

Public Document Pack

Planning and Highways Committee

Thursday, 26th May, 2022

6.30 pm

Meeting Room A, Blackburn Town Hall

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Date Published: Wednesday, 18 May 2022
Denise Park, Chief Executive

PLANNING AND HIGHWAYS COMMITTEE Thursday, 21 April 2022

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

OFFICERS – Gavin Prescott, Michael Green & Shannon Gardiner

RESOLUTIONS

65 **Welcome and Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Cllr Akhtar Hussain and was substituted by Cllr Stephanie Brookfield.

The Chair thanked the Officers who supported the Planning and Highways Committee for their work throughout the year. The Chair also thanked the Committee Members for their dedication to the Committee.

66 **Minutes of the Previous Meeting**

RESOLVED – That the minutes of the previous meeting held on 17th March 2022 be confirmed and signed as a correct record

67 **Declaration of Interest**

A Declaration of Interest was received from Cllr Suleman Khonat in relation to an Enforcement Notice.

68 **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.

68.1 **Planning Application 21/0859**

Applicant – Mr & Mrs Ramwell

Location and Proposed Development – Land to the rear of 191-193 Bolton Road, Bolton Road, Edgworth, BL7 0AF

Proposed replacement stable and storage block

Decision under Town and Country Planning Acts and Regulations –

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

68.2 **Planning Application 21/1426**

Speaker – Graham Trehwella (Agent)

Applicant – Keepomoat Homes

Location and Proposed Development – Land Bounded by Haslingden Road and Fishmoor Reservoir, Haslingden Road, Blackburn

Hybrid planning application comprising - Full permission for the erection of 160 dwellings and 50 affordable, key hospital worker apartments in two blocks together with access roads and landscape treatment (Phase 1); and outline permission for the erection of 100 affordable, key hospital worker apartments in four blocks, with all matters reserved except for access (Phase 2).

Decision under Town and Country Planning Acts and Regulations –

RESOLVED - Approved subject to the conditions highlighted in the Director's Report and Section 106 of the Town and Country Planning Act 1990, relating to the payment of £312,922, including a monitoring fee of 3,098 (as set out at para 3.5.61).

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

And the additional conditions in the Update Report:

The following condition has been agreed and is recommended to secure provision of electric vehicle charging points for at least 10% of parking bays for the apartment buildings. The condition will be applied to full and outline elements:

At least 10% of parking bays hereby approved for the apartment buildings will be provided with a mode 3 electric vehicle charging point, delivering a minimum charging rate of 3.6 kW via a Type 2 connector, prior to occupation of the apartments. The charging points shall be so retained.

REASON: In the interests of air quality management and protection of health, in accordance with Policies 8 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

The following condition is added to those set out at paragraph 4.1 of the main report:

Prior to commencement of any above ground works hereby approved, and notwithstanding the submitted details, a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide for the following:

- Provision of infrastructure to allow for mode 3 electric vehicle charging points, delivering a minimum charging rate of 3.6 kW via a Type 2 connector at each dwelling; and
- Provision of electric vehicle charging points, of the type specified above, for a specified number of houses, to be agreed.

The approved scheme shall be implemented prior to first occupation of the development.

REASON: In the interests of air quality management and protection of health, in accordance with Policies 8 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

68.3 Planning Application 22/0006

Applicant – Meadowcroft Barns Ltd.

Location and Proposed Development – Meadowcroft Barns, Chapel Grange, Chapeltown, Bolton, BL7 0EX

Variation of Condition / Minor Material Amendment for: Variation of Condition No.2 "approved drawings" pursuant to planning application 10/20/0798 "Erection of 4 dwellings with associated access road, landscaping and parking" - amendments to the site layout and house design

Decision under Town and Country Planning Acts and Regulations –

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

68.4 Planning Application 22/0177

Applicant – Blackburn with Darwen Borough Council

Location and Proposed Development – Shadsworth Children’s Centre, Shadsworth Road, Blackburn, BB1 2HR.

Prior Approval - Solar Panels Non-domestic Buildings for Installation of Solar Photo Voltaic (SPV) arrays to roof areas

Decision under Town and Country Planning Acts and Regulations –

RESOLVED - Approved

68.5 Planning Application 22/0178

Applicant – Blackburn with Darwen Borough Council

Location and Proposed Development – Little Harwood Children’s Centre, Robinson Street, Blackburn, BB1 5PE

Prior Approval - Solar Panels Non-domestic Buildings for Installation of Solar Photo Voltaic (SPV) arrays to roof areas

Decision under Town and Country Planning Acts and Regulations –

RESOLVED - Approved

68.6 Planning Application 22/0179

Applicant – Blackburn with Darwen Borough Council

Location and Proposed Development – Darwen Children’s Centre, Lord Street, Darwen, BB3 0HD

Prior Approval - Solar Panels Non-domestic Buildings for Installation of Solar Photo Voltaic (SPV) arrays to roof areas

Decision under Town and Country Planning Acts and Regulations –

RESOLVED - Approved

68.7 Planning Application 22/0180

Applicant – Blackburn with Darwen Borough Council

Location and Proposed Development – Blackburn Central Library, Town Hall Street, Blackburn, BB2 1AG

Prior Approval - Solar Panels Non-domestic Buildings for Installation of Solar Photo Voltaic (SPV) arrays to roof areas

Decision under Town and Country Planning Acts and Regulations –

RESOLVED - Approved

68.8 Planning Application 22/0186

Applicant – Blackburn with Darwen Borough Council

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

Full Planning Application (Regulation 3) for Installation of Solar Photo Voltaic (SPV) arrays to roof areas

Decision under Town and Country Planning Acts and Regulations –

RESOLVED - Approved

68.9 Planning Application 22/0187

Applicant – Blackburn with Darwen Borough Council

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

Listed Building Application (Regulation 3) for Installation of Solar Photo Voltaic (SPV) arrays to roof areas

Decision under Town and Country Planning Acts and Regulations –

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

68.10 Planning Application 22/0237

*Speakers – Spencer Allan (Objector)
Neil Slater (Ward Councillor)*

Applicant – EE Ltd

Location and Proposed Development – Land to North Dingle Farm, Blackburn Road, Edgworth, Bolton, BL7 0QE

11m pole mast, antennas, ground based apparatus and ancillary development

Decision under Town and Country Planning Acts and Regulations –

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

69 Enforcement Report

A report was submitted seeking authorisation to take enforcement action against all persons having an interest in land 10 Brantfell Road, Blackburn

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

RESOLVED - Authorisation was given to the proposed enforcement action at 10 Brantfell Road.

70 Enforcement Report

A report was submitted seeking authorisation to take enforcement action against all persons having an interest in land at 104 Livingstone Road, Blackburn

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

RESOLVED - Authorisation was given to the proposed enforcement action at 104 Livingston Road, Blackburn

71 Enforcement Report

A report was submitted seeking authorisation to take enforcement action against all persons having an interest in land at 31 Chestnut Avenue, Blackburn.

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

RESOLVED - Authorisation was given to the proposed enforcement action at 31 Chestnut Avenue, Blackburn.

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: 26/05/2022

Application No	Applicant	Site Address	Ward
10/21/0428	Roundhouse Properties Mr Lefton C/o De Pol Associates Farington House Stanifield Lane Leyland PR25 4UA United Kingdom	Land at Haslingden Road Blackburn	Blackburn South East
Full Planning Application for Erection of 68 commercial units (use class E (g), B2 and B8) with associated car parking			

RECOMMENDATION: Permits

10/21/1263	Mr and Mrs T Spooner Jennet House Farm, Radfield Road Darwen BB3 2PH	Jennet House Farm Radfield Road Darwen BB3 2PH	Darwen South Darwen West Whitehall
Full Planning Application for Demolition of a range of equestrian buildings and the erection of three detached dwellings and garages			

RECOMMENDATION: Permits

10/21/1301	Assura Medical Properties Ltd Assura Medical Properties Ltd David Sadler The Brew House Greenalls Avenue Warrington WA4 6HL	Griffin Lodge Cavendish Place Blackburn BB2 2PN	Mill Hill & Moorgate
Full Planning Application for Restoration, refurbishment and extensions to Griffin Lodge for use as a primary care centre (Use Class E (e), including associated external works, car parking and vehicular and pedestrian access.			

RECOMMENDATION: Permits

10/21/1306

Assura Medical Properties Ltd
Assura Medical Properties Ltd
David Sadler
The Brew House
Greenalls Avenue
Warrington
WA4 6HL

Griffin Lodge
Cavendish Place
Blackburn
BB2 2PN

Mill Hill & Moorgate

Listed Building Application for Restoration, refurbishment and extensions to Griffin Lodge for use as a primary care centre (Use Class E (e), including associated external works, car parking and vehicular and pedestrian access.

RECOMMENDATION: Consent

10/21/1312

Unity Educational Trust
49-51 Preston New Road
Blackburn
BB2 6AE

First Floor
49-51 Preston New Road
Blackburn
BB2 6AE

Wensley Fold

Full Planning Application (Retrospective) for Change of use of first floor from E(G)(i) Offices To F1(a) Educational Class Rooms (retrospective).

RECOMMENDATION: Permits

10/21/1345

Pets Choice Ltd
Pets Choice Ltd
Mr P Birch
Brentwood House,
Lower Philips Road
Whitebirk Industrial estate
Blackburn
BB1 5UD

Land to South East Lower Philips Road
Whitebirk Industrial Estate
Blackburn
BB1 5UD

Little Harwood & Whitebirk

Full Planning Application (Regulation 4) for Construction of new 120,000 sq ft B2 / B8 warehouse unit with associated external works, car parking and service yards; construction of new dock leveller extension bays to existing warehouse building; change of use of existing 10,550 sq ft production building to form retail unit; construction of access road; and reconfiguration of existing access road.

RECOMMENDATION: Permits

10/21/1404

Mr MD Patel
8 The Hedgerow
Blackburn
BB2 7QU

8 The Hedgerow
Blackburn
BB2 7QU

Billinge & Beardwood

Full Planning Application (Retrospective) for Erection of retaining wall and decorative railing, raising of garden levels to rear and creation of hardstanding within garden (Part Retrospective)

RECOMMENDATION: Permits

10/21/1426

Keepmoat Homes
Mr Philip McCathie
Avraton House
2 Windward Drive
Estuary Park
Speke
Liverpool
L24 8QR

Land Bounded by Haslingden Road and
Fishmoor Reservoir
Haslingden Road
Blackburn

Blackburn South East

SUPPLEMENTAL REPORT

Full Planning Application/Outline Planning Application for Hybrid planning application comprising - Full permission for the erection of 160 dwellings and 50 apartments in two blocks together with access roads and landscape treatment (Phase 1); and outline permission for the erection of 100 apartments in four blocks with all matters reserved except for access (Phase 2)

RECOMMENDATION: Permits

10/22/0067

Inceptum2 Management Limited
Unit 4 Lockside Office Park
Lockside Road
Preston
PR2 2YS

Land on Corner of Carl Fogarty Way and
Thornley Avenue
Blackburn

Little Harwood & Whitebirk

Full Planning Application (Regulation 4) for Construction of industrial units, use class B2, B8, E(g) iii including trade counter

RECOMMENDATION: Permits

10/22/0223

Cawder Construction
Mr Tony Coupe
Cawder House
Langroyd Road
Colne
BB8 7AN

Land at Borrowdale Avenue
Blackburn
BB1 1PZ

Audley & Queens Park
Blackburn South East

Full Planning Application for Erection of 13 no. bungalows

RECOMMENDATION: Permits

10/22/0354

Blackburn With Darwen Borough Council
Blackburn With Darwen Borough Council
Mr Robert Addison
One Cathedral Square
3rd Floor
Blackburn
BB1 1FB

Davy Field Stores
Davy Field Road
Blackburn
BB1 2LX

Blackburn South & Lower Darwen

Prior Approval - Solar Panels Non-domestic Buildings for Installation of Solar Photo Voltaic (SPV) arrays to roof areas as highlighted within the supporting documentation as part of the Public Sector Decarbonisation Scheme (PSDS)

RECOMMENDATION: Prior Approval is not required

10/22/0355

Blackburn With Darwen Borough Council
Blackburn With Darwen Borough Council
Mr Robert Addison
One Cathedral Square
3rd Floor
Blackburn
BB1 1FB

Pleasington Cemetery & Crematorium
Tower Road
Blackburn
BB2 5LE

Livesey With Pleasington

Prior Approval - Solar Panels Non-domestic Buildings for Installation of Solar Photo Voltaic (SPV) arrays to roof areas as highlighted within the supporting documentation as part of the Public Sector Decarbonisation Scheme (PSDS)

RECOMMENDATION: Prior Approval is not required

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/21/0428

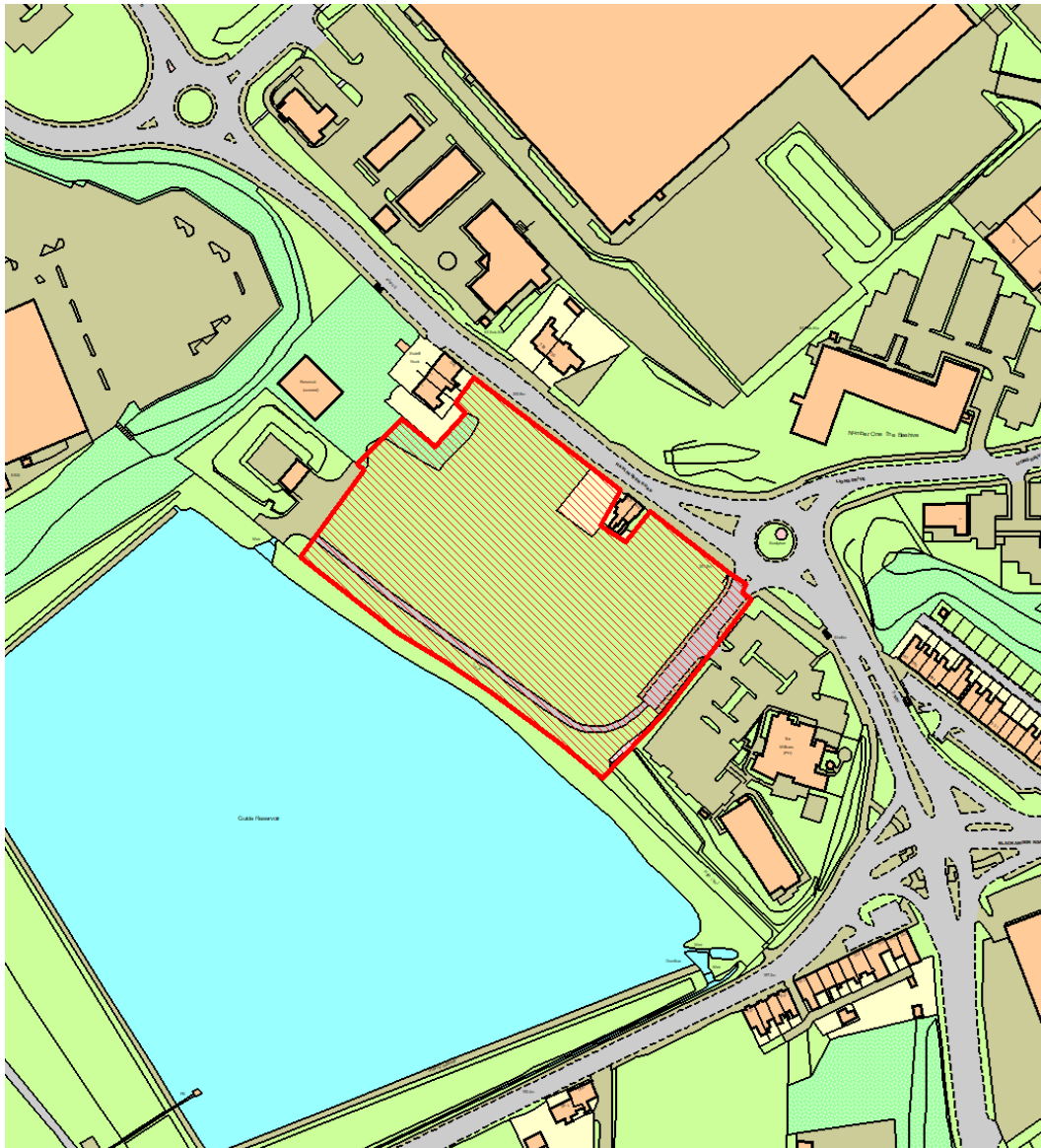
Proposed development: Full Planning Application for Erection of 68 commercial units (use class E (g), B2 and B8) with associated car parking

Site address:

**Land at Haslingden Road
Blackburn**

Applicant: Roundhouse Properties

**Ward: Blackburn South East
Councillor Tony Humphrys
Councillor Vicky Ellen McGurk
Councillor Jim Shorrocks**



SUMMARY OF RECOMMENDATION

- 1.1 The proposed development is recommended to be granted planning permission, subject to completion of a S106 Agreement, and the conditions detailed in Section 5.

