current arrangements in terms of play areas for school pupils are also in close proximity to residential properties on Peel Close. Whilst it is recognised the external play areas associated with the nursery will likely be more intensively used, frequent activities do occur on the existing playgrounds throughout the day which results in a high level of noise. Therefore, some conflict already arises. It should be noted that the nursery will operate during the working week and external play activity is likely to be limited to certain times within those days. The nursery will also make use of the other play areas in the grounds of the school, and therefore outdoor play will not be entirely limited to the curtilage of the nursery. On that basis, and through the appropriate control of planning conditions stated in section 4.3.6, the proposal on balance would be acceptable on noise grounds.
- 4.3.8 Additional noise and disturbance to the residents on Crosby Road is also likely to occur when parents drop off and pick up their children. However, it is evident local residents will experience some level of disturbance resultant of the existing school. It is intended that the nursery would operate between 8am and 5pm, with varied drop and pick up times to cater for the requirements of individuals parents and carers. As such, the likelihood is that comings and goings to the nursery will spread throughout the day, thus minimising the potential for peaks in noise and disturbance. At times throughout the day this will also be offset against the background noise of the school and nursery activities, and therefore the proposal will not be unacceptable to the occupiers of the adjacent dwellings on Crosby Road.
- 4.3.9 A large proportion of the rear garden areas of the aforementioned properties on Peel Close are enclosed by circa 1m high fences. The boundary of the application site is currently secured by wired mesh fencing. As such, views to and from the proposed nursery and lower ground floor habitable rear room windows on Peel Close are afforded. The installation of a noise barrier along the western boundary, as highlighted above will also provide effective screening allowing greater protection in terms of privacy by way of limiting views of the nursery to the upper floor windows of these dwellings.
- 4.3.10 An appropriate refuse area lies within the premises of the school towards the eastern boundary, and the proposed nursery will make use of this for any waste etc.
- 4.3.11 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.
- 4.3.12 A Phase 1 desk study and Phase 2 geo-environmental report and remediation strategy has been submitted with the application. The Council's Contaminated

Land Officer has reviewed the details and overall concludes the site is not a particular high risk site. However, clarification is needed on several points. As these have been unable to be addressed during the course of this process, the standard contamination conditions are recommended and further assessment of ground contamination will take place through a discharge of condition application.

- 4.3.13 On balance, subject to conditions the proposed development during the construction phase and use thereafter is not considered to be excessively detrimental upon surrounding amenity, and thus accords with Policy 8 of the Local Plan Part 2 (2015).

4.4 Design/Visual Amenity

- 4.4.1 Policies CS16 and 11 require 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.
- 4.4.2 The positioning of the proposed nursery building will be in a reasonably prominent position when viewed from Crosby Road. It will be read in context with the existing school building, and as such, it is important the building integrates well with the adjacent school from a visual perspective in terms of its massing, shape, materials, roof form, and window and door detail.
- 4.4.3 The proposed building will be single storey in scale and will comprise of a fairly shallow hipped roof form with a ridge height of circa 6.2m. The external walls of the building are to be constructed in brickwork and Britmet tiles are to be used for the roof. On that basis, the proposed external materials will match those used on the existing school building which will ensure a sympathetic and complementary form of development. A condition is to be attached to ensure illustrative details of all external materials to be used in construction of the building are submitted to and approved by the Local Planning Authority prior to their use to guarantee a satisfactory appearance is achieved.
- 4.4.4 The rectangular form of the building is considered appropriate considering the overall size of the plot that it is limited to and site constraints in regards to trees. As such, the proposal will not be unduly visually harmful to the relatively irregular form of the existing school.
- 4.4.5 Four sets of bi-folding doors are proposed, two to the rear elevation and two to the side (north) elevation which will allow easy access to the external play areas. The openings are proportionate in size and subsequent arrangements are considered acceptable in design terms. Fenestration detail of the proposed windows to the front elevation and opposite side, along with the single doorway entrance to front of the building are satisfactory in terms of appearance and given the extent of glazing to the school building the proposed window arrangement will not appear at odds.
- 4.4.6 Overall, the massing, form and design of the proposed building would not have an adverse impact on the visual amenity of the adjacent school building, street scene or wider area.

4.4.7 Accordingly, the proposal is considered to constitute good design, and thus accords with the relevant Development Plan Policies and the NPPF.

4.5 Highways

4.5.1 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.

4.5.2 A number of objections received in public comments point out current issues regarding the surrounding highway network. Due to the terraced bungalow housing stock along Crosby Road, a large dependence of vehicular parking for occupants of these dwellings is placed on-street which is limited to one side. As a result, it was acknowledged on the case officer's site visit that on-street parking along this immediate stretch of road is currently saturated, and therefore it is important to ensure the proposal does not exacerbate the problem.

4.5.3 In accordance with the Council's adopted parking standards, parking provision should be measured against Class D1 (Day Nurseries/Centres), based on 1.5 car spaces per 2 staff plus drop-off zone (in or outside curtilage) of 1 car space per 10 children.

4.5.4 Within the school grounds is an existing front car park which provides 14 marked out parking bays. The proposal seeks to form an additional parking area to accommodate a further 15 spaces, and thus overall provision will be 29 off-street spaces which includes two accessible bays. The details submitted within the Design and Access Statement indicate the number of children attending at any one session being a maximum of 85 and staff numbers at 10 (5 full-time and 5 part-time). Taking all of the above into account, the proposal equates to a need of 8 spaces for dropping off and picking up and a further 8 spaces for staff parking.

4.5.5 The Council's Highways officer initially raised concerns given the new parking was to be solely used for staff and visitor purposes, and would not allow parents to drop-off/pick-up within the school grounds due to their own policy restrictions. This has since been rectified and 13 spaces will be available to support the nursery use. Eight of those spaces will be designated entirely for parents to drop off and collect their children within the premises and the other five for nursery staff parking. Parking bay dimensions as identified on the proposed site plan are acceptable. Two accessible bays near the entrance of the building are also proposed which allows further opportunities for vehicular parking for those with disabilities.

4.5.6 Given the proposal offers some off-street provision, it is considered the pressure on the highway network will be eased. Furthermore, it should be noted that much of the footfall for the nursery use and associated vehicular movement will largely be outside school hours due to the session arrangements. Therefore, the two uses (i.e. nursery and school) are unlikely to conflict and lead to significantly detrimental highway concerns.

- 4.5.7 Also, the location of the nursery, close to residential properties, favours access by active transport means. The existing nursery building positioned over 100m away to the north does not offer any off-street provision, and therefore these existing arrangements place a reliance for parents to park on-street. Therefore, capacity to park on-street opposite the existing Longshaw Nursery Building on Peel Close will remain with only a short distance walk required.
- 4.5.8 In terms of vehicular access into the site, the existing arrangements currently comprise of a single entrance point. The proposal originally sought to create a separate entrance in and separate entrance out. The Council's Highways Officer expresses concerns stating '*the positions of the accesses appear restrictive for ease of access and egress into and out of the site*'. Also, by virtue of having two access points so close together pedestrian/child safety using the footway may be hindered. As such, amendments have been received and the proposal is to be contained to a single point towards the northern boundary. There is adequate visibility in both directions to allow pedestrians and motorists to see vehicles using the access and react accordingly. A scheme detailing the closure of the existing access is to be conditioned.
- 4.5.9 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. However, at this point the agent has made the Council aware that the construction base will be situated on the adjacent land immediately north of the site. The car park extension to facilitate the proposal will at first form a temporary basis by virtue of stoned surfacing to avoid any damages to the proposed Bituminous Macadam surface during building works. The agent has confirmed once the construction phase has been completed, the temporary car park will be used for a short period of time before the new hard surface is laid and final thermoplastic line parking bays are marked out. This will take place after occupation of the building when the school is shut either in the February or Easter 2023 half-term holidays when the car park is likely to be shut. This will be secured by condition.
- 4.5.10 The proposal would utilise the re-positioned footpath along the northern boundary to form a dedicated pedestrian access to reach the proposed nursery building. Therefore, no harm will arise to pedestrian safety from conflict with vehicles. Refuse collection and service delivery will continue using the existing arrangements via the north-eastern entrance and utilise the yard area for manoeuvring of larger vehicles.
- 4.5.11 The Council's Highways Officer has recommended that a Travel plan is submitted within 6 months of operation to understand what management will be put in place to support the drop off and pick up and also whether alternative modes of transport are encouraged. A further condition is to be added to ensure a scheme to be submitted for the provision of cycle storage and Powered Two-Wheeler parking to further ease the burden on car vehicular parking at the site.

- 4.5.12 When the above factors are considered, and subject to compliance with the recommended conditions, on balance the proposed development would be acceptable in relation to highway safety and parking provision, thereby according with Policy 10.

4.6 Environment

- 4.6.1 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.

Ecology:

Policy 9 with regard to ecology assessment emphasises that development likely to damage or destroy habitats or harm species of international or national importance will not be permitted.

- 4.6.2 An ecological appraisal has been submitted with the application. The Council's Ecological Consultants (GMEU) have reviewed the information provided and conclude that no significant ecological issues have been identified.
- 4.6.3 In relation to protected species, the appraisal found no evidence of any such species, and it has further been established that the small footprint of the development, located on amenity grassland is unlikely to give rise to any negative impacts on protected species. As such, no further survey work is required.
- 4.6.4 Turning to nesting birds, two trees are to be removed as part of the proposal. It has been recognised that these trees appear low risk in terms of providing bird nesting habitat, and therefore no concerns arise. However, an informative note is recommended to raise awareness to applicant that it is an offence under the Wildlife and Countryside Act 1981 as amended to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Subsequently, it is advised careful consideration is taken on the above point when tree removal occurs.
- 4.6.5 Concern has been raised regarding the loss of wildlife to the area with subsequent building. However given the fact that two large oak trees are to be retained as part of the proposal (discussed in the next section), the proposal is not considered to be detrimental to local wildlife population i.e. birds, squirrels etc.

Trees:

- 4.6.6 Point 11 of Policy 9 states that development proposals should incorporate existing trees into the design and layout. An Arboricultural Impact Assessment (AIA) accompanies the application due to presence of trees on site. Within close proximity to the proposed rear elevation of the building are two large common oak trees which have been categorised as 'A1' (high quality with an

estimated remaining life expectancy of at least 40 years). The Oak Trees are referenced T2 and T3 as shown on the 'Tree Constraints Plan'. The below image shows the two oak trees.

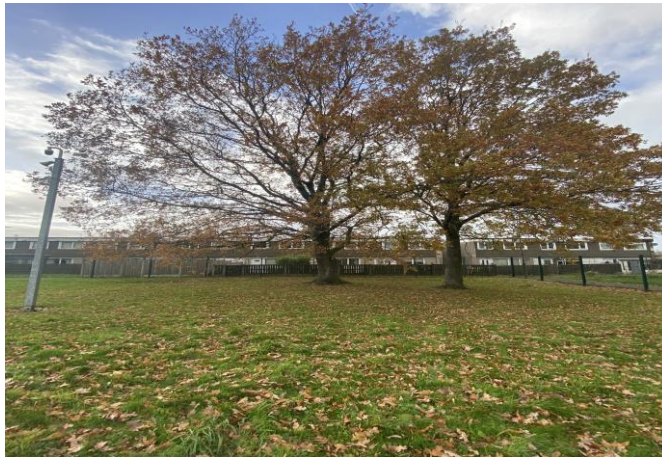


Figure 7: Site photo of the two common oak trees

- 4.6.7 Taking into consideration, the overall quality of the two oak trees which provide great ecological and visual value to the surrounding area, the proposal seeks to retain them both. The proposal building has been re-positioned a further 600mm east from its original siting to minimise any potential harm on the root protection area (RPA). As such, the rear elevation of the building will be approximately 5m and 6m away from the trunks of the tree.
- 4.6.8 As the proposal encroaches into the RPA of the trees the proposed nursery building is to be constructed using a pile and beam foundation approach which will therefore ensure minimal disturbance within the rooting zone. Minor pruning works are required to the trees to lift the crowns to a sufficient height, and thus avoid any conflict with the proposed building.
- 4.6.9 The type of surface for the play area within the RPA will be retained as soft surface and mulched. This method provides greater benefits to the oak trees and poses considerably less harm than hard surfacing. The proposal does involve a small footpath towards the rear of the building approx. 1.2m in width. The Arboricultural Method Statement (AMS) highlights that the footpath will be constructed using a cellular confinement approach and materials which is specifically designed as a tree root protection measure. The Council's Tree Officer initially cited a few concerns with the proposal, however has since raised no objections following the receipt of a revised AIA and AMS which have fully addressed any tree issue matters.
- 4.6.10 A Common Hawthorn and Downy Birch to the north of the site are to be lost, their removal is considered appropriate to construct the car park extension. The other remaining trees on the school grounds and those sited beyond the school's boundary in close proximity to Crosby Road are all to be retained.
- 4.6.11 A number of protection measures to the trees during the construction phase have been demonstrated which includes tree protective fencing, a

construction exclusion zone and temporary ground protection. A condition is recommended to ensure the development proceeds strictly in accordance with submitted AIA, along with the Tree Protection Scheme and AMS. The Council's Tree Officer has confirmed his availability for a pre-commencement site visit, in line with the requirement stated in the AMS.