2 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is for the erection of 68 no. commercial units configured into 12 no buildings. The units are proposed for small businesses and start up businesses for a variety of uses that could fall within use classes E(g), B2 and B8. This would provide substantial economic, social and environmental benefits.
- 2.2 The application site lies vacant and is identified as an employment land allocation in the Local Plan, within the urban boundary of Blackburn. Therefore, the proposed employment use conforms with the adopted Development Plan in principle. It lies within a coal low risk area, and a PROW runs to the rear of the site.
- 2.3 The Council's development plan supports new commercial developments and associated works within allocated employment areas, provided they constitute sustainable development, and accord with the development plan when taken as a whole.
- 2.4 This is a major planning application, comprising 5,011sqm of new internal floorspace on a 1.56 hectare site. Access and 193 parking spaces are included. It is presented to the Planning and Highways Committee due to the neighbour objections received. A summary of the responses received is detailed below in Section 6.
- 2.5 The modern appearance of the units, with an attractive, active frontage to Haslingden Road and the retention of the existing stone wall, is considered acceptable, and the scale and appearance of the buildings would be similar to other buildings in the area. Materials would comprise aluminium sheet cladding and buff facing brick; a Profiled Aluminium roof; Aluminium framed glazed windows; and Metal Roller shutter/ aluminum frame glazed doors.
- 2.6 Primary vehicular access into the site would be taken from Haslingden Road. Appropriate vehicular parking, servicing and manouevring would be incorporated within the site, including mobility and cycle/motorcycle parking, which meet the adopted BwD standards. Three new pedestrian accesses to the site would also be created, from Haslingden Road. The western corner of the site would retain a direct access to the United Utilities facility on the adjoining site.
- 2.7 The proposal is considered 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. The developer has also agreed to enter into a S106 legal

agreement to make an appropriate contribution towards highways infrastructure and biodiversity net gain.

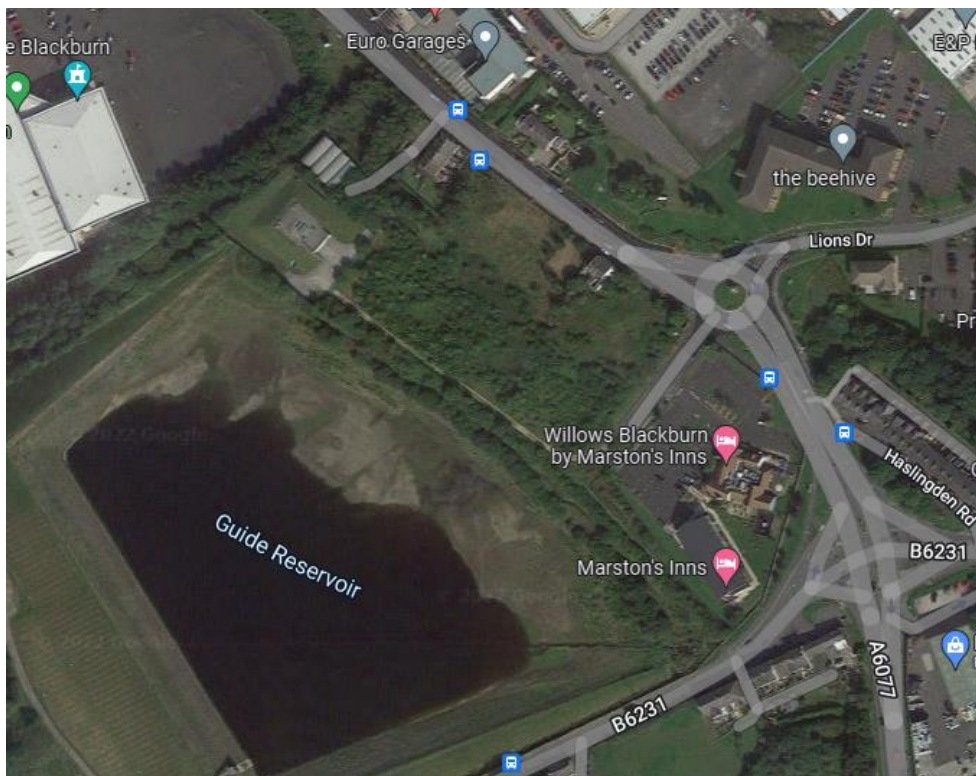
2.8 The key issues to be addressed in determining this application are;

- Principle of development; (including infrastructure / S106 requirements)
- Design and visual amenity;
- Residential amenity;
- Highways issues, parking, servicing; PROW
- Foul and surface water drainage;
- Ecology;
- Contamination;
- Climate change and air quality;
- Neighbour objections.

3 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site comprises scrubland, located off Haslingden Road, Blackburn and is within land allocated for employment use in the Local Plan. The site is predominantly surrounded by mixed commercial uses with a small number of residential dwellings. The area of the development site is 1.56 hectares.



3.1.2 The site is bounded to the north-west by Haslingden Road with commercial uses on the opposite side of the road. There are two small groupings of

residential dwellings which the site boundary cuts around. To the south-east is The Willows pub and hotel. To the southwest is Guide Reservoir, and to the north west is the treatment works for the reservoir with further mixed commercial uses beyond that comprising of a leisure centre and offices.

3.1.3 The site slopes from Haslingden Road towards the reservoir with a change in level between 3.5 and 4.0m across varying parts of the site. The site is located within 0.5km from junction 5 of the M65 motorway. The site has an existing access road off Haslingden Road which continues through the site as an access track for the United Utilities plant maintenance compound.

3.2 **Proposed Development**

3.2.1 The proposed units are to be provide a mix of E(g), B2 and B8 uses and are designed with flexibility to deliver this. There are 68 no total units but the flexible design allows for owners/occupiers to take more than one unit to create a larger unit that suits their specific business needs. The proposed units will be marketed towards and eventually occupied, in the main, by small businesses.

3.2.2 The units are designed as single storey buildings with mono pitch roofs. This allows for a mezzanine level for any future fit out but keeps the heights of the building down from being full two storey. The units are designed to provide a modern-day contemporary facility to suit a variety of uses whilst maintaining a consistent appearance across the site. The simple mix of materials palette is effective and allows the use of either glazed frontage of colour coated roller shutter to work. This flexible design approach means that the overall appearance of the development would maintain the consistency for a clean, sharp contemporary appearance.

3.2.3 Access to the units is via the lower height of the building which means the higher part of the building faces Haslingden Road on that side of the site. As the site is sat down from road level and is bounded by a 1.6m high stone wall this is considered the best approach as with the alternative approach the building would not be seen other than the roof. The additional height with the building orientated this way allows for some active frontage for the element of building seen above the level of the wall.

3.2.4 The active frontage has been achieved with the introduction of windows that would the position of any future mezzanines. The signage also provides frontage to the units and mix of cladding across the length provides visual interest. This is illustrated on the street scene elevation included on the site layout. This also illustrates the scale of the development in comparison with the existing dwellings.

3.2.5 The layout of the site has been developed to work with the natural slope of the site to provide level access to all units. As the site is fairly level running from east to west, this is the natural way to orientate the units. The units are single sided access providing a terraced row of units. To achieve the density requirements for the viability of the site there is a central run of back to back

units with a wrap around road that can then serve single units on either side. Whilst this creates an inward facing development the road facing units will be designed with dual aspect and the facades of the central units will be visible passing the site access providing another element of active frontage.

3.2.6 Existing landscaping in the area is fairly minimal. However, the site layout has made allowances for soft landscaped areas to help soften the proposed development. It is proposed that any landscape design be conditioned by any planning consent so that it can be designed around any approved layout.

3.2.7 The site is served well by the existing Highways network. There is also a cycle path to one side of Haslingden Road and bus stops on either side of the road providing alternative modes of transport to access the site. As well as the vehicular access to the site there will be 3 pedestrian access paths to Haslingden Road. The site will be provided with 193 no parking spaces, 12 of which will be mobility spaces. There will also be covered secure parking areas for motorbikes and bicycles around the site. It is proposed to provide space for 10 motorbikes and 25 bicycles. The collection of waste from the site will be by a commercial refuse contractor.

3.2.8 The location plan and the proposed site plan are shown below:

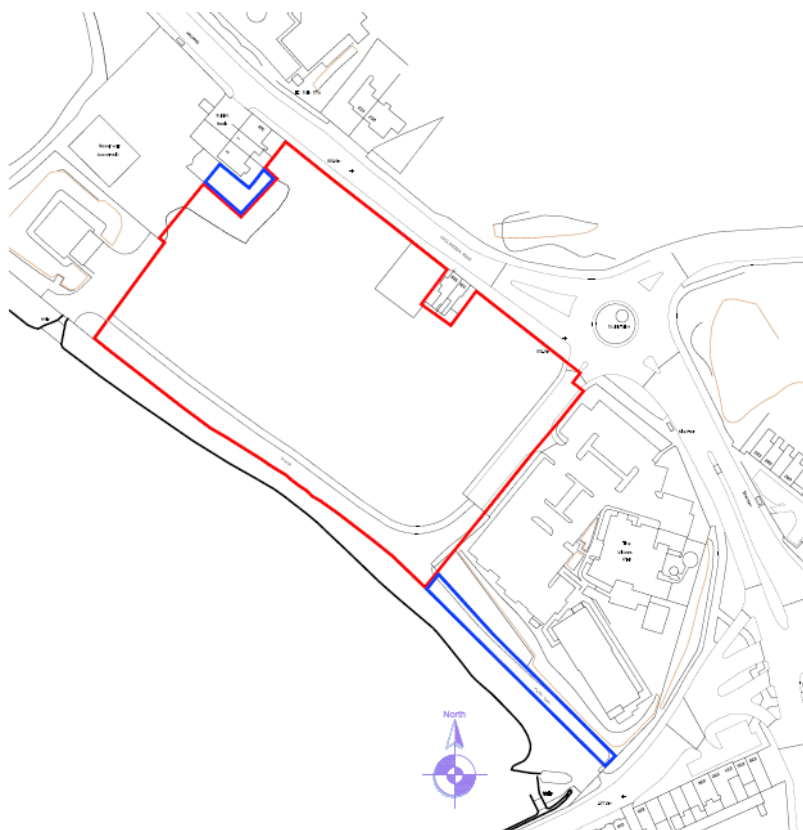


Figure 1 – Location plan



Figure 2 – Proposed Site Plan

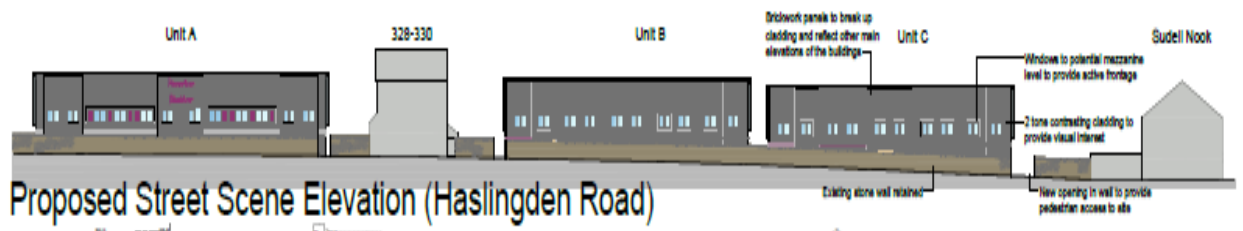


Figure 3 – Proposed street scene elevation (Haslingden Road)

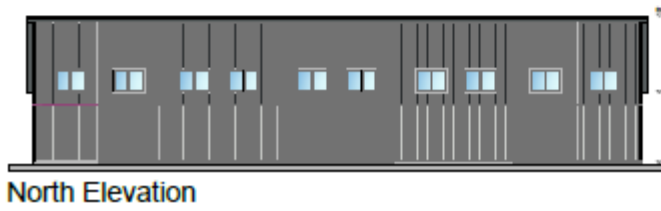
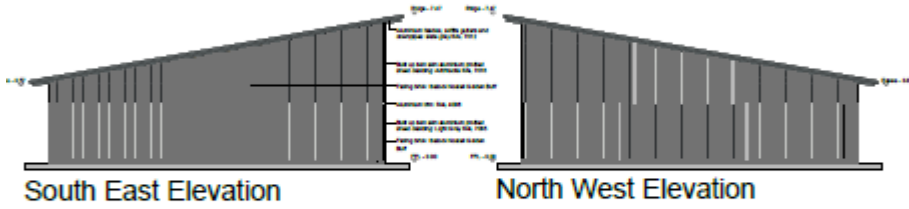


Figure 4 – Typical Proposed Elevations (Unit B shown)

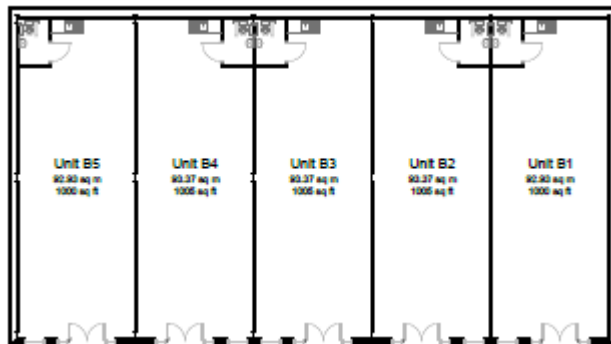


Figure 5 – Typical Proposed Floor plans (Unit B shown)

3.3 Aerial view and Site Photos



Figure 6 – Aerial view of site (north of Guide Reservoir)



Photos of site, taken 19th November 2021



Photos from Haslingden Road (Google maps)

3.4 **Planning history**

3.4.1 Relevant recent planning applications include:

- 10.98/0162 - Mixed development comprising B1, B2, B8 (Business and Employment), Car Showroom, Petrol Filling Station, A3 (Food and Drink), C1(Hotel), Sports/Health Centre, Related Access, car parking, recreational open space/landscaping
- 10/03/0040 - Mixed Use Development
- 10/06/0545 - Mixed Use Development - Variation of Condition 1 of 10/03/0040 to extend time limit of permission by 3 years
- 10/09/0325 - Variation of Condition 5 on outline planning consent 10/03/0040 to revise the access requirements to include those implemented under application 10/03/0694
- 10/12/0073 - Extension to time of planning application 10/09/0325

3.5 **Development Plan**

3.5.1 Blackburn with Darwen Core Strategy

- Policy CS1: Targeted Growth Strategy
- Policy CS3: Land for Employment Development
- Policy CS16: Form and Design of New Development
- Policy CS23: Tackling Worklessness

3.5.2 Local Plan Part 2 (adopted 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 13: Employment Land Allocation
- Policy 36: Climate Change

3.5.3 **Other material considerations**

3.5.4 BwD adopted Parking Standards

3.5.5 National Planning Policy Framework

3.5.6 BwD Air Quality Advisory Note

3.5.7 Borough wide Design Guide SPD

3.5.8 Green infrastructure and ecological networks SPD

3.5.9 Industrial and warehousing buildings SPG

3.5.10 Natural environment SPG

4.0 ASSESSMENT

4.1 Principle of Development (including Infrastructure / S106 requirements)

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.