4.6.12 A further 'add on' report to the Method Statement is required to be submitted to the LPA in regards to the new boundary treatment (noise barrier) along the western boundary of the site. This will include details regarding the construction i.e. making reference that there will be no machinery operating within the RPA and installation of the barrier to be carried out from the footpath side and not the tree/school side. Moreover, it will include information relating to the protocol in the event any roots are found during the erection of the fence and also this will be dealt with to ensure minimal disturbance to the trees.

4.6.13 Subject to compliance with those conditions, the proposed development would be acceptable in relation to arboricultural considerations, in accordance with Policy 9.

Drainage:

4.6.14 The site is within Flood Zone 1, as defined by the Environment Agency. As such, the site is considered to be at low risk from flooding. However, as a new build structure there will be additional runoff from the roof and this should be adequately controlled. The Council's drainage consultee (as Local Lead Flood Authority) offer no objections to the proposal, subject to submission of a foul and surface water drainage strategy to be secured via condition.

4.6.15 Furthermore, United Utilities have requested the control of surface water drainage to be investigated, in accordance with the hierarchy detailed in national planning guidance and will be appropriately worded within the condition relating to drainage.

4.7 Air Quality

4.7.1 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.

4.7.2 In response to such matters, BwD Public Protection have advised that an electric vehicle charging point should be provided within the existing car park. This will be secured via an appropriately worded condition. As discussed in the above highways section, a condition for cycle storage targeting other modes of transport would also assist in improving air quality in this locality. Subject to those conditions being abided by, the proposal would be acceptable in relation to air quality, thus meeting the requirements of Policy 36.

4.8 Summary

- 4.8.1 This application involves the erection of a new single storey nursery within the existing school grounds. The proposal also includes a car park extension to the existing with a further provision of 16 spaces.
- 4.8.2 In considering the proposal, a wide 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 NPPF.

5.0 **RECOMMENDATION**

5.1 **Approve 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 permission, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

- Drawing No. 4279 / XA05 002, Rev D – Location Plan;
- Drawing No. 4279 / XA05 003, Rev C – Proposed Site Plan; and
- Drawing No. 4279/ XA05 004 – Proposed Plan, Roof Plan & Elevations

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

3. Prior to commencement of above ground works hereby approved, and notwithstanding the submitted details, written and illustrative details of the external walling, roofing, window and door 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. 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 and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- (i) 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;
- (ii) separate systems for the disposal of foul and surface water;
 - (iii) details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, including provisions to ensure that the post-development discharge rate does not exceed the pre-development rate (incorporating a climate change allowance of 40%);
 - (iv) details of any necessary flow attenuation measures, including the use of SUDS where appropriate;
 - (v) details of how the scheme will be maintained and managed after completion; and
 - (vi) a timetable for implementation, including details of any phased delivery.

The duly approved scheme shall be implemented before above groundworks are commenced, or within any other timescale first agreed in writing with the Local Planning Authority.

REASON: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Policy 9 - Blackburn with Darwen Borough Local Plan Part 2 (2015), and the National Planning Policy Framework.

5. 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.

6. 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.

7. Prior to commencement of the development hereby approved, and notwithstanding the submitted details, 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

8. Prior to occupation or use of the development, a scheme for the construction of the site access and off-site works of highway improvements shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the development.

REASON: To provide for the safety and convenience of users of the highway, for the free flow of traffic, and to safeguard the amenity of neighbouring premises in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

9. The development hereby approved shall not be brought into use unless and until, the car parking scheme as detailed on the approved Proposed Site Plan, 'Drawing No. 4279 / XA05 003, Rev C' has temporarily been constructed, and laid out. The final Bituminous Macadam hard surface with thermoplastic markings should then be constructed either in the February or Easter School Holidays 2023 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To allow for vehicles visiting the site to be parked clear of the public highway, and to assimilate the new car parking areas in their surroundings in accordance with Policy 10 of the Blackburn With Darwen Borough Local Plan Part 2

10. Prior to occupation or use of the development hereby approved, a scheme detailing the closure of the existing access shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the existing access being physically and permanently closed; and the existing footway and kerbing of the former crossing being reinstated. The development shall be implemented in accordance with the approved details within 6 months of the formation of the new access or following the completion of the final hard surfaced car park.

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

11. Following six months of occupation of the development hereby approved, a Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Green Travel Plan shall identify measures that the occupiers will adopt to promote sustainable transport for staff, visitors, and deliveries and shall include details of how the proposed measures are to be implemented and monitored. The scheme shall be implemented in accordance with the approved details.

REASON: In the interests of sustainable transport objectives and in accordance with Policy 10 of the Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

12. Construction and / or demolition works shall not be permitted outside the following hours:

Monday to Friday	8:00 to 18:00
Saturday	9:00 to 13:00

Construction and demolition works shall not be permitted on Sundays or Bank or Public 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.

13. 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 Blackburn with Darwen Borough Local Plan Part 2.

14. A scheme for a noise barrier on the western boundary of the 'Play' areas shall be submitted by the developer. The scheme shall be agreed in writing by the Planning Authority, and implemented prior to commencement of the approved use, and retained thereafter.

REASON: To prevent a loss of amenity at neighbouring residential premises caused by noise, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

15. No more than 30 children at any one time shall use the outdoor areas labelled 'Play' on 'Drawing No. 4279 / XA05 003, Rev C – Proposed Site Plan'.

REASON: To prevent a loss of amenity at neighbouring residential premises caused by noise, in accordance with Policy 8 of the Local Plan Part 2.

16. Prior to commencement of above ground works hereby approved, and notwithstanding the submitted details, a scheme of boundary treatment(s) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the precise location, height and construction materials of all boundaries. The approved scheme of boundary treatment(s) shall be implemented prior to first occupation of the development and retained thereafter.

REASON: To ensure that the external appearance of the development is satisfactory in accordance with Policy 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

17. The use hereby permitted shall not operate outside the hours of 08:00 to 17:00 Monday to Friday. It shall not operate at all on Saturdays and Sundays.

Any variation of the above hours restriction must be approved in writing by the Local Planning Authority.

REASON: To ensure appropriate hours of use to minimise noise disturbance and safeguard the amenities of the adjoining premises and the area generally in accordance with Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

18. Prior to occupation or use of the building, a scheme for cycle storage provision and powered two-wheeler parking which includes details on the number, type of stands, location and shelter shall be submitted to and approved by the Local Planning Authority. The facilities shall be retained at all times thereafter.

REASON: To ease the pressure on off-street parking arrangements at the site and encourage other modes of transport, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

19. The development shall be carried out in strict accordance with the submitted Arboricultural Impact Assessment Overview, Rev B and Draft Tree Protection Scheme/Arboricultural Method Statement as prepared by Bowland Tree Consultancy Ltd, dated January 2022. Specified tree protection measures shall be adhered to throughout the period of construction. Prior to the installation of new boundary treatment to further enclose the site, an add on Arboricultural Method Statement report should be submitted to the Local Planning Authority which covers details regarding construction activities and measures to avoid disturbance to the trees with any new fencing.

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.

20. Should the proposal involve outdoor floodlighting, a scheme detailing the types, positions and heights shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The floodlights shall be installed in accordance with the agreed scheme and retained for the duration of the approved use.

REASON: To minimise potential loss of amenity due to intrusive light pollution affecting residents living in the vicinity, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

21. Prior to their installation, a scheme for the provision of an electric vehicle charging point within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented within the first six months of occupation and retained thereafter.

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. This condition implements the requirements of Council's Air Quality PAN and the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality. These are readily achievable mitigation measures that reflect current good practice and help to reduce the cumulative impact of current and future developments.

6.0 PLANNING HISTORY

Longshaw Infant School

- 10/92/1826 – Alterations and erection of additional classrooms, resource area and staff room. Approved, 06/01/1993.
- 10/94/0457 – Provision of pitched roof to school buildings. Approved, 13/05/1994.
- 10/07/0456 - Replacement of existing fencing with new palisade fencing to entire boundary. Approved, 29/06/2007.

Longshaw Nursery School

- 10/00/0640 - Conversion of flat roof to a 15 degree pitch with profile steel sheet. Approved, 23/11/2000.
- 10/07/0492 – Replacement of boundary fencing. Approved, 28/06/2007.
- 10/08/0037 – Erection of play equipment. Approved, 14/02/2008.
- 10/08/0174 - Children's steel embankment slide. Approved, 23/04/2008.

7.0 CONSULTATIONS

7.1 Statutory Consultation

7.2 BwD Highways

PROW – no implications

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

The proposal received is for Erection of Single Storey Nursery Building

Parking

In accordance with the adopted parking standards Class D1 the proposal would attract an allowance of (based on no of class/no of staff - 1.5 car spaces per 2 staff plus drop-off zone (in or outside curtilage) of 1 car space per 10 children.) 8 spaces for dropping off and picking up, and 8 spaces for staff parking. (85 children attending at any one session, and 10 staff (5f/t and 5p/t).

The Proposed Site Plan is read in conjunction with the amended Design & Access Statement received which provides further details on the number of children expected at each session and also the existing provision for parking together with what is proposed in addition.

The statement confirms an existing provision of 12 marked out parking bays. The additional requirement would be 16 spaces. The total spaces proposed are 27 space (albeit the end bays should not be considered as it does not have adequate room for manoeuvrability), which is an adequate provision to the support this current application, including drop off and pick up.

All bays should conform to the council bay sizes of 2.4 x 4.8m with 6m manoeuvrability into and out of the bays, those closest the entrance opposite the disabled bay appear to struggle with this.

The Highway Authority expresses concerns with regards to statement that parents would not be allowed to drop off and pick up within the school grounds. It is clear that there is a need, the statement continue to cite issue of parking on street, and on occasional they have had to seek assistance from PCO's. The additional 16 spaces proposed should be used to support the nursery staff/drop off and pick only, and should not be monopolised by the school.

I would advise that the nursery is asked to submit a Travel plan within 6 months of operation to understand what management will be put in place to support the drop off and pick up and also whether alternative modes are encouraged and what done to assist the drop off and pick situation as 8 spaces will not be sufficiently to deal with the matter at hand.

Please also attach a condition to ensure 8 bays are marked out for drop off and pickup only. Scheme to be submitted for approval.

2 spaces are provided for disabled use, these should be clearly marked out.

Although cycle parking is mentioned, no details are received on the number, type of stands, location or shelter. This together with provision for the parking of PTW is be received for approval.

We would request a condition also be attached to ensure the car park to support the nursery is delivered being the use becomes operational

Access

The Access is to be separated into two points with and in and out.

The positions of the accesses appear restrictive for ease of access and egress into and out of the site.

Having two access points so close together does have an impact on any pedestrian/ child using the footway to the front of the school. I would be minded to contain the access to single point. However if you minded to approve the positions of the access as set out, they would benefit from being straightened out to support the manoeuvre of vehicles entering and leaving the site.

Pedestrian access has been separated from the vehicular access, this is welcomed.

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, together with frequency of movements. Please request further details or condition accordingly.

Other

Construction Method Statement to be submitted for approval. Please condition

- 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

To conclude, in principle we would support the application subject to the above matters being satisfactorily addressed

7.3 BwD Drainage (Lead Local Flood Authority)

We have no objections to the proposals but require the following 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 and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- (i) separate systems for the disposal of foul and surface water;
- (ii) details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, including provisions to ensure that the post-development discharge rate does not exceed the pre-development rate (incorporating a climate change allowance of 40%);
- (iii) details of any necessary flow attenuation measures, including the use of SUDS where appropriate;
- (iv) details of how the scheme will be maintained and managed after completion; and
- (iv) a timetable for implementation, including details of any phased delivery.

The duly approved scheme shall be implemented before above groundworks are commenced, or within any other timescale first agreed in writing with the Local Planning Authority.

REASON: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Policy 9 - Blackburn with Darwen Borough Local Plan Part 2 (2015), and the National Planning Policy Framework.

7.4 Public Protection

Initial comments;

Predetermination - Noise

With reference to the above application, I will require the additional noise related information before I can make my recommendations.

The proposed nursery will accommodate 85 children in the morning and afternoon sessions, and they will be using an outdoor play area adjacent to residential premises. There is a likelihood that the resulting noise will give rise to significant loss of amenity.

I therefore recommend that the developer is asked to submit a noise assessment which determines the likely impact of the proposed development upon neighbouring residents. Where appropriate, it will identify mitigating measures to alleviate those impacts. Reference should be made to the National Planning Policy Framework and Noise Policy Statement for England. All potential sources must be considered. The assessment will consider outdoor and indoor amenity, and the impact of any impulsive character (e.g. from play equipment) or tonal noise shall be taken into account. Consideration should be given to WHO guidance and BS8233:2014. The applicant or their consultant is advised to contact Simon Kirby (simon.kirby@blackburn.gov.uk, Tel: 01254 585165) to discuss the required assessment methodology.