4.1.2 Policy 13 (Employment land allocations) identifies the site as an employment land allocation: Site 13/8 – Waterside Employment Site, Haslingden Road. The application site comprises one of the two plots referred to within Policy 13, and refers to the site as “a high quality, prominent and accessible site close to Junction 5 of the M65 and the established Shadsworth Business Park. The provision of quality buildings would be encouraged at the site, which offers potential to increase job opportunities in offices / light industry or general industry.”



Site 13/8 – Waterside Employment Site, Haslingden Road.

4.1.3 Policy 13 identifies 3 key development considerations for this site. These are shown below:

Key Development Considerations

1. The site is adjacent to a prominent transport gateway, and should be designed with an attractive frontage.
2. Potential ecological impacts should be considered due to the greenfield nature of the site and its proximity to Fishmoor and Guide reservoirs. Mitigation measures for habitat loss should be met in the local area.
3. Careful consideration should be given to the design and use of developments in close proximity to the residential dwellings which adjoin the northern boundary of the site.

4.1.4 The three key issues of design; ecological impact and mitigation; and residential amenity, are all assessed alongside other relevant issues in the main body of this report.

- 4.1.5 Subject to being satisfactory in all other respects, the proposed use is an appropriate use for this site, and the proposal is in accordance with Policies 1 and 13, and thus supported in principle.

Infrastructure / S106 requirements

- 4.1.6 The proposal requires an appropriate contribution to infrastructure, which has been subject to negotiation with the applicant, and an agreed figure of £110,000 has been reached. This S106 contribution includes the following:

Biodiversity:

- 4.1.7 A commuted sum contribution is necessary of £10,000 for the creation and/or enhancement of biodiversity within the administrative boundary of Blackburn with Darwen through tree planting (or enhancing the Arran Trail a wildlife corridor in Blackburn occupying approximately four hectares between Shadsworth housing estate, Shadsworth Business Park and the M65 motorway.) This will include tree planting and woodland management within the administrative boundaries of BwD (or Arran Trail) and for the purpose of any other costs and expenses in connection with or incidental to the same.

Highways

- 4.1.8 A commuted sum contribution of £98,911 towards Haslingden Road corridor improvements; other highway improvements in South East Blackburn including pedestrian crossings, markings, signage as required, promotion of the required TRO to reduce speeds; sustainable transport measures in the South East Blackburn area; and contingency / associated works such as TROs, signage and lining associated with all of the above.

- 4.1.9 The total contribution (including monitoring fee of £1,089) is £110,000.

- 4.1.10 Payment is to be made prior to commencement of the development, and the clawback period for unspent sums should be 5 years.

- 4.1.11 Subject to securing the aforementioned contributions, the proposal is considered acceptable in principle.

- 4.1.12 In accordance with the presumption in favour of sustainable development detailed in the Framework, 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, Core Strategy Policy CS16 require and Local Plan 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.

- 4.2.2 Policy 13 of the Local Plan seeks to ensure that the proposal, on a gateway frontage, has an attractive design.
- 4.2.3 The proposal has sought to deliver an attractive frontage to Haslingden Road, and retains the existing stone wall on the front Haslingden Road boundary.
- 4.2.4 The frontage onto Haslingden Road has incorporated high level windows to provide active frontage, overlooking the retained stone wall. It is considered that the retained stone wall, high level windows and contrasting cladding colour cladding, would create an attractive frontage in the street scene and would be in keeping with the character of the wider area. The proposal would reflect the colour palette and materials of commercial buildings in the locality including the buildings at Premier Way and Blackmoor Road to the south.
- 4.2.5 In terms of scale the proposed buildings have a roof line below that of the residential properties fronting onto Haslingden Road and at Sudell Nook, taking advantage of existing topography of the site. The lower roof line combined with the set back from the road means that the application proposal would not compete with the existing residential properties on Haslingden Road in a visual sense.
- 4.2.6 A condition can be attached to secure a detailed landscaping scheme to further integrate the buildings into their setting.
- 4.2.7 The proposed materials are considered acceptable and can be conditioned.
- 4.2.7 It is considered that the design and appearance of the application is in keeping with the local area and compliant with the requirements of Policies 11 and 13 of the Local Plan and CS16 of the Core Strategy.

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 The scale, massing and proximity of the proposed units would have some impact on the outlook and amenity of adjoining residents. However, the units would achieve acceptable separation distances to adjoining residential properties, whilst the height and massing of the units would not be excessive.
- 4.3.3 In relation to interface and outlook the scheme has been designed to respond to the residential properties adjoining the site. The side elevations of the two properties fronting Haslingden Road do not incorporate any habitable room windows and therefore the proposal does not unduly impact on outlook from these properties. In relation to the properties on the north western boundary of the site at Sudell Nook a separation distance of 16 metres is achieved

- 4.3.4 The Public Protection team raised no objections to the proposal in principle, subject to various conditions to mitigate against potential impacts such as noise, etc. During the course of the application, further information was sought from the applicant to address noise arising from car doors slamming at various locations near to the residential properties, roller shutter noise, and from the emptying of bins at the bin store near to Sudell Nook to the west of the site. Acoustic reports and addendums were provided, and appropriate mitigation, such as soft closing roller shutters and the restriction of roller shutter usage during night time hours, were considered.
- 4.3.5 The report acknowledges that the final occupants of the development are unknown, therefore a number of conservative assumptions were made to calculate the impact of the development, and the actual impact is likely to be significantly less than that predicted. The report concludes therefore that the development will meet the objectives of the National Planning Policy Framework in ensuring that no significant adverse impact is experienced by the future residents.
- 4.3.6 Whilst the noise report explains that the design of the units maximises sound attenuation and the proposal is therefore unlikely to have a significant adverse impact on the existing neighbouring residential properties, concerns were expressed by Public Protection that unrestricted employment use, aligned with roller shutter usage and unrestricted hours of use, could have a detrimental impact on the amenity of the occupiers of nearby properties.
- 4.3.7 This was discussed with the applicant, and a restriction on the hours of use of the units that would be closest to, and likely to have the most impact on the amenity of nearby residents, was discussed. A condition can be attached to restrict the hours of use for those specific units. The development is therefore considered to be acceptable in terms of noise.
- 4.3.8 Subject to the amenity conditions recommended by the Public Protection Officer, including conditions to mitigate against the impacts of the construction phase, the proposal is considered to have an acceptable impact in terms of residential amenity, and the proposal accords with Policy 8.

4.4 Highways issues, Parking, 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. Policy 10 also requires developments with the potential to affect the highways network significantly to be supported by a Transport Assessment.
- 4.4.2 The Framework seeks to ensure that the cumulative impact of development on the highway network is not severe.
- 4.4.3 The application is supported by a Transport Statement which identifies that there will not be a significant impact on the road network as a result of the

proposal. It is further noted that a contribution towards highways infrastructure will be made, and that the site is an allocated employment site in the adopted BwD Local Plan. The proposal is therefore supported in principle, and no objection is raised by the Council's Highways consultee.

- 4.4.4 Primary vehicular access into the site would be taken from Haslingden Road. Appropriate vehicular parking, servicing and manouevring would be incorporated within the site, including mobility and cycle/motorcycle parking, which meet the adopted BwD standards. Parking comprises 170 spaces (including 17 mobility spaces), 8 covered/secure motor cycle spaces, and 10 covered/secure communal cycle spaces (external). The units will also have the facility for secure cycle parking internally.
- 4.4.5 Three new pedestrian accesses to the site would also be created, from Haslingden Road. The western corner of the site would retain a direct access to the United Utilities facility on the adjoining site.
- 4.4.3 As amended, the Council's Highways consultee raises no objections to the proposal. The access arrangements into the site are deemed to be acceptable, together with the sightlines.
- 4.4.5 Subject to compliance with appropriate conditions, as requested by the Council's Highways consultee, the proposed development is considered acceptable in relation to highways, parking and servicing, in accordance with Policy 10 and the Framework.
- 4.4.6 A commuted sum towards highways infrastructure has been agreed, as set out in paragraph 4.1 of this report. The commuted sum contribution of £98,911 will be towards Haslingden Road corridor improvements; other highway improvements in South East Blackburn including pedestrian crossings, markings, signage as required, promotion of the required TRO to reduce speeds; sustainable transport measures in the South East Blackburn area; and contingency / associated works such as TROs, signage and lining associated with all of the above.

4.5 Foul and surface water drainage

- 4.5.1 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.
- 4.5.2 BwD Drainage have reviewed the proposals and no objections have been raised, subject to conditions. United Utilities (UU) have also raised no objections, subject to an appropriate drainage condition. The EA have also confirmed they have no objections.
- 4.5.3 Further to the initial UU response, the applicant clarified that there is not a public surface water sewer in the vicinity of the site. This is confirmed in the FRA and Drainage Strategy. There is however, a private surface water sewer crossing the site which currently serves the adjacent public house, hotel and

car park. Accordingly, as set out in the submitted Drainage Strategy, it is proposed that surface water would discharge to this private surface water sewer at attenuated greenfield run-off rates.

4.5.4 UU do not formally object to the proposals, rather they have requested confirmation of the approach to surface water drainage in light of the lack of a public sewer network. UU have clarified that the matter can be finalised at condition discharge stage provided the recommended condition is attached. Subject to conditions, the proposed development would therefore be acceptable, in accordance with Policy 9.

4.6 Trees

4.6.1 Requirements within Policy 9 state that all development proposals must avoid unacceptable impacts on environmental assets or interests, including habitats and species.

4.6.2 The applicant submitted an Arboricultural Impact Assessment and Tree Protection Plan Method Statement to accompany the application.

4.6.3 There are no trees of significant value on the site. However, there are some trees worthy of retention which should be protected during the construction phase. This is referenced in Sections 8 and 9 of the Arboricultural Impact Assessment, and the tree protection measures can be secured by condition.

4.6.4 Some mitigation planting is also recommended in the Arboricultural report, which can be achieved by attaching a landscaping condition.

4.6.5 Subject to the above conditions, the impact on trees is considered acceptable.

4.7 Ecology

4.7.1 The applicant also submitted a detailed ecological report with the application, which was reviewed by GMEU Ecology.

4.7.2 The main ecological issue raised by GMEU was compliance with section 170 NPPF, due to the development resulting in a net loss of biodiversity. In terms of Biological Net Gain requirements, the ecological benefits of the proposal on site are limited. Therefore a commuted sum for off site Biodiversity Net Gain has been agreed, as set out in paragraph 4.1 of this report. As advised by GMEU Ecology, an appropriate commuted sum of £10,000 has been agreed with the applicant.

4.7.3 Whilst no protected mammals and amphibians are likely to be present the site is likely to have other mammals including potentially species such as hedgehog and common toad both UK Biodiversity Priority Species and whilst no badger setts are present, this species can range a long way and may forage on the site. Section 5.9 of the ecological report makes recommendations on how to minimise negative impact of these species. This can be conditioned.

4.7.4 Other issues relating to nesting birds, Himalayan balsam and proximity to Guide Reservoir can also all be dealt with via condition. The landscaping scheme condition will help ensure a certain level of replacement habitat is provided, with appropriate native species.

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

4.8 Contamination

4.8.1 Policy 8 contains 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.

4.8.2 The proposal was subject to review by the Contaminated Land Officer, who raised no objection to the proposal, subject to standard conditions.

4.8.3 GMEU Ecology also highlighted that, due to the proximity of the site to Guide Reservoir, there are risks during construction of dust, contaminated run off and debris and post construction of polluted drainage entering the reservoir. A construction and environmental management plan can be attached as a condition, to include measures to protect the Reservoir and includes emergency procedures in case of an incident during construction that could pollute the reservoir.

4.8.4 Subject to conditions, the proposed development would be acceptable in relation to contamination, in accordance with Policy 8.

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. Given the size of this proposal, an Air Quality Impact Assessment was submitted with the application.

4.9.2 Following a review of the initial AQA, Public Protection officers requested that revisions were made to ensure all approved developments in the vicinity were referenced. It was noted that whilst the methodology was acceptable, there were some omissions in the original assessment. The concern was the traffic data, and whether it accounted for the relevant committed developments.

4.9.3 The applicant updated the AQA accordingly and the amended report was subject to review by Public Protection, who were satisfied that, subject to appropriate conditions, the proposed development would be acceptable in relation to climate change and air quality, in accordance with Policy 36.

4.10 Neighbour objections

4.10.1 The main issues raised in the letters of objection relate to the following matters:

- Over development;
- Traffic / air pollution;
- Lack of green space, loss of trees, mitigation planting required;
- Design/appearance - The look of the development on the gateway to Blackburn should be more aesthetically pleasing;
- Ecological impact / net biodiversity loss;
- Loss of stone wall fronting Haslingden Rd in three places to facilitate pedestrian access not needed, and impact on pedestrian safety;
- Residential amenity: Noise impacts / location of bin stores etc.

4.10.2 The above matters have already been addressed, directly or indirectly, in the main body of this report. The scale of the proposal is not considered over development and it has been demonstrated that the proposed scheme can be operated without undue detriment to the site and surrounds. The proposal to make the site more accessible for pedestrians by introducing three new pedestrian access points from Haslingden Road is welcomed, as it will provide pedestrian linkages into the area allowing business to take advantage of sustainable transport modes in the area, including the bus stops on Haslingden Road. Highway and pedestrian safety would not be unduly compromised, and the scheme would not have a detrimental impact on the highway network. The full representations are included in Section 10.

4.10.3 Conditions will be attached where necessary to ensure a sufficiently detailed scheme, and to mitigate against specific impacts. Replacement tree planting and landscaping will be secured by condition.

4.10.4 A contribution to biodiversity net gain and highways infrastructure has also been secured, and it is considered that any specific impacts are outweighed by the social environmental and economic benefits of bringing this vacant allocated employment site into active use.

4.11 Summary

4.11.1 This application involves the erection of 68 commercial units in 12 buildings and associated access road, parking and servicing etc.

4.11.2 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, on an allocated employment site, would be acceptable in principle, and in terms of design and visual amenity, residential amenity, highways, parking and servicing, drainage, ecology, trees, contamination, and climate change and air quality.

4.11.3 The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and despite the objection(s) raised by a local resident, which have been duly considered in this report, there are no material reasons to object to the application.

5 RECOMMENDATION:

Approve subject to;

(i) That delegated authority is given to the Strategic Director of Place to approve planning permission subject to a legal 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:

- Biodiversity:

A commuted sum contribution is necessary of £10,000 for the creation and/or enhancement of biodiversity within the administrative boundary of Blackburn with Darwen through tree planting (or enhancing the Arran Trail a wildlife corridor in Blackburn occupying approximately four hectares between Shadsworth housing estate, Shadsworth Business Park and the M65 motorway.) This will include tree planting and woodland management within the administrative boundaries of BwD (or Arran Trail) and for the purpose of any other costs and expenses in connection with or incidental to the same.

- Highways

A commuted sum contribution of £98,911 towards Haslingden Road corridor improvements; other highway improvements in South East Blackburn including pedestrian crossings, markings, signage as required, promotion of the required TRO to reduce speeds; sustainable transport measures in the South East Blackburn area; and contingency / associated works such as TROs, signage and lining associated with all of the above.