Air Quality

I recommend the following condition is imposed if the application is approved.

- Electric vehicle Charging - At least 1 electric vehicle charging point will be installed at the school. It will be mode 3, with a type 2 connector, and a minimum charging rate of 7 kW.

Reason: In accordance with 110 of the NPPF and the Council's Air Quality Planning Advice Note. National government policy is encouraging a transition away from internal combustion engines and towards ultra-low emission vehicles, including EVs, over the next 20 years. The government has committed to end the sale of new petrol and diesel cars and vans by 2030.

Contaminated land

A colleague will provide separate comments relating to the contaminated land information submitted with the application.

Further comments;

With reference to the planning application I have the following comments and recommendations.

NOISE

The predicted noise levels aren't high enough to justify a refusal on noise grounds. However, noise from the children playing outside will be evident in neighbouring residential homes and gardens for extended periods. As with all noise assessments, there is some uncertainty associated with the predicted outcomes, particularly as there is no standard method for assessing noise from nurseries.

I have recommended the following noise related conditions, as I am mindful of the third aim of the Noise Policy Statement for England, which states that we should,

“Where possible, contribute to the improvement of health and quality of life through the effective management and control of environmental, neighbour and neighbourhood noise”

Condition: Noise Barrier

A scheme for a noise barrier on the western boundary of the ‘Play’ areas shall be submitted by the developer. The scheme shall be agreed in writing by the Planning Authority, implemented prior to commencement of the approved use, and retained thereafter.

Reason: To prevent a loss of amenity at neighbouring residential premises caused by noise

Informative: One option could be a high close boarded wooden fence with an agreed minimum mass. There shall be no gaps or opening at the base of the fence and along its entire length. The agreed height and its massing will be dealt with through a discharge of condition application in reference to Condition No. 14.

Condition: Numbers of Children

No more than 30 children at any one time shall use the outdoor areas labelled ‘Play’ on drawing 4279/XA05-003

Reason: To prevent a loss of amenity at neighbouring residential premises caused by noise

Condition: Hours Restriction

The use hereby permitted shall not operate outside the hours of 08:00 to 17:00 Monday to Friday. It shall not operate at all on Saturdays and Sundays.

Reason: To prevent a loss of amenity at neighbouring residential premises caused by noise

7.5 Contaminated Land Officer

It is my understanding that an application is in for this site but that it has not been determined at this stage. The following comments are aimed at providing an overview of the type of information which would be required by this Department in relation to contamination, should the contaminated land condition be attached to any Decision Notices going forward. It does not pre-empt any planning decision, and must not be interpreted as such.

I refer to the reports submitted with this application and entitled:

Phase 1 Investigate, Longshaw Infant School, Longshaw Community Infant School, Crosby Road, Blackburn, BB2 3NF. Phase 1 Detailed Desk Study 07 August 2020

Phase 1

This Phase 1 concludes in the conceptual site model that ground gas is “*Unlikely, due to limited made ground deposits across the site and a lack of landfill sites within influencing distance. There are no records of organic rich drift deposits (e.g. peat) underlying the site and within the surrounding area.*” Yet it then goes on to conclude that ground gas monitoring is required. A CSM should identify potential pollutant linkages and then recommend investigation where a significant risk of a PPL is identified. In this case none was identified and yet ground gas monitoring was the recommendation. As regulators we always welcome a precautionary approach and carrying out monitoring where it is unclear where it is required. However this can lead to issues and expenses at a later date.

Phase 2

Ground Gas

As with the Phase 1 the Phase 2 reviews the CSM already completed above and identifies no significant ground gas sources. Yet it concludes ground gas monitoring should be carried out. When this was completed, the slightly elevated gases and flows measured were considered not to be representative as there’s no local ground gas source. The report states that “*Following guidance set out in CIRIA C66537 and BS848538 peak methane and carbon dioxide concentrations have been used in the gas risk assessment. In addition, and as per guidance, flow rates were measured first.*”

- If measured first had these flow rates achieved steady states?

The report goes on to suggest the measured flows are not representative because “*The shallow groundwater and measured variability are the likely cause of the variable positive and negative flow readings - i.e. a 'piston effect'.*” This maybe the case, but wouldn’t measuring a steady state flow account for this?

- Can the authors clarify whether the flows measured were representative of flows produced by gas and if not, can we discount the possibility of gas flow without further monitoring?

Sites such as this, where there is no obvious significant source of ground gas but where some landfill gas just in exceedances of 1-5% and some flow is detected are common. A relatively recent paper by Wilson et al 2019 entitled “*Risk and reliability in gas protection design – 20 years on: Parts 1 and 2*” was written in an attempt to address the over use of CS2 measures on sites such as this one where there is no obvious source of ground gas but it does come with a list of specific requirements before it can be applied. These include, as well as other factors, that there should be no on site ground gas source and, ideally continuous gas monitoring should be carried out. This isn’t always available and we recognise that this is just a scientific

paper and has not yet been incorporated into the guidance. However the paper maybe of some use.

Soil Contaminants

A few elevations compared to assessment criteria are quoted. However the site end use does not appear to be defined? Section 1.1 of the phase 2 states *"the site may be developed for a residential end use and that appropriate site investigation and risk assessment works are in place to allow conditional approval of any future planning application."* This doesn't define whether the end use criteria used were for residential with gardens or something else. It is our understanding that the proposed end use for this application is not residential but a school. Exceedances of appropriate assessment criteria are referred to in the text and reference is made to details in Appendix G. However, as far as I can see, Appendix G only lists all the available ACs for every land use and doesn't include specific of which were used here? Page 1 of the report mentions the site maybe developed for residential as does page 12, however later in the report the end use is defined, correctly, as a school. Section 6.2.2. includes a table of measurements that exceed the relevant assessment criteria, but doesn't define what these are? It refers to Appendix G, which shows all the available end use assessment criteria. It maybe that I have missed somewhere in this large report where the end use criteria was defined conclusively and which assessment criteria were used, how much these were exceeded by etc.

- Please clarify the appropriate end use and make it clearer whether the appropriate ACs have been exceeded and if so by how much.

Various arguments are then given to discount the exceedances of soil contaminants measured which on the face of it seem reasonable. However, before I comment further please clarify the above which will allow better assessment of the size of exceedances etc.

Conclusions

Overall I do not consider this site a particular high risk site and if the small questions above can be addressed, the pre-commencement condition should be relatively easily discharged. Whether the prior to permitted use can also be discharged at that stage depends on answers to the above bulleted questions, which in turn will define whether any remedial measures need validating.

As stated above, we would always encourage applicants to submit a comprehensive Phase 1, completed by an appropriately qualified and experienced consultant, to this department and await our review before commencing any expensive Phase 2 Intrusive Investigations. In cases such as this, where there is no obvious ground gas source, we would not have insisted on ground gas monitoring. As regulators we always welcome a precautionary approach of carry our gas monitoring regardless. However, the problem is then if gas and flow are detected expensive gas protection may then be required. In this case the consultants argue that, since there is no obvious source of ground gas, the levels of gas and flow measured can be

discounted. However that is a circular argument, since if there was no obvious source of ground gas and no significant pollutant linkage why complete monitoring in the first place?

As such, were this application to be successful, **I would recommend both of Blackburn's standard contaminated land conditions be attached to any resulting Decision Notice.**

I trust this clarifies this Departments position. Should you require any further information, I can be contacted at the above number, or alternatively email david.johnson@blackburn.gov.uk.

I 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 of the Environmental Protection Act 1990. Those providing expert advice to developers should be aware of the future reliance that may be placed on it.

7.6 BwD Cleansing

No objections.

7.7 BwD Property

Property management do not have any objections to the planning application.

7.8 United Utilities

With regards to the above development proposal, United Utilities Water Limited ('United Utilities') wishes to provide the following comments.

Drainage

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.

We would be grateful if the applicant can submit a plan outlining the proposed levels (including finished floor levels and ground levels) shown in metres above Ordnance Datum. We would also ask that the applicant provides an indicative foul & surface water drainage strategy. We request that this information is submitted for our review and comment prior to the determination of this application. On receipt of this information we will be able to provide further comment.

We request the following drainage conditions are attached to any subsequent approval to reflect the above approach:

Condition 1 – Surface water

Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 5 l/s.

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. This condition is imposed in light of policies within the NPPF and NPPG.

The applicant can discuss any of the above with Developer Engineer, **Gary Jaundrell**, by email at wastewaterdeveloperservices@uuplc.co.uk.

Please note, United Utilities are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for Adoption and United Utilities' Asset Standards. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the

Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

For schemes of 10 or more units and other major development, we recommend the Local Planning Authority consults with the Lead Local Flood Authority regarding the exact wording of any condition. You may find the below a useful example:

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.

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances.

Water Supply

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for.

To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at DeveloperServicesWater@uuplc.co.uk.

Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

United Utilities' Property, Assets and Infrastructure

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

For advice regarding protection of United Utilities assets, the applicant should contact the teams as follows:

Water assets – DeveloperServicesWater@uuplc.co.uk

Wastewater assets – WastewaterDeveloperServices@uuplc.co.uk

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

A number of providers offer a paid for mapping service including United Utilities. To find out how to purchase a sewer and water plan from United Utilities, please visit the Property Searches website; <https://www.unitedutilities.com/property-searches/>

You can also view the plans for free. To make an appointment to view our sewer records at your local authority please contact them direct, alternatively if you wish to view the water and the sewer records at our Lingley Mere offices based in Warrington please ring [0370 751 0101](tel:03707510101) to book an appointment.

Due to the public sewer transfer in 2011, not all sewers are currently shown on the statutory sewer records and we do not always show private pipes on our plans. If a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

Should this planning application be approved the applicant should contact United Utilities regarding a potential water supply or connection to public sewers. Additional information is available on our website <http://www.unitedutilities.com/builders-developers.aspx>

7.9 Childrens Services

No comments.

7.10 Tree Officer

As discussed, if this application is to progress from a tree point of view, I would need to see a revised design layout plan that shows minimal encroachment into the Root Protection Area (RPA). Reference to the specialist foundations should also be highlighted on the plan.

The Arb Consultant would then incorporate the layout into an Arboricultural Method Statement (AMS) that includes a Tree Protection Plan. Issues to be covered are: Details for any minor Facilitation Pruning, Ground Protection Boards and Fencing locations. Other points to be covered include, the type of Play Area surfacing within the RPA and any other potentially damaging activities proposed in the vicinity of the two trees to be retained.

Typically, an AMS would include the need for a pre-commencement site meeting with the Council's Tree Officer and the Developer and/or Site Foreman.

Jamie, if you are minded to approve the application, a landscaping condition could be set to mitigate the loss of the trees near the entrance.

Final comments;

All the relevant points regarding trying to protect the trees during the construction phase have been covered in detail. The method statement points out the need for a pre-commencement site visit with an arb consultant and/or a tree officer from the Council, I can be made available for this.

If when summing up your comments please can you highlight the need for the development to be carried out in accordance with both Arb documents, particularly the Tree Protection Scheme that would be appreciated.

7.11 Ecology – GMEU

Summary

The developer's ecological consultant identified no significant ecological issues. Issues relating to nesting birds and biodiversity enhancement measures can be resolved via condition and or informative.

Protected Species

The small footprint of the development, located on amenity grassland is such that the likelihood of any negative impacts on any protected species is very unlikely. In addition, no evidence of any such species was found during the ecological appraisal or suitable habitat and no evidence found of any such species nearby from local records. I am satisfied that no further information or measures are required.

Nesting Birds

Three trees are located within the development site. All appear avoidable ie could be retained and no mention is made within the arb. report that the trees require removal. They are not however shown on the proposed site layout. They appear low risk in terms of providing bird nesting habitat, based on the photographs. I am therefore satisfied that all that is required is an informative should tree removal occur.

The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a birds nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

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. The development will

result in a small area of amenity grassland and potentially up to tree native trees with associated bird nesting habitat. If trees are to be lost, I recommend mitigation is provided in the form of native tree planting such as silver birch. I would also recommend the provision of one bird box on the new build, ***the details can be conditioned.***

7.12 Public Consultation

Neighbourhood consultation letters were sent out on 9th November 2021, to 41 properties surrounding the application site. A further re-consultation letter was sent out on the 11th February 2022 to these addresses notifying them of amendments to the scheme. In addition, a site notice was displayed on Crosby Road. In response to the public consultation, 4 objections were received, two of which were from the same address. A summary of the representations can be found under section 10 of this report.