The total contribution (including monitoring fee of £1,089) is £110,000.

Payment is to be made prior to commencement of the development, and the clawback period for unspent sums should be 5 years.

Should the 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.

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:

EAD_028_P_01 - Location Plan

EAD_028_P_02 - Existing Site Plan

EAD_028_P_03 rev S4 - Proposed Site Plan

EAD_028_P_04 rev S1 - Proposed Plan and Elevations – Unit A

EAD_028_P_05 rev S2 - Proposed Plan and Elevations – Unit B

EAD_028_P_06 rev S2 - Proposed Plan and Elevations – Unit C

EAD_028_P_07 rev S1 - Proposed Plan and Elevations – Unit D

EAD_028_P_08 rev S1 - Proposed Plan and Elevations – Unit E/F

EAD_028_P_09 rev S1 - Proposed Plan and Elevations – Unit G/H

EAD_028_P_10 rev S1 - Proposed Plan and Elevations – Unit I/J

EAD_028_P_11 rev S1 - Proposed Plan and Elevations – Unit K/L

EAD_028_P_12 rev S1 - Proposed Plan and Elevations – Unit M

EAD_028_P_13 rev S1 - Proposed Plan and Elevations – Unit N

EAD_028_P_14 rev S1 - Proposed Plan and Elevations – Unit O

EAD_028_P_15 rev S1 - Proposed Plan and Elevations – Unit P

EAD_028_P_16 - Proposed Site Sections

EAD_028_P_17 - Proposed Bin Store Details

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

3. Notwithstanding the submitted details, 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 be 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).

4. Each commercial unit shall have its own dedicated electric vehicle charging point. Each charging point will have a Type 2 connector and a minimum rating of 7kW / 32A.

REASON: In accordance with Paragraph 110a and 112d of the NPPF. The condition also implements the Council's Air Quality Advisory Note and the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality. National government policy is encouraging a transition away from internal combustion engines and towards ultra-low emission vehicles, including electric vehicles, over the next 20 years. The government has committed to end the sale of new petrol and diesel cars and vans by 2030.

5. None of the buildings hereby approved shall be first occupied until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall contain:

- details of a Travel Plan co-ordinator;
- details of measures to be introduced to promote a choice of travel modes to and from the site;
- a monitoring regime which sets out travel mode share targets, monitoring procedures and mechanisms to be put in place to ensure that the Travel Plan remains effective; and
- a timetable for the implementation, monitoring and review of the Travel Plan which shall include provision for an annual assessment (over a minimum period of five consecutive years following the implementation of the Travel Plan) of the effectiveness of the measures introduced under (b) and shall identify the need for any changes to the Travel Plan and a timetable for their implementation.

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

REASON: In order to promote modal shift and increased use of sustainable methods of travel in accordance with the objectives of policies 7, 10 and 36 of the Blackburn with Darwen Local Plan Part 2, and paragraph 111 of the National Planning Policy Framework.

6. Emissions from any gas-fired heating boiler installed at the site shall not exceed 40 mgNO_x/kWh.

REASON: In accordance with the Council's Air Quality Advisory Note and the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality.

7. Prior to commencement a surface water drainage scheme which complies with the Flood Risk Assessment must be submitted and approved by the Local Authority. The scheme must include details of a satisfactory discharge point which must be approved by the Local Authority and United Utilities.

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 surface water in accordance with the requirements of Policy 9 of the BwD Local Plan Part 2 (2015), and the National Planning Policy Framework.

8. None of the buildings hereby approved shall be first occupied until details of a management and maintenance scheme for any sustainable drainage to be installed as part of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover the full lifetime of the drainage system, and as a minimum, shall include;

- (i) arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents' Management Company;
- (ii) arrangements concerning funding mechanisms for the ongoing maintenance of all elements of any sustainable drainage system incl. mechanical components to include details such as:
 - on-going inspections relating to performance and asset condition assessments;

- operation costs for regular maintenance, remedial works and irregular maintenance of limited life assets; and
- any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
- (iii) means of access and easements for maintenance purposes; and
- (iv) a timetable for implementation, including details of any phased delivery.

The drainage system shall thereafter be installed in accordance with the details and timetable contained within the duly approved scheme, and shall be managed and maintained as such thereafter.

REASON: To ensure that satisfactory measures are put in place for the management and maintenance of any sustainable drainage system throughout the lifetime of the development, to minimise the risk of flooding and to limit the potential for surcharging of the sewer network in accordance with the requirements of Policy 9 - Blackburn with Darwen Borough Local Plan Part 2 (2015), and the National Planning Policy Framework.

9. 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.

REASON: In order to prevent harm to nesting birds 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).

10. Prior to any earthworks or vegetation clearance a method statement detailing eradication and/or control and/or avoidance measures for Himalayan balsam should be supplied to and agreed in writing to the LPA. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

REASON: To ensure that the invasive weed species Japanese knotweed present on site is prevented from spreading and/or eradicated, in accordance with Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

11. Notwithstanding the detail submitted with the application, prior to the commencement of development hereby approved a detailed landscaping scheme, including mitigation tree planting and biodiversity enhancement, shall be submitted to and approved in writing by the Local Planning Authority. Trees and shrubs shall be planted on the site in accordance with the approved landscaping scheme 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. The landscaping shall be maintained and retained thereafter to the satisfaction of the local planning authority.

REASON: In order to ensure that the development is adequately landscaped so as to integrate with its surroundings, to enhance biodiversity, and to mitigate against the loss of existing trees, 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).

12. Notwithstanding the submitted details, no development shall commence on site unless and until, a Construction and Environmental Management Plan (including a revised Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority. The approved management plan 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, including information on how the deliveries will enter and turn within the site;
- c) The storage of plant and materials used in constructing the development;
- d) Wheel washing facilities and management of their use;
- 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;
- j) Measures to protect and mitigate against ecological impacts, including protected species and habitats, during the construction phase; and
- k) Measures to protect the Reservoir including emergency procedures in case of an incident during construction that could pollute the reservoir.

The development shall thereafter proceed in strict accordance with all of the measures detailed within the approved Construction and Environmental Management Plan, 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 minimise harm to local ecological populations, and to comply with the requirements of Policies 8, 9 and 10 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 be implemented in strict accordance with the ecological mitigation recommended within the Ecological Appraisal, by Bowland Ecology, dated August 2020, in particular Section 5.9 which refers to small mammals and common amphibians.

REASON: In order to minimise harm to local 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).

14. Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the Local Planning Authority (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, 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).

15. The noise level arising from the premises shall not exceed:

- Daytime (07:00 - 23:00 hours) - 49dB(A) Leq (1hr)
 - Night-time (23:00 - 07:00 hours) - 37dB(A) Leq (15mins)
- at the boundary of any dwelling for the duration of the approved use.

REASON: To ensure an acceptable standard of residential amenity, 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).

16. Roller shutter(s) fitted to the units must be electrically operated, soft closing (as specified in para 7.0 "Mitigation Measures" of the Noise Report Reference no. J003836-5569-ECE-01, dated May 2022, by PDA Consultants; an addendum to the noise assessment undertaken by Martin Environmental Solutions, Report Reference 1966-1a dated August 2020), and the shutters shall not be operated, or left open, outside the hours of 07:00 hours – 23:00 hours on any day.

REASON: To prevent loss of noise amenity at residential premises during opening/closing operation of the shutter(s), 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).

17. Following occupation of any of the units hereby approved, the following units, as identified on the proposed site plan referred to in condition 2, shall not operate outside the hours of:

07:00 hours – 23:00 hours Monday – Saturday, and
09:00 hours – 21:00 hours Sundays and Bank Holidays,
unless otherwise agreed in writing by the Local Planning Authority.

- i) Units A1 to A6;
- ii) Units B1 to B5;
- iii) Units C1 to C5;
- iv) Units D1 to D4;
- v) Units G1 to G4;
- vii) Units I1 to I4; and

viii) Units K1 to K4

REASON: To prevent loss of noise amenity at nearby residential premises, 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).

18. Prior to first occupation of the units hereby approved, details of signage to be erected outside each unit requesting people to minimise noise, shall be submitted to and approved in writing by the LPA, and the signage shall be installed in accordance with the approved details and thereafter permanently retained.

REASON: To minimise noise disturbance at residential premises, 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).

19. Bin store access and use at the premises shall be restricted to the following times:

Monday to Saturday: 08:00 – 21:00 hours

Sundays/Bank Holidays: 09:00 – 21:00 hours

Any variation of the above hours restriction must be approved in writing by the Planning Authority.

REASON: To ensure appropriate hours of use to minimise noise disturbance at residential premises, 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).

20. Should floodlights be required, an outdoor floodlighting scheme 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 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).

21. During the construction phase, there shall be no site operations on any Sunday or Bank Holiday nor on any other day except between the following times:

Monday to Friday 08:00 – 18:00 hours

Saturday 09:00 - 13:00 hours

Any variation of the above hours restriction must be approved in writing by the Planning Authority.

REASON: To ensure appropriate hours of site work to minimise noise during the construction phase, 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).

22. The commencement of the development shall not take place until there has been submitted to and approved in writing by the Planning Authority a scheme employing the best practicable means for the suppression of dust during the period of demolition/construction. The approved measures in the scheme shall be employed throughout this period of development unless any variation has been approved in writing by the Planning Authority.

REASON: To ensure that satisfactory measures are in place to alleviate any dust & dirt impact at adjacent residential premises during the construction phase, 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).

23. Should pile driving works be required on site, the commencement of the development shall not take place until there has been submitted to and approved in writing by the Planning Authority a programme for the monitoring of noise & vibration generated during demolition & construction works. The programme shall specify the measurement locations and maximum permissible noise & vibration levels at each location. At each location, noise & vibration levels shall not exceed the specified levels in the approved programme unless otherwise approved in writing by the Planning Authority or in an emergency.

REASON: To minimise noise/vibration disturbance at adjacent residential premises during the construction phase, 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).

24. Should security floodlighting be required on site during the construction phase, a floodlighting scheme 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 construction works.

REASON: To minimise potential loss of amenity due to intrusive light pollution affecting residents living in the vicinity during the construction phase, 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).

25. The tree exclusion zone and tree protection measures as specified in the Arboricultural Impact Assessment and Tree Protection Plan Method Statement (Cumbria Tree Surveys, Feb 2021) shall be fully in place prior to commencement of the development hereby approved, and shall remain fully in place throughout the duration of construction works. The protective fencing shall be in accordance with BS5837:1991 'Trees In Relation To Construction'. Within the exclusion zone there shall not be carried out or permitted, during the construction period, any building or

other operations, parking or passage of vehicles, or storage of building or other materials or any other object.

REASON: To ensure that the trees to be retained on the site are protected during construction works in the interests of local amenity, and in order to comply with Policy 9 of the adopted Blackburn with Darwen Local Plan Part 2.

26. Prior to commencement of development, full details of all boundary treatment shall be submitted to and approved in writing by the LPA, and thereafter installed in accordance with the approved details.

REASON: In the interests of visual amenity and security, and in accordance with Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

27. 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.

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

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

29. The development hereby approved shall not be brought into use unless and until, the vehicle parking and cycle storage provision as detailed in the approved plans in condition 2 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).

6 CONSULTATIONS

6.1 Initial consultation - May 2021

6.1.1 Arboricultural Officer

No objections raised.

6.1.2 Drainage

No objections, subject to conditions.

Lead Local Flood Authority Position

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

Prior to commencement a surface water drainage scheme which complies with the Flood Risk Assessment must be submitted and approved by the Local Authority. The scheme must include details of a satisfactory discharge point which must be approved by the Local Authority and United Utilities.

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 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.

None of the buildings hereby approved shall be first occupied until details of a management and maintenance scheme for any sustainable drainage to be installed as part of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover the full lifetime of the drainage system, and as a minimum, shall include

(i) arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents' Management Company;

(ii) arrangements concerning funding mechanisms for the ongoing maintenance of all elements of any sustainable drainage system incl. mechanical components to include details such as:

- on-going inspections relating to performance and asset condition assessments;

- operation costs for regular maintenance, remedial works and irregular maintenance of limited life assets; and

- any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

(iii) means of access and easements for maintenance purposes; and

(iv) a timetable for implementation, including details of any phased delivery.

The drainage system shall thereafter be installed in accordance with the details and timetable contained within the duly approved scheme, and shall be managed and maintained as such thereafter.

Reason:

To ensure that satisfactory measures are put in place for the management and maintenance of any sustainable drainage system throughout the lifetime of the development, to minimise the risk of flooding and to limit the potential for surcharging of the sewer network

in accordance with the requirements of Policy 9 - Blackburn with Darwen Borough Local Plan Part 2 (2015), and the National Planning Policy Framework.

6.1.3 Cleansing
No objections.

6.1.4 Public Protection
Further detail required.

Predetermination

I will require the following additional information before I can make my recommendations.

Comment: Acoustic Assessment for a proposed industrial development at Land off Haslingden Road, Blackburn, BB1 2NE.

The revised report is helpful but in respect of the car parking area traffic noise impact assessment I require the following additional assessment of residential amenity impact:

- Slamming car doors: Impact at 328 & 330 Haslingden Road, Blackburn
 - o The amenity impact (maximum noise level) arising from 4 vehicle doors closing simultaneously at the nearest car parking spaces upon the rear habitable room occupiers at 328 & 330 Haslingden Road, Blackburn.
 - o The amenity impact (maximum noise level) arising from 8 vehicle doors closing simultaneously at car parking spaces outside units G1 to I1 upon the rear habitable room occupiers at 328 & 330 Haslingden Road, Blackburn.
- Slamming car doors: Impact at 3 Sudell Nook, Blackburn
 - o The amenity impact (maximum noise level) arising from 4 vehicle doors closing simultaneously at the nearest car parking spaces upon the rear habitable room occupiers at 3 Sudell Nook, Blackburn.

The revised report is helpful but in respect of the bin store area adjacent 3 Sudell Nook, I require a noise impact assessment:

- Bin store deliveries and use – please provide a noise impact assessment or provide a restricted hours of use for bin collection/ replacement that won't result in loss of residential amenity.

6.1.5 Highways/PROW
No objections in principle, subject to various matters being addressed satisfactorily and the S106 being secured.

PROW

No implications

Parking

In accordance with the adopted parking standards, based on a B2/B8 use class, the requirement for parking based on floorarea of 5011sqm, would equate to an allowance of 125 parking spaces. The application proposes 193 parking spaces, this includes 12 disabled. This number is significantly more than allowance appropriate to the use, without any form of justification, the number of spaces should be more aligned with council standards and reduced accordingly.

Notwithstanding the above, the bays are to the council's correct standard sizes and provides adequate 6m manoeuvrability into and out of the bays.

The TA reports servicing, will be to the front of each unit, with in mind, it may be prudent to accommodate some larger bays to accommodate transit vans, and also to keep the pathway clear of parked vehicles to assist in vehicles transporting goods to and from the vehicle/unit. ,l

A 10% provision of disabled bays to be provided in close proximity to entrance of the buildings please review the details and reposition where necessary.

The cycles and PTW provision should also be accommodated closer to the entrance, please reconsider. Also ensure that the cycle spaces are secure and covered.

There a number of pedestrian footways that are provided through the site and to the wider highway network. The minimum width for the footways running along the front of the units should be 2m. The paths connecting to the highways should be supportive of alternative modes of transport and I would invite the applicant to extend the width to 3m to provide passage for both pedestrian and cycles.

Access

Vehicular access into the site is to be taken from the unadopted highway, directly off the roundabout there are two connections to be provided off the access road. The internal road will accommodate 2 way traffic and sufficiently wide enough at 6m. The proposed site plan is devoid of any signing and lining which should be aligned with the delivering of the car park.