8.0 CONTACT OFFICER: Jamie Edwards, Planning Officer

9.0 DATE PREPARED: 04 February 2022

10.0 SUMMARY OF REPRESENTATIONS

Objection – Mr J A Roberts, 15 Crosby Road, Blackburn, Received 15.11.21

I wish to register my objection to the referenced planning application. As from my signature you can tell I live in close proximity to said nursery. I get screaming kids all day and parents parking where they like blocking the junction of Crosby/Manxman rd's and peel close dropping off and collecting, combine this with the school at the other end and parking for residents is a nightmare, junctions, pavements, drop kerbs etc mean nothing to these road users. We've had police and parking enforcement occasionally doing drop by's but never at the main times when nuisance is caused. Ive been here nearly 5 years now and ive heard and witnessed crashes and fights between motorists vying for parking spots. An increase of places will only mean an increase of selfish parents.

Objection – Mr J A Roberts, 15 Crosby Road, Blackburn, Received 17.01.22

Thank you for the updated letter regarding the planning application for Longshaw Infants School and for my input.

My reservations and objections for this still remain the same as under the previous application and my response to that application. Wholly around parking issues, especially around pick up and drop off times. Crosby Rd is a single width road from the school to the junction of Peel Close and onto Manxman Rd due to parking of teachers and support staff at the main school at the far end. On many occasions I've had to park near to peel close, but then if I have a load of shopping to carry to my home its detrimental to my health I am semi disabled with a vehicle and if I go out I have to stay out till at least till after the school has closed and the early nursery traffic has cleared. Its also bad with the chip shop and hairdressers parking up the kerbs on junctions. There is also a noise issue with Kids although playing are screaming during warmer weather when most are outdoors and my windows are open. Under GDPR I cannot speak for my direct neighbours but many are of a similar opinion. Maybe visit the area at peak times and gauge the problems caused during the week, unthoughtful parking clogging up junctions, blocking drop kerbs for emergency access as I said visit and see.

Thank You

Objection – Miss Gillian Kendal, 55 Peel Close, Blackburn, Received 24.01.22

Dear Sir/Madam,

I am writing regarding the planning application for Longshaw Nursery school Ref: 10/21/1210.

I have a few issues I am concerned about.

A) the amount of traffic which will try to drive down to Longshaw Infant School which is a cul-de-sac. It already has issues with parking,. On numerous occasions the traffic wardens have had to be present which traffic moves when they see them then day after the problem reoccurs. As it stands now some cars drive on to peel close to walk up the gunnel to get to the infants. I fell this will get more traffic once the nursery is moved.

B) where are the staff from the nursery school going to park, as there is inadequate parking for the infant school staff now,

C) I feel it may block the light to our houses. There would also be a loss of privacy with it overshadowing our gardens,

D) will there be enough room for the children to play out and have equipment to play on i.e. a climbing frame & slide. also a grassy area to play on, at the nursery they have currently loads of space, once the nursery is built by looking at the plans it doesn't seem to have adequate space for the amount of children the nursery will have for outdoor activities.

E) what about the trees that are currently on the grass near the bottom fence will they be staying or being removed. Also on the corner of the grass near trees when it rains the grass floods & in the summer the ducks frequently visit. Also my concern the affect it will have on the wildlife that visit the trees i.e. birds, squirrels etc.

would it not be more feasible for the land in between the infants & Nursery school to be used for a new nursery as it was once a nursing home the land would be big enough for a nursery, a play area and a car park to accommodate staff from both schools. The land is also large enough to extend in the future when more children who need to attend these schools due to a growing population & housing development in the area rather than over developing the current infant site.

I look forward to hearing from you.

Objection – Caroline Singleton, 57 Peel Close, Blackburn, Received 24.01.22

To whom it may concern

I have recently been sent a letter regarding full planning application for the erection of a single storey nursery building to be built on the property/grounds of Longshaw Infant School, Crosby Road, Blackburn BB2 3NF.

I wish to raise a number of concerns regarding this development.

Although this is a single storey building, along with its roof it will be of some height and this will block light entering nearby properties. There also seems to be a small playground which appears to be even closer to the nearby properties. This will obviously affect neighbours with noise disruption which will depend on the opening times of the nursery. Having screaming nursery children from 8am until 6pm, five days a week is bound to have an effect on a person's wellbeing.

I am not sure you have fully taken into account the amount of wildlife that use the trees that are situated near to where the planned playground will be (providing the trees are staying). I see numerous species of birds frequenting the trees on a daily basis including a woodpecker (not as often). Squirrels can often be seen in the trees and on the ground burying their nuts. It would be a shame to take this land away from them. The far corner of the grass gets waterlogged when we have extra rain and is visited by a small group of ducks every year that sit in the makeshift pond. All this will be lost if the nursery is built on this land.

The current access to the infant school is quite poor as it is with many parents choosing to drive their children to school. The school is situated on Crosby Road which is a cul-de-sac. However, many parents chose to drive down the narrow cul-de-sac to drop their children off. The road gets grid locked which is already a danger to children. Having both schools at the end of one cul-de-sac will cause mayhem.

Having been inside the current nursery school, the new single storey building appears to be much smaller with a much smaller play area. I thought the need to build a new nursery would be to cope with a growing population therefore it would make sense for the building to be larger, or have the scope to extend. If in the future, when it is realised that an extension is needed, were would this go. The only option would be to then build upwards.

There is also the problem of parking. There are currently not enough parking spaces on the car park for the staff already working at the infant school and they have to park along the road. Where do you propose the nursery school staff park as they currently have their own car park which does not appear to be on the plans for the new nursery building. The parents driving their children to nursery school would also need to park when dropping their children off and I feel they would be encroaching the nearby estate, Peel Close. This is also a cul-de-sac. There is already an ongoing problem with parents from the infant school parking outside peoples homes and blocking driveways and feel that this would create an even bigger problem with high traffic congestion on what was a quiet little estate.

There is a large plot of land between the current nursery and infant school and feel it would make more sense to build the nursery school on land where there was once already a building, along with adequate car parking.

I hope you investigate these concerns fully and I await to hear from you.

Kind regards

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/21/1393

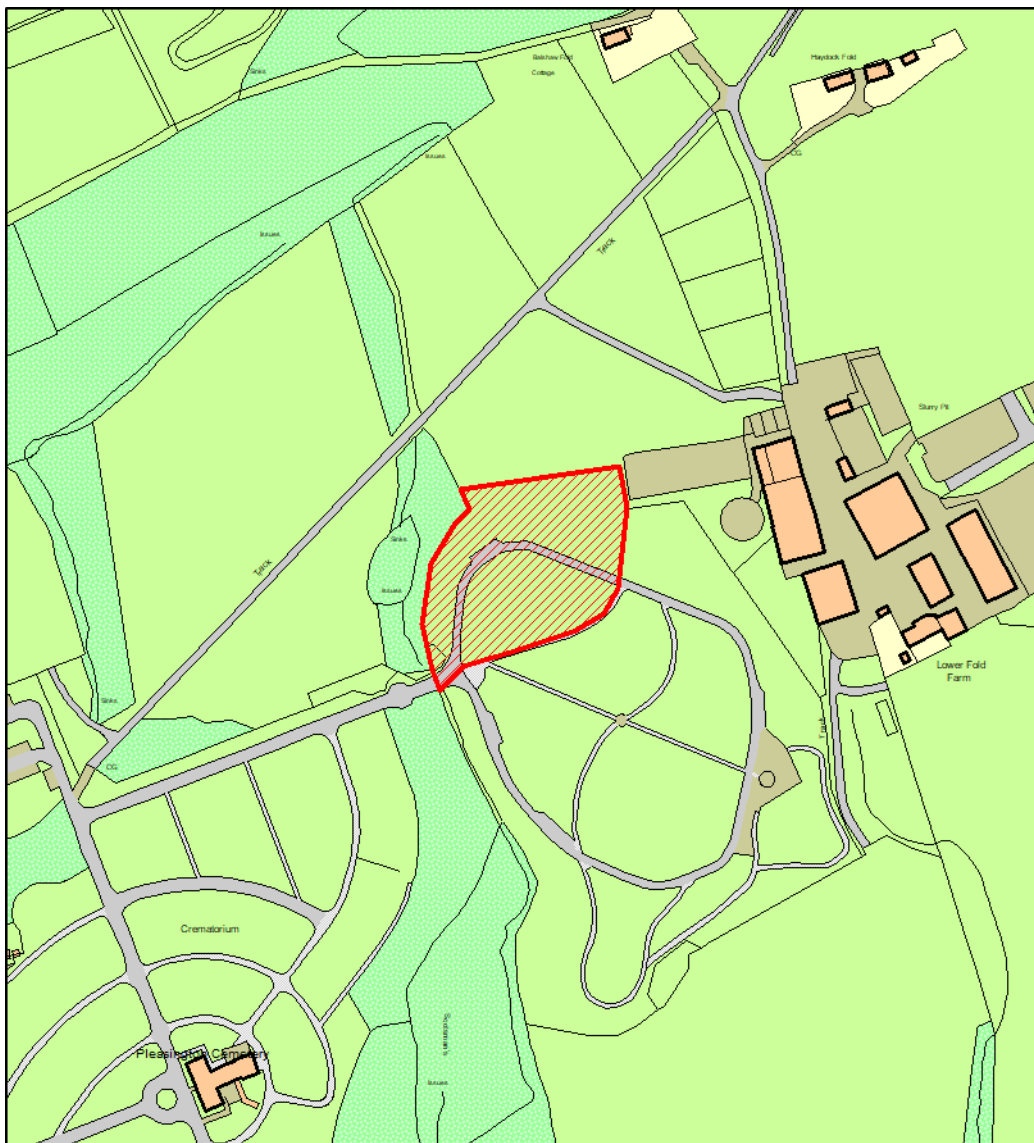
Proposed development: Construction of new prayer room facility including soft landscaping works and associated parking

Site address: Pleasington Cemetery, Tower Road, Blackburn, BB2 5LE

Applicant: Blackburn with Darwen Borough Council

Ward: Livesey with Pleasington

**Councillor Mark Russell
Councillor Derek Hardman
Councillor Paul Marrow**



1.0 SUMMARY OF RECOMMENDATION

- 1.1 The proposed development is recommended to be granted planning permission, subject to the conditions detailed below 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. A number of concerns from members of the public together with Pleasington Parish Council have also been received. The concerns raised principally involve parking requirements and the potential for congestion to occur. Future burial arrangements and the design of the building have also been raised. A summary of the responses received is provided below in Section 7.
- 2.2 The proposed development has been publicised through letters to residents of the residential property i.e Lower Fold Farm. Site notices were displayed outside of the site and at the main entrance point from Tower Road on 26th January 2022. In addition, a number of reconsultations have taken place with neighbours and consultees upon the receipt of new/amended information.
- 2.3 The Council's development plan supports new religious developments and associated works, provided they constitute sustainable development, and accord with the development plan when taken as a whole.
- 2.4 The proposed development involves the erection of a single-storey building to be used primarily as a prayer room for funerals. An associated ablutions area and WCs would be provided within. In support of the new building, a parking area and waiting bay would be formed to its south elevation together with supplementary tree planting.
- 2.5 On balance, the proposed development 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;
- Assessing impacts on the green belt;
 - Ensuring the visual amenity of the locality is not adversely harmed;
 - Safeguarding the residential amenities of the closest neighbours;
 - Controlling parking activities within the site;
 - Mitigating tree loss;
 - Ensuring no adverse ecological harm is caused;
 - Foul and surface water drainage,
 - Assessing previous coal mining activity, and;
 - The potential for minerals extraction.

3.0 RATIONALE

3.1 Site and Surroundings

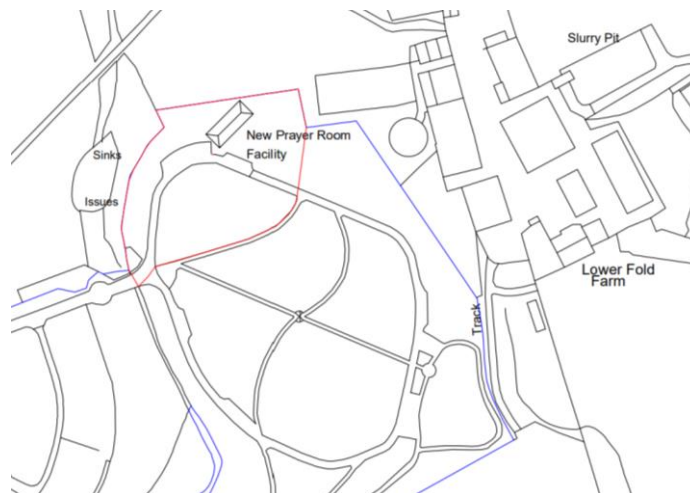
- 3.1.1 The application site is a plot of cemetery land located to the north of the settlement boundary of Blackburn, within the green belt. The site is currently covered in young Willow, Birch, Field Maple, Hawthorn and Alder, which were planted in the past 10 years. Vehicle access is currently gained via the single-track road system that spans the cemetery, from Tower Road.

Figure One – Satellite image of the site



- 3.1.2 The site covers an area of circa 1.6 acres and has an irregular shape. A road spans its centre with a footway along the south boundary. Agricultural and equestrian land uses associated with Lower Fold Farm surround to three sides with wider cemetery land positioned immediately to the south, which is edged in blue on the submitted Location Plan shown below.

Figure Two – (amended) Location Plan showing the extent of the site and existing access point



3.2 Proposed Development

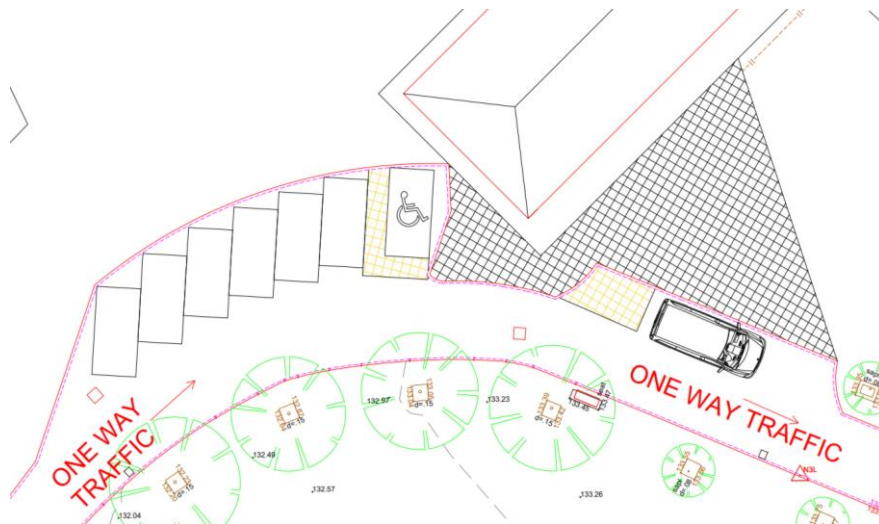
- 3.2.1 As detailed above, this application seeks full planning permission for the erection of a single-storey building to be used primarily as a prayer room. An ablutions area and WCs would also be provided within. The building would have a footprint of circa 235 square meters and a dual-pitched roof up to 3.7m in height. Bricks and concrete tiles would be used to externally finish the building and it would be fitted with white uPVC doors and windows.

Figure Three – Proposed Elevation Plans



- 3.2.2 An extended parking area would be formed to the south of the building providing six standard parking bays together with a larger bay for disabled drivers. A waiting bay would be provided to the southeast of the building for longer vehicles e.g. hearse, with tarmac hardstanding applied as the surfacing treatment. Supplementary planting would also be provided to the south and east of the building.

Figure Three – Proposed Site Plan with new parking area



3.3 Case Officer Site Photos



3.4 Development Plan

3.4.1 Local Plan Part 2 (adopted December 2015)

- Policy 3: The 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

3.4.2 BwD Parking Standards

- D1: Public Halls/Places of Worship – 1 space per 10 square meters

3.4.3 Joint Lancashire Minerals and Waste Local Plan: Site Allocation and Development Management Policies – Parts One and Two

4.0 **ASSESSMENT**

4.1 Preliminary Matters

- 4.1.1 Concerns have been raised in public and consultee comments regarding future burial arrangements. However, this application covers solely the erection of a building and associated ground works and the scope of this assessment is limited to those works alone.

4.2 Impacts on the Green Belt

- 4.2.1 As detailed, above, the site is positioned within the green belt. The principle of development should therefore be established under the provisions of Policy 3

of the adopted Local Plan. Concerns have been raised in consultee comments given the sites position within the allocation. Policy 3 states that within the green belt, planning permission will not be granted for inappropriate development, except in very special circumstances, or where another policy in the local plan specifically supports a proposal. The construction of new buildings is inappropriate development in the green belt, except in a number of specific circumstances.

- 4.2.2 Those exceptions include the provision of appropriate facilities for cemeteries, as long as the development preserves the openness of the green belt and does not conflict with the purposes of including land within the allocation. Whilst the submitted plans would suggest the building would have a religious purpose moving forward, the proposed development would be ancillary to the primary function of the cemetery, as it would provide a prayer facility to be used during funerals. The proposed development therefore complies with the initial requirements of Policy 3.
- 4.2.3 When assessing losses of openness, the relatively limited height and scale of the building should be taken into account. It would be contained within a corner of the cemetery and adjacent to mature trees along the north boundary, which would all be retained. A condition is recommended to agree the scope of any required tree protecting fencing for those trees. Such a condition is necessary in order to prevent damage to mature trees, which provide valuable screening.
- 4.2.4 A further condition is recommended to agree a supplementary planting scheme. Such a condition is necessary in order to soften the massing of the building when viewed from the south and east. Subject to compliance with those conditions, and when the public benefits generated are taken into account, the proposed development would not lead to any material losses of openness within the site. Compliance with Policy 3 is thus achieved.
- 4.2.5 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;

4.3 Design and Visual Amenity

- 4.3.1 In general terms, Policy 11 requires all 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. Concerns have been raised in public and consultee comments on design grounds.
- 4.3.2 The cemetery is currently interspersed with a number of brick built freestanding buildings that occupy prominent positions in their immediate setting. Buildings of the type proposed here are commonplace in the context of open public areas and the presence of another such building would not be harmful to visual amenity.

4.3.3 External construction materials are proposed that would accord with the existing buildings on the wider site. The proposed building would form a functional structure and the use of robust materials such as bricks within the construction will secure its longevity. A condition is recommended to ensure the development is built in strict accordance with the materials and details submitted. Subject to compliance with that condition, together with the recommended condition regarding supplementary planting, the proposed development would be acceptable in relation to design and visual amenity, in accordance with Policy 11.

4.4 Public Amenity

4.4.1 Policy 8 states that all development proposals must secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself, with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy/overlooking, and the relationship between buildings.

4.4.2 Concerns have been raised in public comments given the potential for additional traffic movements to disturb existing and future site users. Such matters ultimately relate to the amounts, locations and management of parking provision, which is covered in subsequent sections of this report.

4.4.3 Ample separation would be maintained between the adjacent agricultural/equine land uses to ensure adverse levels of disturbance do not arise for future site users. BwD Public Protection have reviewed the merits of the proposals and no objections have been raised on noise or disruption grounds. As proposed, the development is thus acceptable in relation to public amenity.

4.5 Highways and Parking

4.5.1 Policy 10 outlines a general requirement for all 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. Public objections have been raised on parking and highways grounds.

4.5.2 As detailed above, an extended parking area would be constructed, providing 7 spaces in total together with a wide waiting bay. When the parking requirements of the proposals are measured against the BwD Parking Standards, a need for 23 spaces is applicable. Whilst it is acknowledged that the wider site could provide further parking, the needs of this development are in-parts to facilitate future burials within this area of the cemetery. Land within the Borough for such requirements is at a premium and the provision of further parking around the building is not a viable option for the cemetery moving forward.

4.5.3 That said, the wider site is provisioned with an abundance of parking opportunities, including an underused 44-space carpark within 300m of the

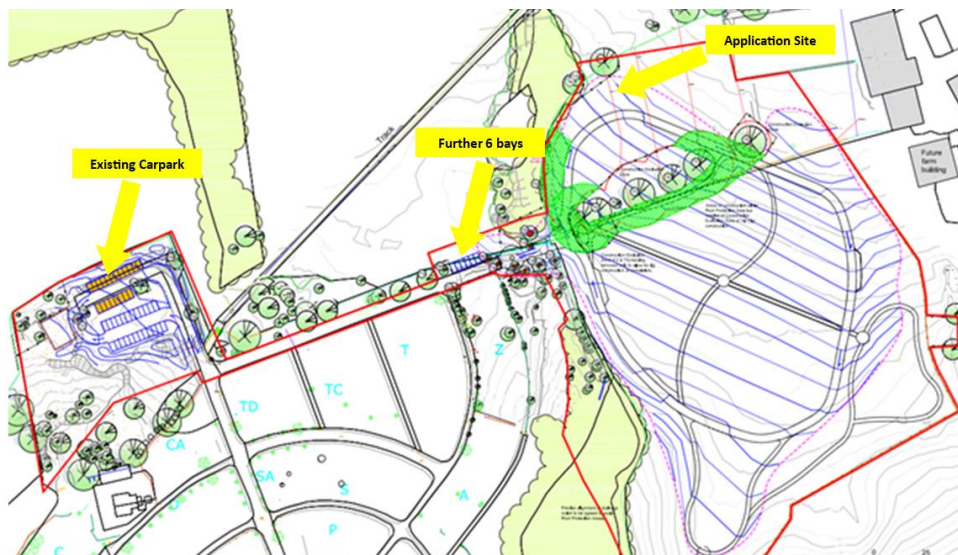
application site, shown below in Figure Four. The carpark was approved under application 10/11/0616 and there is an extant permission to form a further 6 parking bays between the site and existing carpark. The approved plan for that application is shown below in Figure Five and the Agent has confirmed that the further 6 bays will be provided to support this development.

Figure Four – Plan showing proximity to existing carpark



- 4.5.4 The distance between the existing carpark and site is walkable for most people and its presence is of significant benefit to this proposal. A condition is recommended to ensure the proposed parking area is provided adjacent to the building. Such a condition is necessary in order to ensure a certain level of parking is provided immediately adjacent to the development for those that are less able to walk from the existing carpark.

Figure Five – Approved Proposed Site Plan for application 10/11/0616



- 4.5.5 In terms of how wider traffic movements will be managed, the submitted supporting statement identifies a requirement for marshals to oversee comings and goings during funerals. Such an approach has been successfully deployed

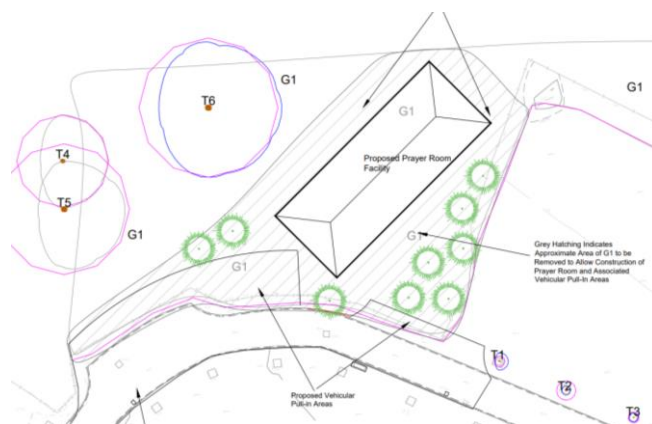
previously for many other Council managed sites with high parking requirements. A condition is therefore recommended regarding the submission of a Traffic Management Plan, as requested by BwD Highways.

- 4.5.6 The plan should cover how users of the development would be diverted to the large existing carpark as the first port of call together with any required overspill arrangements. In addition, the submitted plans indicate that it is the intention to install a one-way marking system around the cemetery, which would be of further benefit to managing traffic movements associated with the proposals.
- 4.5.7 Further conditions have been advised by BwD Highways to encourage sustainable modes of transport and control the logistics of the construction phase. It is recommended that both of those conditions be added. Subject to compliance with the attached conditions, the proposed development would be acceptable in relation to highways and parking, in accordance with Policy 10.

4.6 Arboricultural Considerations

- 4.6.1 As detailed above, young trees currently cover most of the site and the submitted plans indicate that many of the trees would be removed. None of the trees are protected by a preservation order and the legal fallback position is that the landowner could clear-fell the site at any point. That said, Policy 9 states that all development proposals are expected to incorporate existing trees into their design and layout, where achievable.
- 4.6.2 If the removal of one or more trees is permitted as part of a development, a condition is required to ensure an equivalent number or more new trees are planted within the site. In support of the application, an Arboricultural Impact Assessment Overview has been provided. The BwD Arboricultural Advisor has reviewed the submitted assessment and the merits of the proposals as a whole. No objections have been raised, subject to a tree protection fencing scheme being agreed by condition.

Figure Six – Plan showing trees to be retained and indicative landscaping



- 4.6.3 In relation to replacement trees, given that a group of densely planted young trees would be removed, it may not be feasible to replant the same number as those lost. That said, a well-designed landscaping scheme would provide

adequate mitigation. Subject to the imposition of a condition to ensure replacement trees are planted, together with a further condition to ensure protection fencing is provided for any trees (including memorial trees) and boundary hedges to be retained, the proposed development would be acceptable in relation to arboricultural considerations.

4.7 Ecological Considerations

4.7.1 Further requirements within Policy 9 state that all development proposals must avoid unacceptable impacts on environmental assets or interests, including habitats and species. In response to those requirements, a Preliminary Ecological Appraisal has been submitted. The BwD Ecological Advisor has reviewed the submitted appraisal and merits of the proposals as a whole. No objections have been raised and no species of merit were found during the site investigations.