Both the internal access roads stop short of the red line boundary. We would advise that the road is extended to the edge of the boundary line to avoid any ransom issues.

Sightlines have not been provided, please request further details.

Servicing

No servicing details have been provided. No information on frequency of visits and type of vehicles to visit the site have been provided, please seek further details. The description of the application alludes to a B2 and B8 use which would suggest that there may be large vehicle visiting the site, confirmation on what this would be is required. No Swept path analysis has been provided; this should include the exit and entry into the site from both access points and travelling through the site.

Transport Assessment

A review of the document has been undertaken. The analysis is attached, which cites further works required

One of the key findings of the report is recognition towards the impact upon Haslingden Road at key junctions. It is with this in mind that we request a contribution of £100k towards wider network improvement, this will also include enhancement of sustainable transport measures.

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)

- 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, we would in principle offer our support to the application, subject to the above matters being addressed satisfactorily and the S106 being secured.

6.1.6 Lancs Constabulary

No objections. Various comments offered in relation to secured by design principles (to be attached as an informative).

In order to keep people safe and feeling safe and to reduce the risk of crime and disorder it is important that crime and security measures be considered at an early stage of the design phase therefore I would recommend that the scheme is designed and constructed to Secured By Design 'Commercial 2015' security specifications.

6.1.7 EA

No objections raised. No site constraints.

6.1.8 GMEU Ecology

No objections, subject to conditions.

Initial comments (26th May 2021):

Summary

The main ecological issue is compliance with section 170 NPPF ie the development will result in a net loss of biodiversity Other issues relating to nesting birds, Himalayan balsam and proximity to Guide Reservoir can be dealt with via condition.

Protected Species

The site was assessed for all likely protected speices. The presence of any such species on the site was reasonably discounted other than bats as whilst no roosting opportunities are present they would likely forage over the site. The site is however too small to be of critical importance to bats with the reservoirs and other grassland nearby providing equivalent or high value foraging habitat. No further surveys are required.

Nesting Birds

Young trees and scrub on the site provide 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.

Mammals and Amphibians

Whilst no protected mammals and amphibians are likely to be present the site is likely to have other mammals including potentially species such as hedgehog and common toad both UK Biodiversity Priority Species and whilst no badger setts are present, this species can range a long way and may forage on the site. Section 5.9 of the ecological report makes recommendation on how to minimise negative impact of these species. We recommend this section is conditioned.

Himalayan Balsam

Species such as Himalayan balsam are included within schedule 9 part 2 of the Wildlife & Countryside Act 1981, as amended. It is an offence to introduce or cause to grow wild any plant listed under this schedule. It was identified as present along one boundary of the site. I recommend a condition along the following lines is applied to any permission.

Prior to any earthworks or vegetation clearance a method statement detailing eradication and/or control and/or avoidance measures for Himalayan balsam should be supplied to and agreed in writing to the LPA. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

Proximity to Guide Reservoir

There are risks during construction of dust, contaminated run off and debris and post construction of polluted drainage entering the reservoir. A construction and environmental management plan should be required that includes measure to protect the Reservoir and includes emergency procedures in case of an incident during construction that could pollute the reservoir. Drainage details should be provided on how surface water will be disposed of post construction. The details of both can be conditioned.

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 in its current form will result in a net loss around 1.6ha of medium ecological value habitat and associated bird nesting habitat and bat foraging habitat, with minimal soft landscaping proposed. The development will therefore result in a net loss of biodiversity and therefore is not compliant to this part of the NPPF. I note however that the applicant indicates it is allocated for employment and therefore is compliant with the local plan.

Assuming the Council is minded to approve despite the biodiversity losses, I recommend the soft landscaping and its biodiversity value are maximised through use of native tree and shrub species such as silver birch (*Betula pendula*), hawthorn hedges (*Crataegus monogyna*). The use of green or brown roof options, bird and bat boxes incorporated in to the new build and off site compensation also considered.

The details can be dealt with via condition and or planning obligation .

Additional comments (20th October 2021) - re S106 net biodiversity:

In response to the Council's comments: "With regards to the net biodiversity loss issue, they are happy to address the issue as you suggest off site, as there is no capacity to provide the required mitigation on site. We are working with the applicants on a S106 Agreement relating to off-site highway contributions, so it makes sense to also add the net biodiversity loss as well. Could you please advise how this be taken forward as a contribution for the S106 – i.e.

what will be the contributions? I can then inform the applicants”, GMEU responded as follows:

We have started utilising the defra metrics to calculate the level of loss and then applying a cost multiplier based on figures from the Environment Bank and defra, where exact costs have not been calculated. These range from around £9.6k per Biodiversity unit to £14k per unit. So far where we have used this, most have gone for £10k presumably because a nice round number and easier on the maths.

We have not had a defra metric for this site, but I note from my comment I reckoned the loss of 1.6ha of moderate value habitat most likely in poor condition. This would equate to approximately 6.4 biodiversity units. (moderate value habitat apply a multiplier of 4 and poor condition 1).

Some minor habitat creation will occur on the site, which would count against the approximately 6.4BU but the areas shown on the indicative layout for soft landscaping are small, but the net loss will be a bit less than 6.4BU.

In terms of how other Council’s have dealt with this in the section 106, is that the financial contribution is subject to the LPA finding a receptor site within a certain time period where the funding can be spent to create or enhance habitats with a net gain of the same number of units. Otherwise the money is returned. Clearly the financial sum is for Blackburn to agree and you may have a potential receptor site where the costs of creating the habitats is lower.

6.1.9 United Utilities:

No objection in principle, subject to conditions, but further information requested in relation to UU assets.

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

Drainage

Upon review of the Flood Risk Assessment & Drainage Strategy (Ref: G2732-FRA-01, Issue: 0, Dated: April 2021, By: PSA Design Ltd. we wish to highlight that there are no records of a public surface water network within the vicinity of the site, as identified in Appendix C. The Proposed Drainage Strategy Layout in Appendix C of the document indicates a surface water discharge to an existing surface water manhole. The application form indicates that the applicant intends to discharge surface water via sustainable drainage systems. We would recommend the applicant confirm their approach to surface water drainage as part of this planning application process and an amended proposal could result in a material change to the submitted layout.

It is therefore our recommendation to the LPA that the above information is provided prior to determination should the requested information result in the need for changes to the detail of the proposed site design. If, however, you are minded to determine this application in advance of the above information being provided, which we do not recommend, we would request that you attach the below drainage conditions to secure the necessary drainage details before development commences.

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.

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.

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.

Water Supply

For larger premises or developments of more than one property, including multiple connections, where additional infrastructure is required, a water network behaviour/demand modelling exercise would be required to determine the network reinforcements required to support the proposed development.

United Utilities' Property, Assets and Infrastructure

The proposal affects a UU right of access, however the developer and United Utilities Legal Services are evidencing the variation of this route by way of formal legal documentation. The applicant is reminded they must ensure our 24 hour access to our asset within the site is maintained and available both during and post construction. It is recommended that the variation is clarified and agreed as soon as possible, to avoid any delays in delivery.

A public sewer crosses this site and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of Part H of the Building Regulations, for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer may be necessary. All costs associated with sewer diversions must be borne by the applicant.

Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

The applicant should be aware of water mains in the vicinity of the proposed development site. Whilst this infrastructure is located outside the applicant's proposed red line boundary, the applicant must comply with our 'Standard Conditions for Works Adjacent to Pipelines'. 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. 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. 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.

6.2 Re-consultation (November 2021):

6.2.1 Arboricultural Officer

No objections raised.

6.2.2 Drainage

No further comments offered.

No further comments offered.

6.2.3 Cleansing

No further comments offered.

6.2.4 Public Protection

No objections, subject to conditions.

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:

Air Quality

Air quality report(s) has been submitted with this application and will be peer reviewed by the Environmental Protection Service - recommendations will be provided as soon as possible.

CONTAMINATED LAND CONDITION

Condition - Unforeseen Contamination

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

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

Condition - Noise Control (Day & Night Uses)

The noise level arising from the premises shall not exceed:

- Daytime (07:00 - 23:00 hours) - 49dB(A) Leq (1hr)
 - Night-time (23:00 - 07:00 hours) - 37dB(A) Leq (15mins)
- at the boundary of any dwelling for the duration of the approved use.

Reason: To ensure an acceptable standard of residential amenity.

Condition: Roller Shutters

Roller shutter(s) fitted to the units must be electrically operated.

Reason: To prevent loss of noise amenity at residential premises during opening/closing operation of the shutter(s).

Condition – Car Park ‘Quiet Please’ Signage

Signage shall be erected outside each unit requesting people to minimise noise.

Reason: To minimise noise disturbance at residential premises.

Condition - Waste Disposal Bin Stores Hours of Use Restriction

Bin store access and use at the premises shall be restricted to the following times:

Monday to Saturday: 08:00 – 21:00 hours

Sundays/Bank Holidays: 09:00 – 21:00 hours

Any variation of the above hours restriction must be approved in writing by the Planning Authority.

Reason: To ensure appropriate hours of use to minimise noise disturbance at residential premises.

Floodlighting

Should the proposed development include outdoor lighting I would recommend the following condition:

Condition – Floodlighting (as appropriate)

An outdoor floodlighting scheme 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.

Construction Phase Control Conditions

Condition – Hours of Site Works

There shall be no site operations on any Sunday or Bank Holiday nor on any other day except between the following times:

Monday to Friday 08:00 – 18:00 hours

Saturday 09:00 - 13:00 hours

Any variation of the above hours restriction must be approved in writing by the Planning Authority.

Reason

To ensure appropriate hours of site work to minimise noise during the construction phase.

Condition – Dust Control

The commencement of the development shall not take place until there has been submitted to and approved in writing by the Planning Authority a scheme employing the best practicable means for the suppression of dust during the period of demolition/construction. The approved measures in the scheme shall be employed throughout this period of development unless any variation has been approved in writing by the Planning Authority.

Reason

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

Noise & Vibration Control

The following condition is recommended if pile driving works are required on site.

Condition

The commencement of the development shall not take place until there has been submitted to and approved in writing by the Planning Authority a programme for the monitoring of noise & vibration generated during demolition & construction works. The programme shall specify the measurement locations and maximum permissible noise & vibration levels at each location. At each location, noise & vibration levels shall not exceed the specified levels in the approved programme unless otherwise approved in writing by the Planning Authority or in an emergency.

Reason

To minimise noise/vibration disturbance at adjacent residential premises.

Floodlighting Control (Construction Phase)

The following condition is recommended if security floodlighting is required on site.

Condition

A floodlighting scheme 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 works.

Reason

To minimise potential loss of amenity due to intrusive light pollution affecting residents living in the vicinity.

Condition: Electric vehicle charging

Each commercial unit shall have its own dedicated electric vehicle charging point. Each charging point will have a Type 2 connector and a minimum rating of 7kW / 32A.

Reason: In accordance with Paragraph 110a and 112d of the NPPF. The condition also implements the Council's Air Quality Advisory Note and the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality. National government policy is encouraging a transition away from internal combustion engines and towards ultra-low emission vehicles, including electric vehicles, over the next 20 years. The government has committed to end the sale of new petrol and diesel cars and vans by 2030.

Condition: Green Travel Plan

None of the buildings hereby approved shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall contain:

- details of a Travel Plan co-ordinator;
- details of measures to be introduced to promote a choice of travel modes to and from the site;
- a monitoring regime which sets out travel mode share targets, monitoring procedures and mechanisms to be put in place to ensure that the Travel Plan remains effective; and
- a timetable for the implementation, monitoring and review of the Travel Plan which shall include provision for an annual assessment (over a minimum period of five consecutive years following the implementation of the Travel Plan) of the effectiveness of the measures introduced under (b) and shall identify the need for any changes to the Travel Plan and a timetable for their implementation.

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

REASON: In order to promote modal shift and increased use of sustainable methods of travel in accordance with the objectives of policies 7, 10 and 36 of the Blackburn with Darwen Local Plan Part 2, and paragraph 111 of the National Planning Policy Framework.

Condition: Gas Boilers

Emissions from any gas-fired heating boiler installed at the site shall not exceed 40 mgNO_x/kWh

Reason: In accordance with the Council's Air Quality Advisory Note and the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality.

6.2.5 Highways/PROW

Comments received January 2022

The additional details received have been reviewed, the vast majority of the issues have been addressed satisfactorily. Those that haven't, and which should be conditioned are:

- Ptw parking. No offer is provided within the site layout plan

Sightlines have been provided, these are satisfactory.

Construction Method Statement: this has been reviewed. Although the statement sets out the requirement in response to the parameters we would need to assess the methodology against.

There are concerns with the management of the wheel washing, we are of the opinion having had recently experience of developers failing to manage the process. A more robust process is required, especially for the early inception and start on site. Please could we seek amendment to this and also further information on the how the deliveries will enter and turn within the site.

Other

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, we would in principle offer our support to the application, subject to the above matters being addressed satisfactorily and the S106 being secured.

Please attach standards conditions/Informatives: Highways 1, 2, 3, 5, 6, 7, 8, 10, 11, 13, 14, 15 and 17

Additional comments received March 2022

No objections.

The changes, do not appear to affect parking numbers. There is a change to the pedestrian facilities in the orientation, however they still provide the connection to Haslingden Road, albeit in a different form. We would insist that this route is 3m wide to accommodate a shared footway/cycleway.

6.2.6 Growth

No further comments offered.

6.2.7 Lancs Constabulary

No further comments offered.

6.2.8 EA

No further comments offered.

6.2.9 GMEU Ecology

The amended plans do not materially change the ecological issues associated with this development. My previous comments of the 26th May and 20th October 2021 still apply.

6.2.10 United Utilities

Happy for the matter to be finalised at condition discharge stage if our recommended condition is placed on any approval.

7 Publicity

- 7.1 The proposed development has been publicised through letters to adjacent occupants in May 2021; a site notice was displayed; and a press notice was published. The plans were amended on 16th November 2021 and a full re-consultation was undertaken. A press notice was published on 23rd November 2021 and a site notice was displayed on 19th November 2021. 24 neighbour letters were issued.
- 7.2 An additional noise report was received on 15th December 2021, and an amended Air Quality Assessment was received on 15th March 2022. Further minor tweaks were made to the site layout and elevational detail subsequent to this, which did not constitute a material change. A further noise report update was also received on 10th May 2022 in relation to roller shutter noise and mitigation.
- 7.3 1 objection (one initial objection and a follow up letter raising further issues) was received in response to the first consultation. Following the re-consultation, another letter was received, from the same objector, confirming that their original objection(s) still stood.

8.0 CONTACT OFFICER: Tom Wiggans – Planning Officer

9.0 DATE PREPARED: 13th May 2022

10.0 SUMMARY OF REPRESENTATIONS

10.1 Initial consultation - May 2021:

10.2 2 objections received (from the same objector):

Objection – Mrs P A Kennedy. Received - 14/06/2021

I wish to object to the above planning application on grounds of over development, traffic pollution, the lack of green space including tree planting and the look of the development on the gateway to Blackburn.

When the land was subject to a Public Inquiry in 1999, the presiding Inspector removed one of the buildings (the largest on the site) as it would constitute over development. The site was left with three well designed one storey buildings besides what we now know to be the Willows and the hotel, which would be complimentary businesses. While it is understood that circumstances move forward, what is proposed is as far away from the original as could possibly be. Guide village is surrounded already by the motorway on one side and industrial on the other, the development in question would remove all the only remaining land.

While the land is proposed for employment the ones applied for are completely unsuitable. The Guide junction of the M65 was always proposed to be the 'Gateway to Blackburn'. Surely then the look of the development from the road and approach should be more aesthetically pleasing.

As it stands there are no buffer zones around existing properties no tree planting and what appears to be very limited green areas. This does not sit well with the longstanding practice which has always been the case in this area. Greenery is also needed to limit air pollution.

Due to the nature of the proposal there is bound to be a significant increase in traffic-68 units = minimum 68 vehicles and businesses are highly likely to have 2,3,4 or more people employed by each business plus delivery vehicles. Traffic increase and resulting pollution stands to make the Guide area one of the highest places of such in the borough. The present road change on Haslingden Rd is meant to ease traffic but this application if passed will cancel out any benefit gained.

Employment area policy states 'the provision of quality buildings would be encouraged on the site' and also suggested as 'prestige' it should also have 'attractive frontages.' It is also adjacent to 'a prominent transport gateway.' The policy goes on to state the potential ecological impact that they should be 'considered due to the greenfield nature of the site' and proximity to reservoirs. Also 'mitigation measures for habitat loss should be met in local area'. Careful consideration should be given to design and use of development when in close proximity to residential dwellings.' (Chapter 3 employment) This application does not measure up to any of these policies.

2nd Objection – Mrs P A Kennedy & Mr L D Kennedy. Received - 21/06/2021

Having read further some supporting documents provided by consultants for Roundhouse we are concerned that some aspects of the proposed site may not be given due consideration and wish to make further comments.

The applicants deem the design and appearance suitable according to policy and state "reflects colour palette and materials of commercial buildings in the locality" and "wholly in keeping with the local area" and that they won't compete visually with residential property. They certainly do not reflect any in the immediate locality they will stand out and overpower residences despite being lower in height. The colour palette is completely wrong for the area. Most of it is too dark and the signage to be used could be colourful and contribute to a lack of visual amenity.

The arboricultural survey states a number of trees are of good quality particularly ones which border Haslingden Rd and around existing dwellings then goes on to say construction will mean they will be lost. Part of T015 sited between the storage reservoir and the southwest side of Sudell Nook are the only area of trees to remain. the trees may not be of the most superior quality they are fairly mature with plenty of life left in them. They also help enormously in the visual amenity afforded residents, walkers, joggers, and the people of the locality and beyond who use the area for recreation. This is especially important because of the continuing decimation of the area. Because of their situation in bordering the site we do not see why they have to be removed. The only explanation we can see is one of convenience, simply the trees would be in the way of the bulldozers.

The ecology survey also expresses some concern for the loss of habitat. At 5.3 in the report "semi-mature and mature trees should be retained where possible, if not replacement 2.1 for every tree removed". "That compensation for loss of ecology and biodiversity should be incorporated within the site where possible." (5.4) they state other required measures to mitigate the impact of the proposed development. See also 5.6, 5.10, and 5.13 where mitigation for other species such as bats, amphibians, and small mammals is recommended through the creation of green areas. Our question is where on the application site would there be room for any of this as it is predominately concrete! Para 170 of the NPPF states "Planning Policies and decisions should contribute to and enhance natural and local environment by minimising impacts on and provide net gain for biodiversity." Also locals planning authorities should "encourage opportunities to incorporate biodiversity improvement in and around development." (Para 175) Relying on what's already in place around sites would not produce a 10% net gain in biodiversity but if you view the site plan that seems to be what's happening. The recommendations for the site via the ecology survey could not possibly happen as it is wholly concrete. The problem here is that there are so few green areas as the application stands there is no available space for anything other than token tree planting. There definitely should be a tree planting and landscaping plan to accompany this application.

On other matters there seems to be no justification in breaking up the stone wall in three places to provide footpaths onto the site. The developer is suggesting this is for access and so that employers and employees can have easy access to food outlets across the road. We sense considerable danger in the latter with the proposed four lane road as pedestrians may come rushing out and try to cross the road in haste. There are footpaths within the site so one access would be quite sufficient. The siting of bin stores is also problematic. At present these are shown immediately to the rear of the houses fronting Haslingden Rd and close to the south of Sudell Nook. Experience tells us that the collection of waste is done as early as 5am and it is considerably noisy and the only mammals they attract are rats.

If seems to us that when discussion was held with D.W and the offices of Eurogarage more concern was raised by the planners in encouraging more biodiversity. Both have substantial tree planting and Eurogarages have a pond created on site. Surely that kind of concern should be applied to the present proposal especially being so close to Guide. If the Planning dept and committee are minded to pass some business development on this land we think it should be substantially reduced in build size and semi and mature trees kept with additional screening fronting Haslingden Rd and facing the Willows. It also should provide more areas for biodiversity.

The local plan chapter 2 Development and people states "Development will be permitted where it can be demonstrated that "it will in isolation and in conjunction with other planned and committed development contribute positively to the overall physical, social, environmental and economic character of the area." Also that "It does not adversely affect people's lives" and " We wish to ensure that new development makes a positive contribution to the elements of local areas and make them attractive to people"(policy 8) As far of the character of the area you might say that ship has sailed but we urge you to consider all of the above carefully and mitigate as far as possible the adverse affect this application will have if passed as it is.

10.5 **Re-consultation on amended plans - November 2021**

Mrs P A Kennedy & Mr L D Kennedy. Received – 29/11/2021

For the attention of Tom Wiggans

We wish to object further to the above planning application.

It would appear that the only amendments the developer is prepared to make are minimal and are ones that could be easily addressed at planning approval stage. We in the village would have appreciated changes which would make a greater difference to our surroundings. If the small changes are the only ones that our planning department are encouraging then it has to be up to our planning committee to encourage biodiversity and green spaces to enhance areas especially with the present concern about climate change.

We wish our previous objections to remain in place as these continue to be entirely relevant. We still feel that 3 footpaths/ cycleways into the site would be highly dangerous having to cross a 4 lane highway. Because of the provision of internal footpaths running parallel to Haslingden Rd why are these required. It is appreciated that one bin store has been removed from the rear of 330 and 332 Haslingden Rd but the one to the rear of Sudell Nook remains. We live opposite and had to put up with early morning excessive noise disturbance from the Eurogarage site until recently. Thankfully they have been moved further away now but we do have that personal knowledge and would be concerned for the residents of Sudell Nook.

The most important aspect of the development is the lack of green spaces. The developers in their supporting statement suggest that any landscaping design could be "conditioned by any planning consent" (landscaping and design statement 3.5). Surely in view of the local plan policy and the employment policy previously stated in prior objections made by us and the comments of the ecology report, a full landscaping and green ecology plan should be put before the planning department and then the planning committee. It should be noted too that the supporting ecology report was commissioned and then put forward in August 2020. The report states at 5.15 "if no works are undertaken on site within 12 months of this survey or if any changes are made to the proposal a further ecological survey may be necessary (because of the mobility of animals and the potential for colonisation of the site). We suggest such a survey should be undertaken although if the planning department and committee are able to take serious account of the existing report then that may not be necessary. At present that seems not to be the case.

There are further statements made by the developers which are at odds with the planning application. The developers accept that the NPPF, NPPG and Local plan policies are of material consideration but there is no evidence of that consideration in the planning application. As in previous objections we have sent, the planned site is mostly concrete with almost non-existent available green space. There is no way in its present form that it takes account of policy that concerns biodiversity and related matters.

The developers also take little account of design policy. The most important aspect should be blending into the immediately surrounding residential property, not other business property in the area which are further away. The developers design statement says the design "reflects the colour palette" (5.9) and use phrases such as "will not compete"(5.10) and "wholly in keeping"(5.11) when justifying the design. An insertion of a partial brick facade will not neutralise the overall effect when buildings are next to 2-year old cottages. The applicants themselves consider the build is "designed to respond to residential properties adjoining the site" (5.19) not any business build. There is no way on earth that build sites like this would be acceptable in most of the residential areas in the borough. Surely the planning department and committee can see and accept that this application as it stands is just not right in this immediate area. On the advice of Martin Kenny (the previous planning officer dealing with the application) we did go and view the similar site at Bamber Bridge so we are fully aware of the look of the build. There are major differences. That site is not in a residential area, it is invisible on any approach and is surrounded by trees.

On other matters there is no evidence that noise and air pollution would not affect the residents in the area, even the developers are not sure about that. At 5.17 they state "subject to the use of insulation as included within the report there should be unacceptable impacts on neighbouring resident". Even if that is a mistake we and they have no idea how the residents and nearby area will be affected by such proposals.

If the planning committee are minded to pass this application we think they should really consider following the local plan and government policy which allows for a good amount of green space within the site. The visual amenity could be improved by removing the build to the road frontage. This could be replaced by green areas and tree planting as well as keeping the mature trees which would help to protect the existing residents and respecting the aesthetics of the gateway to Blackburn. There would still be 56 units which would still provide considerable employment and fill the brief laid down in the Local Plan. We in the village were not consulted by the council with regards to the Local plan changes so naively thought what was outlined at the time of the public enquiry would stand for many years. We note in the local plan that community is described as important to the council so we hope you can support this one which has lived through devastating changes since the build of the M65 motorway.

We are supported in this by many of the villagers but because of the pandemic have been unable to form a proper group. That aspect clearly supports the developer and not the people who have to live with these changes.

From Mrs and Mr Kennedy
Of Haslingden Rd Guide.

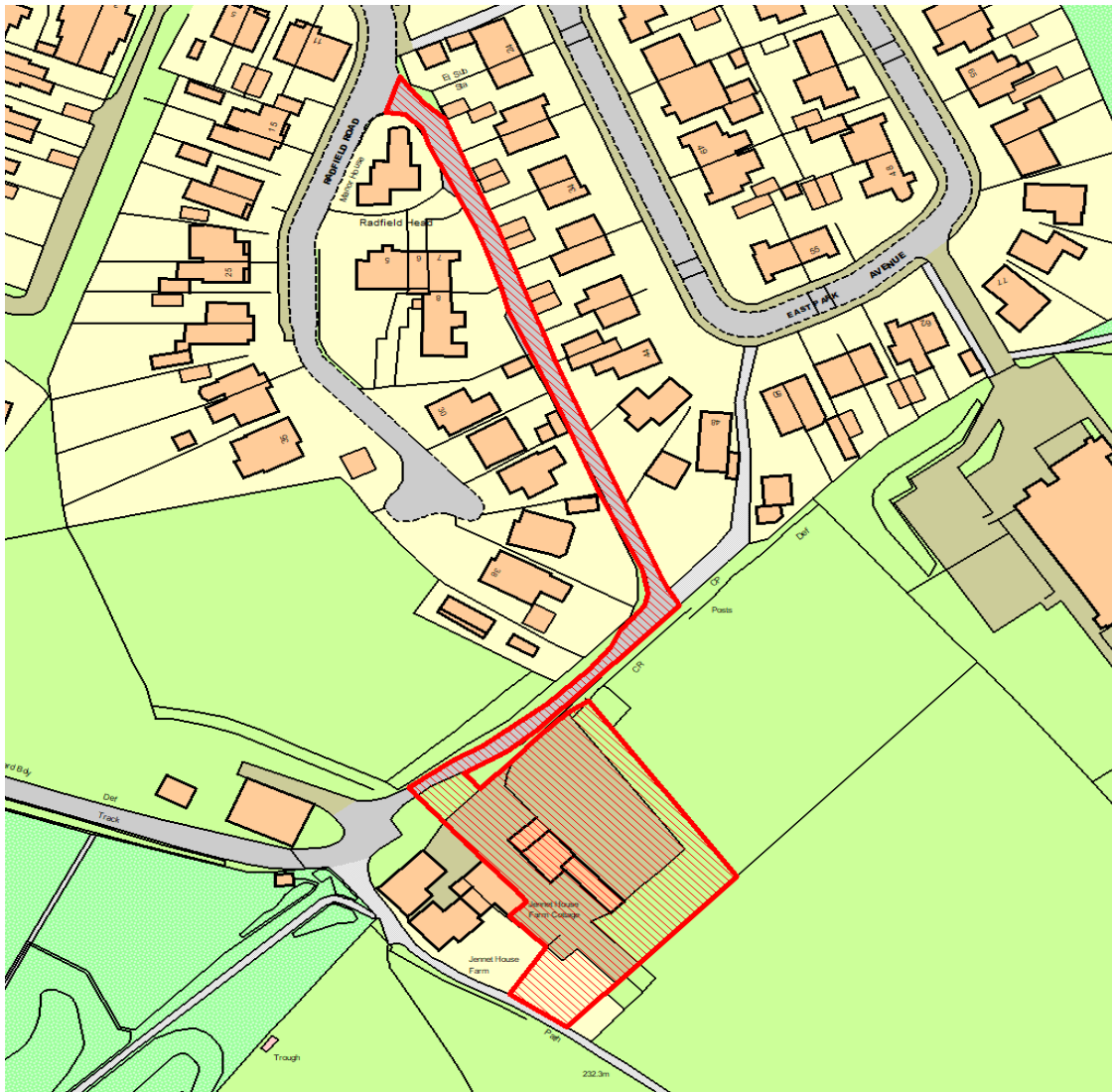
Proposed development: Full Planning Application for Demolition of a range of equestrian buildings and the erection of three detached dwellings and garages

**Site address:
Jennet House Farm
Radfield Road
Darwen
BB3 2PH**

Applicant: Mr and Mrs T Spooner

Ward: Darwen South - Councillors Kevin Connor, Lillian Salton & Andrew Walker

Ward: Darwen West - Councillor Dave Smith, Brian Taylor & Stephanie Brookfield



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

2.1.1 The application is reported to the Committee in accordance with the Chair Referral Scheme of the Scheme of Delegation due to the objections from local residents, and the fact the application site is in a countryside area.

2.1.2 This proposal relates to the demolition of a range of equestrian buildings and the erection of three detached dwellings and garages. A number of objections were received, covering a range of issues, but predominantly relating to the condition of the existing access track. These issues are addressed later in this report.

2.1.4 The proposal was subject to a formal pre-application submission (ref: BL\2020\ENQ\09094, in September 2020, which was supported in principle, subject to a proposed fourth dwelling being removed from the scheme, thereby allowing for more space for landscaping, reducing traffic, and the remaining dwellings would be spaced more irregular which would have multiple benefits, including minimising the visual impact of the proposal, ensuring overlooking / separation distances were respected, and allowing for more landscaping and retention of the best trees.

2.1.5 The applicant has taken on board the pre-application advice, and the current submission (for 3 dwellings) reflects the pre-application advice that was given.

2.1.6 Assessment of the application finds that the proposal is acceptable in principle and complies with the relevant policies, subject to appropriate conditions to mitigate against specific impacts. Therefore, in accordance with the presumption in favour of sustainable development as set out in the NPPF, the proposal is considered acceptable.

2.1.7 The land edged in red submitted with the location plan includes the access road from the application site to Radfield Road. The applicant's agent acknowledges that they do not own all of the land within the application site boundary, and they do not know who owns the remaining land. Such matters are not material grounds to resist planning applications where the correct notification procedures have been followed. The Agent has confirmed that a Certificate D Notice was posted in a local newspaper (Lancashire Telegraph) on the 9th November 2021, inviting representations to be submitted from anyone who has an interest or owns the land in question. Such measures are sufficient to demonstrate compliance with nationally prescribed procedures and the proposals are thus acceptable with reference to land ownership and the service of ownership certificates.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site lies outside of the defined Urban Area for Darwen, within a Countryside allocation. Access to the site is via an unmade single track access road / bridleway.

3.1.2 The ownership of the access track falls under various owners, and the applicant has served the requisite notice through a Certificate D.