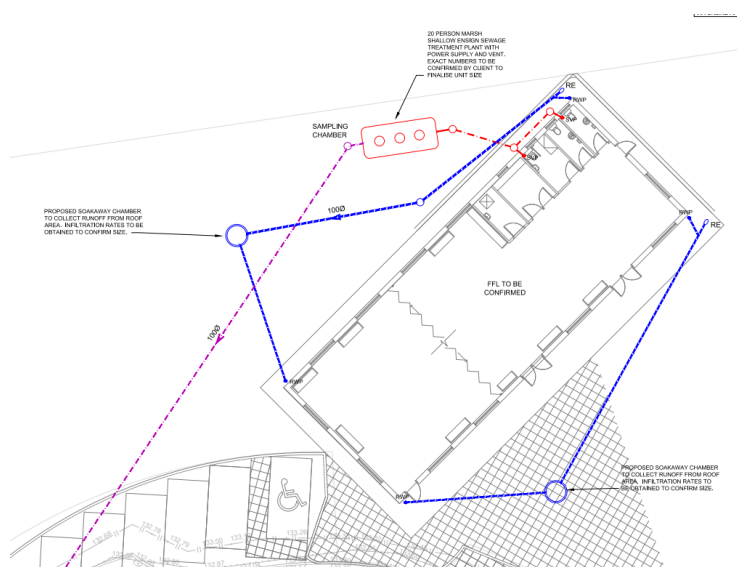
4.8 As detailed above, a condition is recommended regarding the installation of tree protection fencing. Such fencing should also be used on any hedgerows close to the application site given the ecological benefits such features provide. In addition, a condition is recommended to agree the scope of any required external lighting sources. Such a condition is necessary in order to minimise disturbance for nocturnal species such as bats. A number of measures of ecological mitigation are detailed within the submitted appraisal, which include measures to minimise harm to amphibians, mammals and nesting birds during the construction phase.

4.9 A further condition is recommended to ensure construction works proceed in strict accordance with those recommendations. Moreover, the recommended landscaping condition includes additional requirements regarding the submission of biodiversity enhancement measures, as requested by the BwD Ecological Advisor. Subject to compliance with those conditions, the proposed development would be acceptable in relation to ecological considerations.

4.10 Drainage

4.10.1 Further requirements within Policy 9 state that all development proposals must not be subject to an unacceptable risk of flooding, or adversely contribute to the risk of off-site flooding. Adequate drainage provisions should also be provided that accord with national guidance. In support of those requirements, a Drainage Strategy has been provided. Surface water would be drained via a pair of soakaways that stagger the proposed building. Foul water would be cleansed through a package treatment plant and then diverted to an existing drain within the internal highway network. A plan of the Drainage Strategy is detailed below.

Figure Seven – Submitted Drainage Strategy



4.10.2 BwD Drainage have reviewed the submitted Drainage Strategy and merits of the proposals as a whole. No objections have been raised, subject to the imposition of a condition to agree the technical details of the soakaway system to be installed, which is recommended. A further condition is recommended to ensure foul waters are drained in accordance with the submitted details. Subject to compliance with those conditions, the proposed development would be acceptable in relation to drainage, in accordance with Policy 9.

4.11 Coal Mining

4.11.1 The site falls within a high-risk area for former coal mining activity. Further requirements within Policy 8 state that in the case of potentially unstable land, a land remediation scheme must be secured which provides a safe environment for future site users. The Coal Authority has reviewed the merits of the application and a formal objection was initially made in the absence of a Coal Mining Risk Assessment.

4.11.2 Such an assessment has subsequently been submitted, which concludes;

At this stage, the site is considered low risk and a watching brief for evidence of mining shall be carried out during site works. The development comprises a modular building with relatively light loading. There will be no “traditional” in ground foundations. Subject to a clear “watching brief” then a reinforced foundation such as a raft below a basal slab is considered acceptable. The raft foundation may be underlain by a gas ventilation layer to allow any mine gas to diffuse to atmosphere. A gas membrane may be fitted below the screed if required, for example if there is a viable gas migration pathway into the modular building following the slab / raft design. Therefore, LKC consider the study site should be capable of being made safe and stable to meet the requirements of national planning policy with regard to development on unstable land.

4.11.3 Having reviewed the submitted assessment, the Coal Authority has removed their objection and no conditions have been advised. As proposed, the development is thus acceptable in relation to coal mining, in accordance with Policy 8.

4.12 Minerals Safeguarding

4.12.1 The application site is positioned within an allocated Minerals Safeguarding Area. There are no policies in the development plan to regulate such activity. That said, Parts 1 and 2 of the Joint Lancashire Minerals and Waste Local Plan should be applied when assessing such matters. In response to those requirements, a Mineral Resource Assessment has been submitted, which concludes;

The site is located within a Mineral Safeguarding Area for sandstone and coal. If coal and sandstone are present below the proposed development site, it would not be practical or economical recover those deposits via conventional quarrying or mining methods due to sensitive nature of the current and surrounding site use. The site therefore meets the requirements of Criterion 1 of the mineral safeguarding policy and criterion 5 of Policy M2, therefore the proposed development is acceptable in a Mineral Safeguarding Area

4.12.2 Such an assessment is adequate to demonstrate that minerals extraction from the site not viable and the proposed development is acceptable in relation to Minerals Safeguarding.

4.13 Summary

4.13.1 This application involves the erection of single-storey building to be used as a prayer room in support of funerals. An extended parking area would also be provided adjacent to the building together with soft landscaping. 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 3.4.

4.13.2 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 terms of impacts on the green belt, design and visual amenity, residential amenity, highways and parking, arboricultural considerations, ecological considerations, drainage, coal mining, and minerals safeguarding.

4.13.3 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 and informative note.

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 (BS CA/21-22 0023 02 – Revision B), BS CA/21-22 0023 01 – Revision A and BS CA/21-22 0023 03 – Revision B.

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

3. No development shall commence on site unless and until, a Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include protection measures for all the trees to be retained within the site and along the site boundaries and it shall be strictly adhered to throughout the construction phase.

REASON: In order to minimise damage to trees during construction works, in the interests of the green belt and visual amenity, and to comply with the requirements of Policies 3 and 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

4. No development shall commence on site unless and until, a detailed landscaping scheme has 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 of biodiversity enhancement measures.

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: In order to provide replacement trees on site, in the interests of the green belt, local ecology, and visual amenity, and to comply with the requirements of

Policies 3, 9 and 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5. The external materials to be used for the construction of the development hereby approved shall be as stated on the application form and approved drawings and they shall not be varied within the prior written consent of the Local Planning Authority.

REASON: Those materials are acceptable for the proposed and site, in the interests of visual amenity, and 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).

6. The development hereby approved shall not be brought into use unless and until, the car parking provision as detailed on the approved plan 'BS CA/21-22 0023 03 – Revision B' has been provided in its entirety. Any car parking provided shall thereafter remain in perpetuity with the development.

REASON: In order to ensure car-parking provision is in place to service the development, 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).

7. No development shall commence on site unless and until, a Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in strict accordance with the approved plan.

REASON: In order to minimise congestion within the site, 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).

8. 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) A scheme for recycling/disposing of waste resulting from construction works;
- f) Details of the type, position and height of any required external lighting, and;
- g) 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: In order to control the logistics of the construction phase, 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).

9. Prior to the commencement of any above ground works on site, a motorcycle parking and covered cycle storage scheme shall have been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be brought into use until the agreed scheme has been provided in its entirety.

REASON: In order to encourage modes of transport that do not require parking provision, in the interests of minimising congestion, 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).

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 disturbance for nocturnal species, in the interests of local ecology, 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).

11. The development hereby approved shall be implemented in strict accordance with all of the measures of ecological mitigation detailed within the submitted Preliminary Ecological Appraisal, prepared by Bowland Ecology and dated November 2021.

REASON: In order to minimise harm to ecological populations, in the interests of local ecology, 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).

12. Prior to their installation, details confirming the type of soakaway systems to be used, together with the relevant infiltration tests, shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the agreed details.

REASON: In order to ensure adequate surface water drainage systems are put in place to service the development, in the interests of minimising flooding, 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).

13. The development hereby approved shall not be brought into use unless and until, the foul water drainage system as detailed on the submitted Drainage Strategy has been installed. The measures provided shall thereafter remain in perpetuity with the development.

REASON: In order to ensure adequate foul water drainage systems are put in place, in the interests of public health, 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).

Specific Informative

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.

6.0 RELEVANT PLANNING HISTORY

- 6.1 10/04/0007 – Extension to prayer shelter – Approved with conditions – February 2004.
- 6.2 10/11/0616 – Cemetery, with associated ground modelling, drainage, paths, access structures and carriageways, car parking, landscaping and boundary treatments and ancillary memorialism – Approved, with conditions – November 2021.

7.0 CONSULTATIONS

- 7.1 BwD Highways – In summary, we offer no objections to the application, subject to the conditions detailed below being attached.

(Parking/Access/Layout) In accordance with the adopted parking standards, we have assessed the application against a D1 use for Places of Worship (1 car space per 10sqm). This generates an allowance of 23 spaces. Although only 7 spaces have been provided within this submission, we recognise there is an existing car park (approved under previously approved application 10/11/0616) which is within a reasonable walking distance of this building. This supports and offers parking for all users/visitors to the cemetery.

The details received in support of the application present a 44 space car park area within walking distance from the building. With the addition of further layby parking between the site and the additional parking proposed, we are of the opinion that there is sufficient parking within the grounds to support and facilitate large congregational/burial gatherings, should the need arise. The

suggestion to create a one way circulatory route to aid traffic management would be welcomed.

Please could we attach a condition for a traffic management plan to be submitted for approval and implemented? The marshalling of vehicles by the BMBS for burial events is also acknowledged and welcomed.

There is no Provision for cycle and PTW offered within the site. Please could we attach a condition for this to be provided for general use by all near the new building, this are should be covered and secure.

(Other) A Construction Method Statement is required, please condition. Any old entrances no longer required will require closing and formally reinstating back to full footway. 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.

- 7.2 BwD Arboricultural Advisor – No Arboricultural Impact Assessment has been provided with this application. Having read the Design Access Statement and the Ecology Appraisal, it appears that trees are to be removed, possibly some mature Oaks.

(Update) In principle, there are no objections to the proposals. The submitted tree survey information is accurate and shows a big Alder tree in relatively close proximity to the proposed building. Therefore, we know that the tree will not be damaged during the development phase. An Arboricultural Method Statement that covers tree protective fencing should be provided.

- 7.3 BwD Ecological Advisor – (Submitted details) The submitted report appears to have used reasonable effort to survey the habitats on site and make an assessment of their suitability to support protected/species of principal importance (Section 41, NERC 2006 [Natural Environment & Rural Communities Act]). The survey was conducted in November, which is recognised as suboptimal for the majority of surveys. However, given the nature and size of the proposal this is not considered to be a constraint on the assessment and does not invalidate its findings.

The Report concludes that the site supports a number of trees of value to bat roosting (see figure at Appendix B). This includes Moderate roost potential for T2 & T5 along with low potential for T1, T3, T4 and T6 – T8. The moderate potential trees will require further assessment (para 5.8) if they are to be removed and the low potential trees should be felled using the precautionary approach detailed at paragraph 5.9. This additional work and felling approach can be secured via a condition attached to any permission if granted.

(Conditions) The remaining habitats are of local value to biodiversity. There is currently no known reason to contradict the findings of the Report and the application can be forwarded to determination in respect of biodiversity without

the need for any further work. It is recommended that in order to comply with planning policy a number of conditions/informatives should be attached to any permission if granted, as follows;

- Tree protection of retained hedgerows, trees and scrub to be secured via condition
- Design of the external lighting scheme, in line with the NPPF (July 2021 para 185 c)) we recommend that applicants follow the Institute of Lighting Professionals guidance (01/21 obtrusive lighting and 08/18 wildlife sensitive lighting).
- Breeding birds (section 5.5.1) – Condition that vegetation clearance including trees, shrubs and undergrowth (e.g. bramble) should avoid of the breeding season (March – August inclusive) unless it can be demonstrated that there is no nesting activity present. All wild birds are protected whilst nesting (Wildlife & Countryside Act 1981).
- Amphibian and small mammal Reasonable Avoidance Measures – The Report recommends however, that a RAMS approach would be suitable for site clearance. The guidance provided at section 5.13 and 5.17 of the submitted Report should be adhered to in the clearance of the site including the removal of any log piles etc. This can be secured via a condition.
- Landscape Specification – The details of a biodiversity enhancement plan for species should be included within a landscape scheme to be submitted via condition.

(Biodiversity Net Gain) The Report indicates that the scheme need not comply with the emerging Environment Act (Nov 2020) and GMEU concur with this assessment notwithstanding the guidance above regarding species biodiversity enhancement which is not specifically covered in the Act.