3.2 Proposed Development

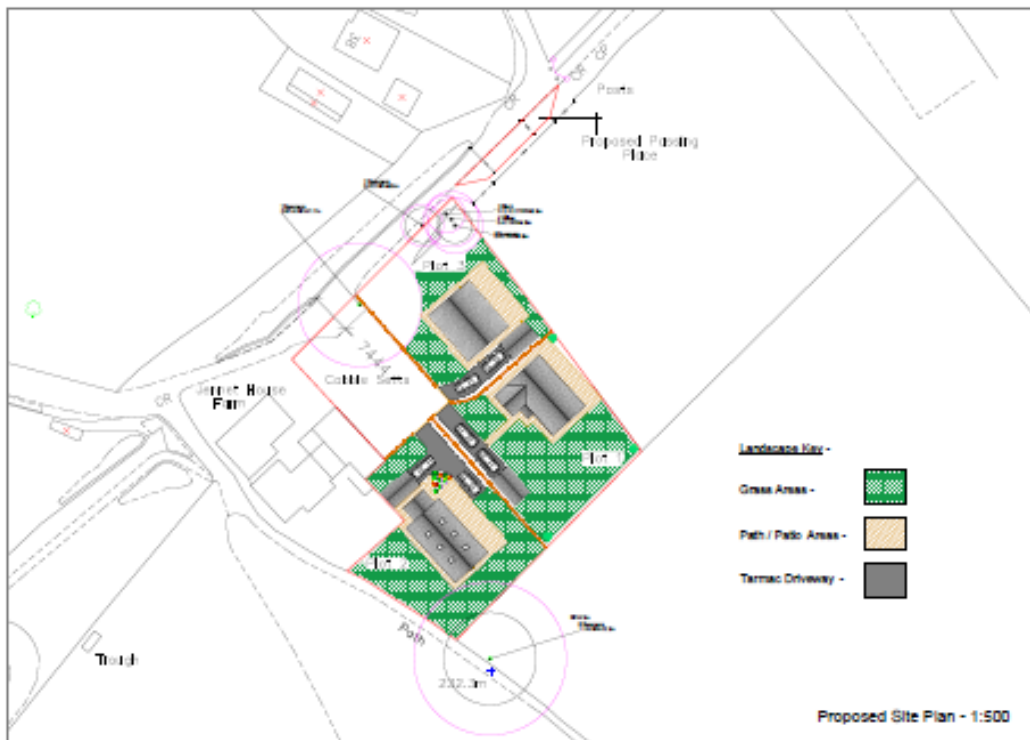
3.2.1 The application seeks to demolish a range of equestrian buildings, and to erect three detached two storey four bedroom dwellings and associated garages. The applicant has also proposed the introduction of a passing place on the access track.

3.2.2 The existing / proposed site, floor plans, elevations, and site photos are shown below:

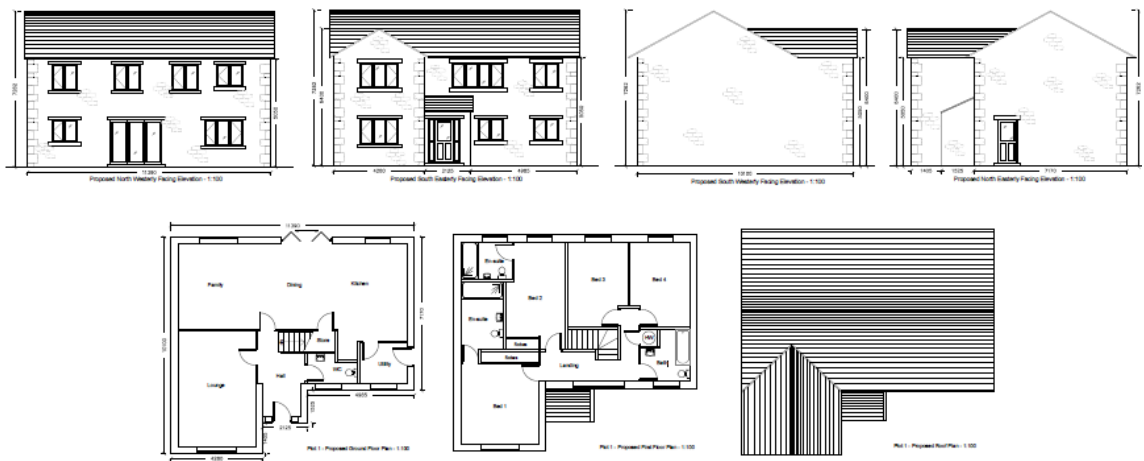
3.2.2 Existing plans and elevations (below):



3.2.3 Proposed plans and elevations (below):



Plot 1



Plot 2



Plot 3



3.2.4 Site photos, taken 1st 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 The Development Plan comprises of the Core Strategy (2011) and Local Plan Part 2 – Site Allocations and Development Management Policies (2015). In determining the current proposal the following are considered to be the most relevant policies.

Core Strategy (2011)

- Policy CS5 (Locations for New Housing);
- Policy CS16 (Form and Design of New Development)
- Policy CS18 (The Borough's Landscapes)

Local Plan Part 2 (2015)

- Policy 5 (Countryside Areas)
- Policy 8 (Development and People)
- Policy 9 (Development and the Environment)
- Policy 10 (Accessibility and Transport)
- Policy 11 (Design)
- Policy 18 (Housing Mix)
- Policy 41 (Landscape)

Other material considerations

Residential Design Guide Supplementary Planning Document (SPD)

BwD Parking Standards

National Planning Policy Framework (NPPF) (2021)

- NPPF Paragraph 11

Plans and decisions should apply a presumption in favour of sustainable development.... For decision making this means... c) Approving development proposals that accord with an up-to-date development plan without delay.

- NPPF Paragraph 84

Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

- Previously developed land (NPPF definition):

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

3.4 Assessment

3.4.1 The key issues in relation to this application are:

- Principle of proposal
- Visual amenity, Design and Trees and Landscape impacts
- Residential amenity
- Highways / parking
- Ecology / biodiversity enhancements
- Drainage
- Neighbour objections

3.5 Principle of proposal

3.5.1 Policy CS5 identifies the preferred location for new housing development to be within the Inner Urban Areas of Blackburn and Darwen.

3.5.2 Policy 5 of the Local Plan states that within the allocated Countryside Area, planning permission will only be granted for development needed for the purposes of agriculture or forestry, or economic uses appropriate in nature and scale to the rural area.

3.5.3 Policy 18 states that the Council will require detached and semi-detached housing to be the principal element of the dwelling mix on any site that is capable of accommodating such housing, and where such housing would make a positive contribution to the character of the local area.

3.5.4 The main issue is whether or not the proposal accords with local and national planning policy which seeks to restrict new residential development in the countryside. Further considerations involve design, landscape impacts, residential amenity, highways, trees and ecology.

3.5.5 The site is positioned outside of the defined Urban Area for Darwen within a Countryside allocation. Currently there are no provisions for newbuild dwellings in such locations within the development plan. All development proposals must be determined in accordance with the development plan, unless material considerations indicate otherwise. The policies within the Framework are current Government policy and are thus a material consideration, to which significant weight should be attached.

3.5.6 In such circumstances, Paragraph 11 requires development proposals to be weighed against the merits of the Framework. Paragraph 84 recognises the importance of developing sites beyond existing settlements. The use of previously developed land, and sites that are physically well related to existing settlements is specifically encouraged, where suitable opportunities exist.

3.5.7 The sites larger part is currently in use for equine purposes though no planning permissions have been issued for that use. In any event, satellite images of the site confirm it has been used as a stables and ménage for in excess of 10 years. No enforcement activity is on file for that use and it is therefore deemed to be lawful. Conclusively, both of those land uses fall within the definition of previously developed land in the Framework. Services, facilities and regular public transport links are all within walking distance of the site and family dwellings are also proposed. The principle to develop housing is thus considered acceptable.

3.6 Visual amenity, Design and Trees / Landscape Impacts

3.6.1 Policy CS18 states that the key features of landscapes throughout the Borough will be protected.

3.6.2 Policy 41 of the Local Plan outlines that development will be permitted provided there is no unacceptable impact on landscape character, or the principal traits associated with it.

3.6.3 Policy CS16 requires new development to be of a high standard of design, and to respect and reinforce local character.

3.6.4 Policy 11 requires all new development proposals to present a good standard of design through demonstrating an understanding of the sites wider context and making a positive contribution to visual amenity.

3.6.5 The site comprises the farmhouse and equestrian buildings which would be demolished to make way for the access road. The track to Jennet House Farm is a public right of way and any proposals here would be clearly visible from the public domain.

3.6.6 The three dwellings have been sited so as to incorporate open space for landscaping which would soften the dwellings appearance against the hillside over time. Their scale, height and appearance would be in keeping with the adjacent farmhouse. Currently a number of mature trees intersperse the site. The best of these specimens are retained and integrated within the development.

3.6.7 Subject to appropriate conditions for landscaping/tree protection, the proposal is considered acceptable, and complies with Policies 11 and 41 of the BwD Local Plan Part 2 and the Core Strategy policies CS16 and CS18.

3.7 Residential amenity

3.7.1 Policy 8 states that all development proposals should secure a satisfactory level of amenity for surrounding occupants in terms of light, privacy and

overlooking, for surrounding uses, and for occupants or users of the development itself. For domestic developments, the Design SPD requires schemes to not cause any adverse impacts in that regard.

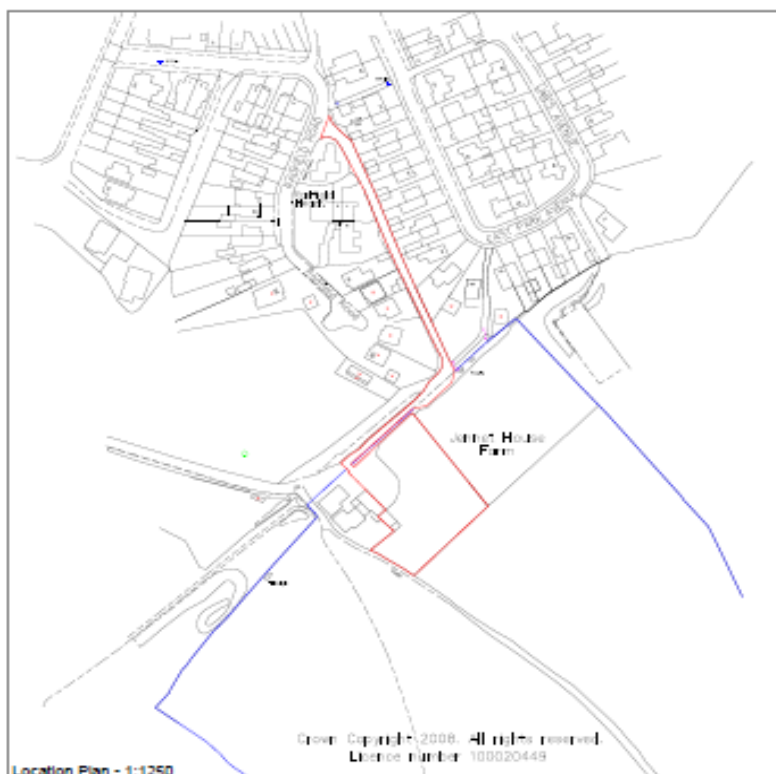
3.7.2 The proposed layout has been designed to be irregular which in addition to softening the impact on the landscape, would also minimise the impacts in terms of privacy/overlooking to the existing farmhouse and each of the other proposed dwellings. Due to the separation distances and positioning of the dwellings, including elevational detail and window openings, there would be no adverse impacts on residential amenity by way of loss of light, outlook or privacy, either to existing properties (including the existing farmhouse), or the future occupants of the 3 new dwellings. The proposal is therefore acceptable in terms of residential amenity, and complies with Policy 8 and the guidance of the Design SPD.

3.8 Highways / parking

3.8.1 Policy 10 (Accessibility and Transport) states that development will only be permitted provided it has been demonstrated that road safety and the safe, efficient and convenient movement of all highway users is not prejudiced.

3.8.2 Access to the farm is via Radfield Head; a narrow unadopted unmade bridleway / private street off Radfield Road which also provides access for the residents of Radfield Head (the track is within the red edge of the application, but outside the applicant's ownership).

3.8.3 The access point with Radfield Road benefits from good visibility splays. However, the track is narrow and runs between residential gardens for its most part. The access track is shown on the location plan, below.

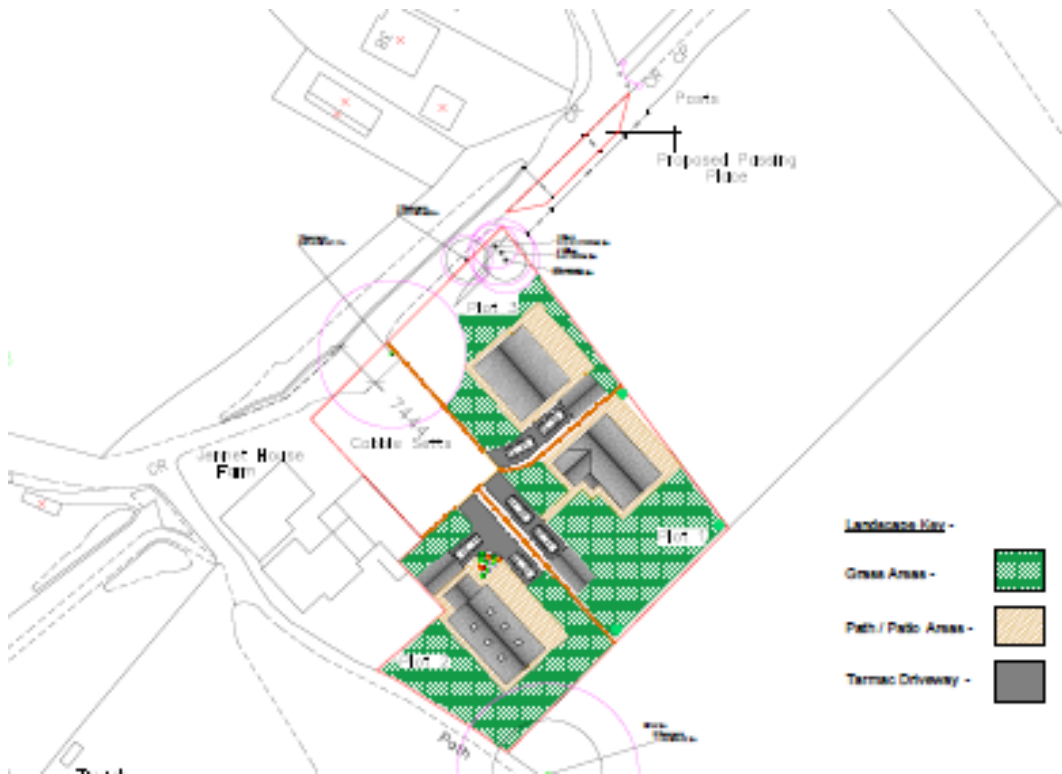


- 3.8.4 Given the constrained width of the access track, there were initial concerns raised by the Highways consultee that the impact of three additional dwellings, combined with the existing traffic movements of Jennet House Farm, PROW users, an adjacent stables and neighbouring agricultural land uses, could cause a degree of conflict between road users.
- 3.8.5 Further clarity was sought on vehicle movements during the assessment of the application, and it is concluded that the proposal would not be likely to generate any further traffic movements above existing levels, due to the loss of the applicant's existing equine use (the applicant has 22 stables, and circa 14 horses on livery which generate circa 28 vehicle movements a day assuming a morning and evening visit). The agent has confirmed the 12 stables the applicant's own will be lost as a result of the development. The applicants do rent a further 10 stables further up the road, which they have no control over. The agent confirms:

“There could still be ten stables in use after the development in a building that is not owned by the applicant, however the cessation of livery activity at the application site will more than halve the amount of stables and the traffic associated with them. In addition to the traffic identified above there would be deliveries of feed and bedding, visits by vets and farriers and other traffic associated with the business activity which will reduce or cease as a consequence of the redevelopment of Jennet House Farm. We do not believe that the development of the proposed three dwellings will intensify the use of the lane.”