- 7.4 BwD Drainage – No objections. Should this application be approved, a condition should be imposed to agree the design details for the proposed soakaway, including infiltration tests. Such a conditions is necessary to ensure that the development is not at risk of flooding, does not increase flood risk elsewhere, and to ensure adequate measures are put in place for the disposal of surface water.
- 7.5 BwD Property Services – No objections.
- 7.6 The Coal Authority – We have reviewed the site location plans, the proposals and the supporting information submitted and available to view on the LPA website. We can confirm that the site falls within the defined Development High Risk Area and that a Coal Mining Risk Assessment, or equivalent report, is required to be submitted to support this application.

The Coal Authority records indicate the application site lies in an area of coal outcrops which may have been subject to historic unrecorded workings at shallow depth. If shallow coal workings are present these may pose a potential risk to surface stability and public safety.

In accordance with the agreed risk-based approach to development management in the defined Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment Report, or equivalent report, to support this planning application. As no relevant information has been submitted at this time the Coal Authority objects to this planning application.

(Update) The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

- 7.7 Pleasington Parish Council – We firstly refer to the fact that the proposed development is in a "Multifaith" area of the cemetery. Multifaith, by definition, should be kept for all denominations, buried next to one another and not in segregated areas. There are many people who have purchased a burial plot based on the understanding that this part of the cemetery is designated as a Multifaith area and not as the segregated area implied by this application. Should notices have been placed prominently in the cemetery itself so that people with relatives buried there are made aware of the planned development?

It is not clear whether the child section of the cemetery is to be affected by this application. There are already children buried in this area - are the families of these children to be advised of any changes? The application indicates a car park and Prayer Room in a Multifaith area but the building again appears to be specific to the Muslim faith. There is another area shown on the cemetery maps as a Muslim area, which appears to be currently underused, and with a car park already at that end of the cemetery. Could any Prayer Room not be built there?

The suggestion of making the Prayer Room from the same materials as the previous building, so that it "fits in with the surroundings" does not seem justified. The red brick does not harmonise, nor is it sympathetic to the woodland area. There are far better natural materials which could have been considered. The Prayer Room is 25m long and 9m wide, and would have a massive visual impact on the area. In addition, we cannot see the relevance of matching another facility, which is at least 300m away.

The area concerned is currently one of peaceful reflection, with an open aspect and woodland surroundings, and is within the green belt. The Prayer Room Building in our opinion would totally conflict with this, and with the whole purpose of the green belt.

With regards to extra traffic generated in the area, a one-way system is apparently to be introduced but, since the existing system doesn't seem to be enforced, is unlikely to do much to alleviate the parking and traffic management

problems which exist at present, and would be exacerbated by this development. Traffic management has long been a problem at the cemetery and this application would only make matters a lot worse.

7.8 Ward Cllrs – Councillor Russell has objected to the proposed development (see Section 10 below).

7.9 Summary of Public Responses – detailed responses in Section 10 below.

- The submitted information makes no reference to burial arrangements;
- An inadequate amount of land is available for future burials;
- The design of the building is not in keeping with the area;
- Inappropriate construction materials are proposed;
- Disturbance may be caused for existing site users;
- Congestion may be caused within the cemetery;
- The site has inadequate parking for the proposals;
- The proposed Prayer Room is predominantly for usage by the Muslim community but is located nearest to multi-faith sections of the cemetery.
- There already is a very large muslim section in the cemetery which could accommodate the Prayer Room and associated parking.
- It is not clear whether the Child section of the cemetery is to be affected by this application.
- Impact of additional traffic and parking would reduce the area available for burial ground and disturb unnecessarily the peace and tranquillity which is characteristic of the multi-faith burial ground in particular.
- Unnecessary over development on the cemetery on an ecological sensitive site.
- Memorial trees may need to be relocated.
- In the case of a public utility such as a cemetery, the people who are impacted such as this, are those people that have deceased relatives who have been buried, cremated, have memorials, have memorial trees or memorial benches, particularly in this multi-faith burial ground. Seeking comments from such people would not have been difficult to achieve.
- Lack of consultation during the planning application process.

7.10. With regards to the latter objection, in terms of the planning consultation process, the planning application has been publicised in accordance with Article 15 “publicity of applications for planning permission” of the Town & Country Planning (Development Management Procedure)(England) Order 2015. Article 15(4) requires applications to be publicised by *site notices displayed in at least one place on or near the land to which the application relates, or by serving a notice (neighbour letter) on any adjoining owner or occupier*. [my emphasis]. A press notice was not required as the application is not a “major” application and no public right of way is affected by the proposal. As stated in paragraph 2.2 above, the proposed development has been publicised through letters to residents of the adjacent residential property i.e Lower Fold Farm. Site notices were displayed outside of the application site on a stone post, and at the main entrance point from Tower Road on the 26th January 2022. See case officer photographs below:



Site notice posted on stone post adjacent to application site.



Site notice posted on timber post at main entrance to Tower Road adjacent to newly formed footpath.

7.12 It is considered that the publication of the planning application complies with the requirements of the said Article in the Procedure Order.

8.0 CONTACT OFFICER: Christian Barton – Planning Officer

9.0 DATE PREPARED: 8th February 2022

10.0 SUMMARY OF REPRESENTATIONS

Councillor Mark Russell, 19 Feniscliffe Drive, Blackburn, received 8th February 2022:

I would like to object to the planning application for a new Prayer Room at Pleasington Cemetery.

There is insufficient detail provided for the Planning Committee to come to an informed decision - there is no proposed capacity for the new facility and therefore it is not possible to assess the parking provision required

Notwithstanding the above, what is clear is that the proposed car parking provision will be inadequate. The road is too narrow to accommodate the volume of cars that will be parked along it when the prayer facility is in use. The resultant inconvenience to other users of the cemetery will be unacceptable.

The proposed Prayer Room is predominantly for usage by the Muslim community but is located nearest to multi-faith sections of the cemetery. This will cause more people to drive to it, particularly in inclement weather, increasing the inevitable congestion and parking problems around it and inconveniencing visitors who have buried their loved ones in the nearby multi-faith sections.

The nearest Muslim burial section is relatively small and not large enough to justify spending £325,000 of taxpayer money on a new prayer facility to predominantly service it.

Additionally, the proposed facility will unnecessarily destroy a copse that provides valuable habitat for small mammals and birds.

Regards,

Cllr Mark Russell
19 Feniscliffe Drive

Objection – Garry Westwell, Unknown address, Received 10th January 2022

Dear Sirs

It would appear from various newspaper articles plans have been quietly passed by Blackburn Borough Labour Councillors to build a heated muslim prayer room with toilets in the new section of Pleasington Cemetery in Blackburn Lancashire.

In addition to this, muslim burials will also be serviced in the new extension along with new car park arrangements.

There has been absolutely no communication about this and there has been zero transparency. Absolutely no consideration has been given to the relatives who already have loved ones buried.

This plan will make the small loop road and the road up to the crematorium congested with traffic that it was never designed for, in addition to the huge increase in pedestrians in this area.

I believe that this plan is wholly inappropriate and the council should source another site for this.

These plans are morally wrong and are offensive to say the least and I would also request to see a copy of the plans.

I very strongly object in the strongest possible way to these plans and I will of course be raising my objections with the MP for Blackburn.

I will also be making people who have loved ones buried in the proposed area aware of these plans with a view that they will also object to these outrageous plans..

Kind Regards

Garry Westwell

Objection – Eileen Smith, Clerk to Pleasington Parish Council, Received 11th January 2022

Pleasington Parish Council wish to strongly object to this application.

We firstly refer to the fact that the proposed development is in a "Multifaith" area of the cemetery. Multifaith, by definition, should be kept for all denominations, buried next to one another and not in segregated areas. There are many people who have purchased a burial plot based on the understanding that this part of the cemetery is designated as a Multifaith area and not as the segregated area implied by this application. Should notices have been placed prominently in the cemetery itself so that people with relatives buried there are made aware of the planned development ?

It is not clear whether the Child section of the cemetery is to be affected by this application. There are already children buried in this area - are the families of these children to be advised of any changes ?

The application indicates a car park and Prayer Room in a Multifaith area but the building again appears to be specific to the Muslim faith. There is another area shown on the cemetery maps as a Muslim area which appears to be currently underused, and with a car park already at that end of the cemetery could any Prayer Room not be built there?

The suggestion of making the Prayer Room from the same materials as the previous building, so that it " fits in with the surroundings" does not seem justified. The red brick does not harmonise, nor is it sympathetic to the woodland area. There are far better natural materials which could have been considered. The Prayer Room is 25m long, and 9m wide, and would have a massive visual impact on the area. Also we cannot see the relevance of matching another facility which is at least 300m away.

The area concerned is currently one of peaceful reflection, with an open aspect and woodland surroundings, and is within the Green Belt. The Prayer Room Building in our opinion would totally conflict with this, and with the whole purpose of the Green Belt.

With regards to extra traffic generated in the area, a one-way system is apparently to be introduced but, since the existing system doesn't seem to be enforced, is unlikely to do much to alleviate the parking and traffic management problems which exist at present, and would be exacerbated by this development. Traffic management has long been a problem at the cemetery and this application would only make matters a lot worse.

Objection – Jeanette Fish, 53 Selbourne St, Blackburn, Received 21st January 2022

I would like to put my objection forward to planning application ref 10/21/1393.

Under the following grounds

1: Road safety

The development may lead to a significant impact upon road safety due to the fact traffic congestion would occur as the road is very narrow and even if the traffic was made into one way access, which it mainly follows already this would not relieve the congestion that would be caused with the significant increase in traffic.

2: The size of the planned area for the burials is surely far too small and will be filled in a very short time. Surely to put all this time and money into building a new prayer room and space for parking would not be cost effective. A larger plot of land with scope to last longer into the future should surely be sourced to make it more viable in cost and longevity terms.

3: Noise disturbance

Unacceptable intrusion in the form of noise nuisance and general disturbance.

Anyone visiting existing gravesides and tree plots who will be trying to spend quiet , quality time thinking of their loved ones are going to be disturbed with high levels of traffic noise also there will be traffic wardens using walkie-talkies and a possible problem with high levels of people in the area during use of the prayer room with the road being so narrow there could be an overflow of people walking on the grass area near surrounding existing plots again causing congestion and possible damage to tree plots.

4: Existing Tree plots in the planned area.

There are several existing tree plots already in the proposed area , what is going to happen to these , surely they aren't going to be moved , the distress this would cause relatives is unfounded .

If the objection is upheld and a meeting is put in place to discuss these points i would very much like to be included in the discussions and be able to speak in person.

Regards
Jeanette Fish

Objection – Alan Westwell, 89 Warrenside Close, Blackburn, Received 26th January 2022

Good afternoon Christian,

I spoke with you last Friday regarding some of my concerns regarding the extension of the grounds intended for re structure.

I have received a copy of the plans regarding this and also the colour coded map of the cemetery grounds.

The thing I did notice was the yellow coloured area “Z” for Muslim use situated at the end of the approach road to the extended area on the right hand side just before the roundabout.

Having passed that point quite frequently I can see that nothing is taking place on that area of land.

<https://www.blackburn.gov.uk/pleasington-cemetery>

Is this area of land earmarked for possible use in the very near future to coincide with the first application for planning New Prayer room and

Car parking. Are you able to provide plans for the proposed burial area in order for me to complete and forward my observations on this matter.

Kind regards

Alan. Westwell

Objection – Dianne Finch, Unknown address, Received 27th January 2022

I would like to put my objection forward to the planning application ref. 10/21/1393 for the following reasons :-

1) Shortages of Carparking Bays.

The planning application reads there is already several parking bays in the proposed area, this is incorrect as there are only possibly three. The Chaos this will cause with very limited parking space will be enormous and there will be disruption and lack of safety to this smaller One Way burial land.

2) Existing land (not used)

There is a larger plot of land which at the moment is a Car Park which is never used.

Why has this unused Car Park not been considered for -

a) Muslim prayer room

b) Burial plots

c) Car Parking area.

3) Existing plots.

There are several tree plots already in the area proposed for Muslim prayer room & burial area. I hope that these are being taken into consideration and that the family's have been advised of the proposed plans ?

4) Larger land: The proposed land is too small for a prayer room and burial plots, once this area is full & no other land available what will happen. A bigger plot of land that will last much longer and not cause Chaos & Disruption needs to be found.

5) Safety & Disruption: The family's who visit their loved one's in this area will see disruption when large amounts of cars attending funerals will be parked anywhere, grass verges in front of headstones even possibly damaging them which will cause distress to relatives. Please could you keep me informed of any future developments and meetings which if possible I would attend regarding this proposal.

Regards

Dianne Finch

Janet Coupe, Unknown Address – received 6th February 2022:

Good morning

After seeing a notice at the Pleasington cemetery for a new prayer house development I am concerned about a number of points:

1. What investigations have there been into the likely impact to the local habitats and ecosystems in the area? E.g. I believe that hedgehogs reside in the area which are a protected species by Wild Mammals protection act 1996 and the Wildlife Countryside Act 1981. There are also foxes, deer and birds in the area.
2. Has the likely impact on the environment also been assessed in the light of the wider recent development locally? If so please could you provide me with details of the findings?
3. There is the question of the likely impact of further increased traffic also. The amount of traffic in the cemetery recently, I believe, has increased enormously, and local residents have borne witness to this. Have there been studies of any impact of further increases in traffic? E.g. Last year a ninety year old man collapsed by his wife's grave and an ambulance was called to the scene. My concern is that the ambulance would be unable to reach anyone in such a situation in the future if cars are left unattended on the narrow cemetery road.
4. I believe the prayer house development is a multi faith building. Have all local faith bodies and churches been consulted in regard to the character and contents of the building. E.g. Will there be a cross, tea lights and altar included?

Kind regards

Janet Coupe

Laura Dodd, 21 Meadow Vale, Blackburn – received 4th February 2022:

Dear Sir

I am writing to strongly object to the construction of a Prayer Room facility including soft landscaping works and associated parking.

There already is a very large muslim section in the cemetery which I am sure could accomodate the Prayer Room and associated parking.

I also noticed that the Planning Notice is placed in such a way that if you are not aware of it, it would be missed. I wonder if that is in the hope that not too many people will object therefore it will be passed with no problems?

The building and parking area proposed will spoil the aesthetic appeal of the area.

Yours sincerely
Laura Dodd
21 Meadow Vale
Blackburn
BB2 4UA

Further comments from Garry Westwell, unknown address – received 7th February 2022:

Dear Mr Barton

I have returned from Pleasington Cemetery today after seeing this pathetic attempt at a 'public notice' to make visitors aware of the proposed plans.

I find the slap dash approach very offensive, clearly nobody at the council thinks this issue warrants an appropriate notice.

How can you condone this as acceptable to put a sheet of A4 paper into a Poly Pocket sheet which is not even designed to be outside and then pin it to a post where nobody can see it?

There should be clear and concise notices placed in various places where people can view these and not placed somewhere that it easily missed. Why are the notices not placed near to the parking areas or by the water taps? In my opinion, the one notice has been placed where it is in the hope that it will not be seen.

This whole process with the proposed prayer room and burial site has been orchestrated in what appears to be a very secretive manner and as a taxpayer, I am entitled to complete transparency which is far from what has been happening.

Kind Regards

Garry Westwell

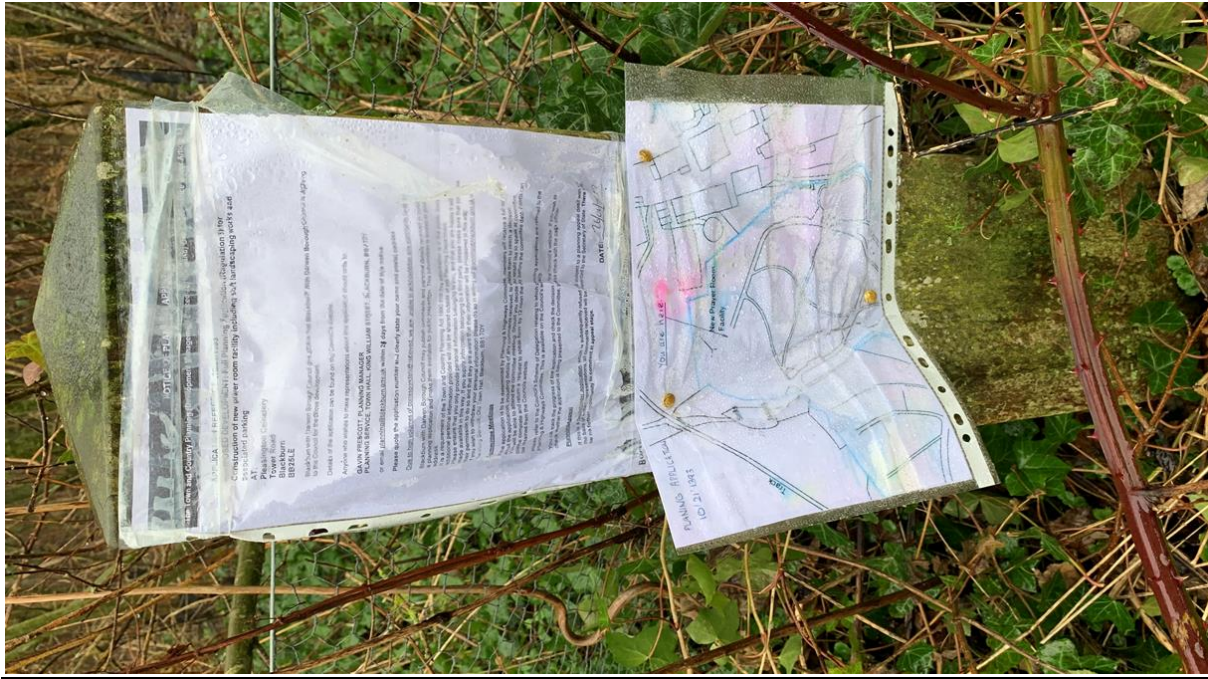
Further comments from Alan Westwell, 89 Warrenside Close, Blackburn – received 7th February 2022:

Attached is just ONE very poor attempt to display a notice placed in the new section of Pleasington cemetery in the last few days.

(New Drawing Pins) & (Sellotaped round a small wooden post). Not placed in readable position without bending down that's if you spot it and not to mention a little weather torn through not being in a more substantial protective display. Last minute rush? Notices of this nature should be placed at various points around the new section properly sited and clear to read.

Kind regards

Alan Westwell



Further comments from Alan Westwell, 89 Warrenside Close, Blackburn – received 7th February 2022:

Hi Christian, please would you mind forwarding these further comments on for me, re planning application Pleasington Cemetery.

I have sent a copy of my objections to the planning department at Blackburn previously. Just a couple of further observations I would like to mention are that the colour coded plan for the whole cemetery indicates sections for separate religious denominations.

Were Muslims are shown in yellow and described together with Christian sites as “predominant use” which I do not think is the case. When you look at the whole plan. It is Christian denominations who have predominant use of the Cemetery by land used. Relatives, friends visiting and buried Christians on site make it predominant.

The new top section of the Cemetery is now labelled multi faith use. This I’m sure was not the case on the initial plan.

Now craftily members of the council have seen fit to changed to multi faith on that section to help with their applications of the two separate plans to be approved. 1. Facilities and 2. Use.

Why from a time in the past by were Catholic, Protestant, and Muslim laid to rest separately in those sections, has the council taken it upon themselves to now change things to multi faith use to suit their application. This is not right for future generations of Christians who already have relatives buried on the new section they will not have sufficient spaces for them to plan to be laid to rest there. Have there been any involvement of religious bodies to make comments on these proposals?

My wife was laid to rest there last year and had I known of these plans I would have sought elsewhere for her. My family are also of the same mind.

There has been the lack of transparency by the Council for them to implement this change to the Cemetery grounds.

Why were denominations separated in the first place? The proposed plans are not fit for purpose and I recommend another site be sourced. Another area which would suit would be land prior to the cemetery entrance which would be very near to the existing main Muslim site. That area could be closed off from public activities, trees and shrubs planted and the gates re positioned. There is also a ready made car park fit for purpose.

Lastly why are all these facilities being proposed for the Muslim community, these very same facilities were not offered previously to the Christian community, did the council not put the same thought into it.

Kind regards

Alan Westwell

Mr Jack Robinson and Mrs Helene Robinson, Braemar, Bowden Avenue, Pleasington, received 8th February 2022:

Dear Sirs.

I submit the following comments on Planning application No 10/21/1393

Re: Construction of a new prayer room facility including soft landscaping and associated parking.

1. The proposal duplicates an existing prayer room facility and its associated parking. The existing prayer room facility is approximately 750m away from the proposed new facility. (See Key Map of Pleasington Cemetery showing location of existing prayer room).
2. The proposed facility is in a designated Green Belt R19 area; like the existing prayer room and parking. (See Blackburn with Darwen Local Plan 2021-2037) **This constitutes an unnecessary over development of the cemetery on an ecologically sensitive site. Two Prayer Rooms on one site are not necessary.**
3. Normally building work proposed in any Green Belt shall be regarded as inappropriate and should not be approved except in very special circumstances: especially in an area of SSSI. having BHS, LNR and HPI. (See Blackburn with Darwen Local Plan 2021-2037) What are the very special circumstances that support two Prayer Rooms.?
4. However, buildings in a cemetery are exceptions to this rule, but nevertheless should require a robust justification and impact assessment.
5. A justification for the new prayer room facility is not provided by any of the documents submitted with the Planning Application. The existing Prayer Room is currently used exclusively for Muslim faith burials and continues to be capable of providing the required facilities for the Muslim community at Pleasington Cemetery.
6. Among the supporting documents for the proposal, there is an impact assessment, "Preliminary Ecological Appraisal" dated November 2021. **The text of the report continually references a "new crematorium" or "new crematorium building" instead of a new prayer room, its associated sewage treatment plant and the car parking.**

7. The "Preliminary Ecological Appraisal" document should be revisited and re-evaluated to assess the impact of a second prayer room, which potentially will be capable of accommodating over a 100 people along with the additional car parking that is deemed necessary. This was not addressed by the Ecological Appraisal and is misleading in terms of the potential problems it addressed. Presumably, the environmental impact of the existing crematorium was appraised many years ago? The new sewage treatment may require Environmental Agency exemption?
8. The text of the Design and Access Statement to Support Planning Application document states the objective of the development as:- quote
"to provide a new prayer room facility, which will be predominantly used by the Muslim community. The building will be sited within close proximity to designated Muslim burial ground" .
The closest designated Muslim burial ground is at Key Map reference "Z" , which is approximately 250m South West of the proposed additional Prayer Room.
The Design and Access document shows the proposed location of the additional Prayer Room to be amidst an area of the cemetery designated for the burial of children and multi-faith burials. (See Key Map of Pleasington Cemetery.)
- The activity associated with the added Prayer Room, the additional car parking and the associated sewage treatment plant will have a negative impact not only on the local ecology, but also, those who are visiting the graves and memorials of buried children, buried adults and cremated persons of multi-faith.
9. Access by car for disabled visitors to the Childrens and Multi-faith burial grounds is gained by following the same access proposed for the new Prayer Room. The current access route is already a one way system. Much of the current limited parking on the one way system is designated for disabled users only. The access route is also frequently used by on-site maintenance staff and mechanical grave digging/grass cutting equipment.
The proposed location of the new Prayer Room therefore has negative implications for parking, traffic management and road access for all users/visitors to the multi-faith burial ground. This is acknowledged in the Design and Access Statement.
Also the proposed location has negative implications for visitors to the cremation memorial section and those relatives who have planted memorial trees, and have memorial benches in this area of Pleasington Cemetery, as well as those visiting the new Prayer Room and dog walkers.

10. By definition a cemetery is for burial, cremation, mourning and remembrance of those who have passed away.

At present, Pleasington Cemetery strikes a good balance, which is achieved by separating the areas given over exclusively for burial, cremation, mourning and remembrance from those areas dedicated for car parking and access routes.

The current policy maximises the area available for burial purposes and is achieved by the separation of cars and car parking away from ground for burial. This has a secondary but valued consequence. It contributes to an ambience of tranquillity, peace and rest, which most people of faith or no faith seek, whether dead or alive, mourning, praying or remembering.

The car parking arrangements proposed by the Design and Access Statement to Support Planning Application include quote: "Several roadside parking bays already exist which can be utilized by cemetery users, it would be favorable to create additional parking bays around the access road where possible."

The impact of this additional traffic and parking would reduce the area available for burial ground and disturb unnecessarily the peace and tranquillity, which is characteristic of the multi-faith burial ground in particular.

11. Notification of the registration of this Planning Application 10/21/1393 has been given to three "neighbours" all of whom are legally required to be informed.

This is done usually to ensure that they have no objections.

There is no record of First Site Notices having been issued.

However, in the case of a public utility such as a Cemetery, the people who are impacted by proposals, such as this, are those people that have deceased relatives who have been buried, cremated, have memorials, have memorial trees or memorial benches; particularly in this multi-faith burial ground.

Seeking comments from such people would not have been difficult to achieve.

I suggest that this Planning Application should not progress until; those who have any of the above listed items on site have been advised of the proposal under consideration by the Planning department.

Many of these people have paid a lot of money to install a memorial in Pleasington Cemetery and deserve to be advised of the proposed changes.

-----The comment below is not applicable directly to the Planning Application-----

A further point which has arisen from the reports associated with this Planning Application and produced for the ground conditions surveys, including minerals etc, is the fact that part of the burial grounds sit on coal seams. Which does not seem to disturb the experts, especially in the case of the proposed new Praying Room.

This fact plus the obvious lack of an area in Pleasington Cemetery, which is suitable to be dedicate exclusively as a Muslim burial ground, should be addressed by those responsible as a matter of extreme urgency; rather than the construction of an unnecessary prayer room with only a very limited dedicated places available to bury the deceased of our Muslim community.