The Council's highways officer considers that the proposal would not be likely to generate any further traffic movements above existing levels, due to the loss of the applicant's existing equine use. In essence, the assessment is comparing movements associated with 12 stables (to be lost) compared to the replacement 3 dwellings.

- 3.8.6 In this context, introducing a new passing place is not considered absolutely necessary for approval of the application. Furthermore it is considered that the positioning of the passing place on the access track would provide little, if any, benefit given its close proximity to the application site. The preferred location for a passing place would be further along the access track, ideally at the midway point of the track, but this would not be possible due to the width of the track and the physical constraints of existing garden boundary fencing. For the aforementioned reasons, the Council's Highways consultee has confirmed that a condition requiring a passing place is not necessary for this proposal.
- 3.8.7 Notwithstanding this, the applicant reiterated that they would install a passing place on the access track in any case, to do everything they can to help minimise conflict between motorists/pedestrians, etc. The passing place is shown on the proposed site plan, below.



3.8.8 The applicant has now confirmed that a passing place has very recently been installed (prior to determination of this application). The photo below was provided by the applicant on 7th April 2022.



3.8.9 In summary, vehicle movements as a result of the completed development would not increase from the current movements. The access track is within the red edge of the application, but is not in the applicant's ownership (it is in multiple ownership). The Council's Highways consultee has raised no objections to the proposal, subject to conditions and informatives. For the aforementioned reasons, the proposal is considered acceptable without the introduction of a passing place.

3.8.10 Conditions to be attached to the approval include a Construction Method Statement, and a condition requiring that any damage to Radfield Road as a result of construction traffic should be carried out at the applicant's expense.

The applicant has agreed to this condition and has confirmed that he intends to upgrade the track once construction is complete anyway.

3.8.11 Minor amendments were made to the site layout during the course of the application to ensure appropriate parking provision is provided, which meet the Council's adopted standards, and that vehicles are able to enter and leave the site in a forward gear. As amended, the layout is now considered acceptable.

3.8.12 The Council's Highways consultee raises no objections to the scheme as amended, subject to appropriate conditions and informatives. The proposal would not have an unacceptable detrimental impact on highway safety.

3.8.13 Therefore, it is considered that the proposal meets the parking requirements (minimum of 3 spaces per dwelling) of the BwD parking standards, and complies with Policy 10 of the Local Plan.

3.9 Ecology

3.9.1 Policy 9 (Development and the Environment) requires all relevant development proposals to ensure there is no unacceptable impact on environmental assets or interests from development.

3.9.2 A Preliminary Ecological Appraisal submitted with the application concluded that Bats and nesting birds are known to occur in the local area, there was however no conclusive evidence of any specifically protected species regularly occurring on the site or the surrounding areas which would be negatively affected by site development following the mitigation proposed. The vegetation to be cleared has a low ecological significance in the local area.

3.9.3 The protection of trees on the site boundary and landscaping will promote structural diversity in both the canopy and at ground level and will encourage a wider variety of wildlife to use the site than already occurs.

3.9.4 The buildings on site were subject to a daytime survey by a suitably experienced ecological consultant. No evidence of bats was found and the buildings assessed as having negligible potential. GMEU Ecology have confirmed that based on the description of the buildings and photographs, there is no reason to doubt the findings of the report. No further information or measures are therefore required.

3.10 Contributing to and Enhancing the Natural Environment

3.10.1 Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment.

3.10.2 The site is currently of very low ecological value. GMEU Ecology are satisfied that with suitable soft landscaping and mitigation for loss of bird nesting habitat, mitigation and enhancement of the site can be achieved. Measures could include planting of native hedge around the boundary of the site,

planting of native trees and provision of bird and bat boxes. The details can be conditioned.

3.11 Drainage

3.11.1 Sustainable drainage methods should be provided within the site. A condition can be attached for a foul and surface water drainage scheme. No objections were raised by the Drainage team, or UU, subject to an appropriately worded condition(s).

3.12 Neighbour objections

3.12.1 A number of objections were received raising various issues (see Section 9). The vast majority of these issues have been addressed in the main body of this report.

3.12.2 With regards to other matters raised:

- The loss of views of local residents is not a planning matter that can be considered in the assessment of this application.
- Bins will need to be taken to the end of the access track on collection days. Whilst concern was raised by local residents about there being limited space, the Council's Cleansing team has raised no objections to the proposal.
- It is not considered that there would be any material disruption to the local school.
- Any damage to private fences adjacent the track from construction vehicles would be a private civil matter. However, a condition can be attached for a construction method statement to ensure appropriate consideration is given to the construction phase, and to minimise its impacts.

4.0 RECOMMENDATION

4.1 APPROVE subject to the conditions below:

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:

Project - (Ref: Spo.124.2924): Drawing No: Spo/124/2924/02; Plots 1 & 2 - Proposed Plans and Elevations.

Project - (Ref: Spo.124.2924): Drawing No: Spo/124/2924/03, Revision B; Plot 3 - Proposed Plans and Elevations. Proposed Passing Place Detail. Proposed Site Plan. Location plan.

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

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

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

4. A scheme for Biodiversity Enhancement Measures shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter. Measures could include planting of native hedge around the boundary of the site, planting of native trees and provision of bird and bat boxes.

REASON: To ensure the development includes measures to enhance biodiversity at the site and to provide a net gain for biodiversity, in line with the requirements of the National Planning Policy Framework.

5. Prior to the commencement of development hereby approved a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Trees and shrubs shall be planted on the site in accordance with the approved landscaping scheme 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. The landscaping shall be maintained and retained thereafter to the satisfaction of the local planning authority.

REASON: To ensure that there is a well laid scheme of healthy trees and shrubs, and to mitigate against tree and habitat loss, in the interests of amenity in accordance with Policy 9/40 of the Blackburn with Darwen Borough Local Plan Part 2.

6. Unless otherwise prior agreed in writing by the local planning authority, the development shall proceed in accordance with the recommendations detailed in the Preliminary Ecological Appraisal, by envirotech, dated 22/03/2021, ref 7011.

REASON: In order to minimise the developments impacts on local species and populations and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

7. Prior to any vegetation clearance or earthworks a reasonable avoidance measures method statement for badger, hedgehog and other mammals shall be submitted to and agreed in writing by the local planning authority.

REASON: To ensure protected species and their habitat are not disturbed, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

8. No works to trees or shrubs shall occur or demolition commence 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 submitted to and agreed in writing by the local planning authority.

REASON: To ensure protected species and their habitat are not disturbed, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

9. Prior to commencement of development, full details of all boundary treatments shall be submitted to and approved in writing by the local planning authority. Thereafter the approved boundary treatments shall be implemented and thereafter retained in accordance with the approved details.

REASON: In the interests of visual amenity and ecological permeability, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

10. 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.

11. 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) measures to control the emission of dust and dirt during construction
- VII) a scheme for recycling/disposing of waste resulting from demolition and construction works.

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 the interests of highway and pedestrian safety, and to protect the amenity of occupiers of the nearby properties, and to comply with Policy 10/11/40 of the Blackburn with Darwen Borough Local Plan Part 2.

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

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

13. Unless otherwise prior agreed in writing by the local planning authority, the development shall proceed in accordance with the recommendations detailed in the Arboricultural Impact Assessment and Arboricultural Method Statement by GMTREE Consultants, Job Ref: 1511, dated 19/08/2021. All tree protective fencing shall be in place at the start of the development and thereafter retained throughout the duration of the construction phase.

REASON: To ensure all remaining trees are adequately protected during construction works, in the interests of local amenity, and in order to comply with Policy 9 of the adopted Blackburn with Darwen Local Plan Part 2.

14. 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.

15. Prior to first occupation of the development hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the condition upgrading of surface treatment to the Radfield Head access track /bridleway along the length of the track, from its junction with Radfield Road, to the access onto the application site. The scheme shall be implemented in strict accordance with the approved details immediately following completion of the approved development.

REASON: To provide for the safe, efficient and convenient movement of all highway users, and to ensure any damage as a result of construction traffic is repaired to an appropriate standard, in accordance with Policy 10 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

5.0 PLANNING HISTORY

5.1 There have been various previous planning applications adjacent to this site / within the immediate vicinity (but not within the red edge of this application). These include:

- 10.95/1314: Conversion of a Farm Building (Stables) to a Dwelling with access and parking
- 10/05/0896: Demolish existing stable building and replace with a similar sized building to be used as a holiday cottage or bed & breakfast accommodation

- 10/08/1175: Demolition of existing stable building and replacement with similar sized building to be used as a holiday cottage or bed and breakfast accommodation
- 10.93/0370: Change of Use of adjacent outbuildings (previously dwelling area) to granny flat for two people
- 10.98/0237: Renewal of permission (10/93/0370) for granny flat extension

6.0 CONSULTATIONS

6.1.1 Cleansing

6.1.2 No objections, although it is noted that, as per the existing property at this location, the new houses would be required to drag their bins to Radfield Rd for emptying. Otherwise, no issues.

6.2 Tree Officer

6.2.1 No objections, as long as the development is carried out in accordance with the submitted Arboricultural Information. The Tree Protective Fencing should be in place prior to the start of any development on the site. A landscaping condition should also be attached.

6.3 Natural England

6.3.1 No objections. Natural England has no comments to make on this application. Refer to Standing Advice. The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

6.4 GMEU Ecology

6.4.1 No objections subject to conditions. The developer's ecological consultant identified no significant ecological issues. Issues relating to bats, nesting birds and biodiversity enhancement measures can be resolved via condition and or informative. The site is currently of very low ecological value. Biodiversity enhancement measures can be achieved and a condition can be attached accordingly.

6.5 Housing Growth

6.5.1 No objections

6.6 PROW Officer

6.6.1 No objection raised. The access is a Public Bridleway. This property is already running a livery business from this farm, and the extra dwellings are going to create more traffic on this route. The route runs between two lots of houses between Radfield Head and East Park Ave and some of the houses at Radfield Head also have access along this Bridleway. The Bridleway has no provisions for passing places until it widens at Jennet house Farm. This bridleway is also used as one of the main riding routes from Darwen to the moors and Jubilee Tower beyond.

6.6.2 If planning permission is granted for this proposed development, the bridleway may require a temporary closure whilst the demolition, site preparation and construction is underway. Also, if there is to be any change of surface to the bridleway this will need prior authorisation from the Highways Authority.

6.7 **Fire Service**

6.7.1 Standard comments only

6.8 **Drainage**

6.8.1 No objections, subject to a condition for foul and surface water.
Lead Local Flood Authority Position

6.9 **United Utilities**

6.9.1 No objections, subject to conditions for foul and surface water drainage.

6.10 **Public Protection**

6.10.1 No objections, subject to a standard condition, should contamination be encountered unexpectedly during implementation of the development.

6.11 **Highways**

6.11.1 No objections, subject to conditions.

6.11.2 Initial concerns / issues for clarification, were raised by the Highways consultee. In response, the applicant submitted further supporting information (e.g. to clarify vehicle movements, swept path analysis, manoeuvring, etc.).

6.11.3 Vehicle movements would not likely increase as a result of the proposal due to the loss of the livery use, and parking and manoeuvring are adequate. With this additional information and the matters requiring further clarity now being resolved, no objections are raised.

6.11.4 However, during the construction phase the access is likely to deteriorate resulting in unnecessary conflict with the residents along Radfield Head.

6.11.5 Suggest a condition requiring any necessary repair work to be undertaken.

6.12 **Public consultation**

6.12.1 The planning application was received by the Local Planning Authority (LPA) on 23rd November 2021.

6.12.2 31 neighbours were consulted by letter, and a site notice was displayed.

6.12.3 6 letters of objection were received (one objection letter from the neighbours at No.8 Radfield Head was also received via Councillor David Smith).

6.12.4 Further comments were received via Councillor Smith, highlighting the concerns of local residents, at the Chair Referral stage:

"The track is a quagmire in wet weather especially around No8 Radfield Head. The owners of this part of the track are uncontactable (they were the owners / developers of the nearby houses and have long since disappeared). No doubt the new home owners will have to have 'Chelsea Tractors' in order to navigate the quagmire. This will then churn up the track even more. It's virtually impassable for walkers and owners of 'regular' vehicles. Could a condition be put in place whereby the track has to be improved or regularly maintained - especially in the vicinity of the cottages at Radfield Head?"

6.12.5 The issues raised by local residents are summarised in Section 9 of this report, below.

7.0 CONTACT OFFICER: Tom Wiggans, Planner

8.0 DATE PREPARED: 13th May 2022

9.0 SUMMARY OF REPRESENTATIONS

9.1 Public consultation

The following is a summary of the comments received from local residents:

- Concern about condition of Radfield Road (the unmade access track), which is also a PROW/Bridleway and is in poor condition, with various pot holes, and the track frequently puddles.
- Increased traffic movements - the single track road does not allow for two way traffic. It is not suitable, wide enough, or safe enough, for excessive traffic. There is no street lighting, and poor visibility to oncoming traffic, with no passing place.
- Concerns about vehicular, pedestrian, dog, and horse safety.
- Three properties on Radfield Head have direct access from the lane. Residents' garages are accessed via this road and open outwards onto the road.
- Impact on wildlife.
- Visual amenity / impact on landscape / views / character of area.
- Bins need to go at the end of the track on a small verge – 6 bins already bins stored there - space is limited.
- Need to consider improvement of the track access.
- No social need for detached dwellings in the area, and no local services (unsustainable location).
- Disruption to the local school.

Concerns during the construction phase:

- Poor access, especially for large vehicles.
- Potential damage to private fences adjacent the track from vehicles.
- Disruption / noise.
- Difficulty manoeuvring, and damage to the unadopted road.

Full details of the objections received are listed below.

Dear Mr. Prescott

We are the owners and residents of no. 6 Radfield Head. We also own the land and stables – (LA 485608) on the opposite side to Jannet House Farm.

Regarding the planning application ref. 10/21/1263 at Jannet House, Radfield Head, I have read through all the documents appertaining to the application and it is obvious that a lot of important relevant information has been omitted.

There is no reference to the residents of Radfield Head, whose cottages front the proposed access lane, of which there are 3. i.e. nos. 6, 7 and 8. All the drives to these properties open directly onto the lane with poor visibility.

The ongoing maintenance of this unadopted road is a huge problem, and will only be further exacerbated by the proposed increase in traffic.

The amount of heavy plant vehicles necessary during the building phase

will be huge and there is doubt as to whether some of them will be able to gain access, as the width is only 3.5 metres in places.

Also, there is no mention in the proposal, that the applicant, for a large number of years, has and skill is, running an equestrian business, i.e. livery for up to around 10 customers horses and also horse breeding and sales.

The parking for these customers is on the lane, often causing access problems.

I am told that this business will continue, as there are approximately 10 stables further up the lane which will remain.

Another very important piece of information missing from the proposal is that the site already hosts a rental property (Gennet House Cottage) with 5 adult residents who also use the lane for vehicular access.

The refuse collection for the farm and cottage is at the Radfield Road end of this narrow lane and there are already 6 bins on a 'Small verge'.

Taxis refuse to travel up the lane in its current condition, which is understandable.

Finally, the lane is part of the West Pennine Bridleway and can be dangerous on the bend if drivers are unaware or unconcerned that horses may be present.

Also walking parents collecting and delivering their children from the adjacent St. Joseph's primary school use the lane on school days.

Although in principle I have no objection to the building of houses on this site, I do strongly object to the use of this lane as access to it, and would suggest an alternative route should be explored.

Objection – Nicholas & Patricia Mary Crichton, Juniper Cottage, 8 Radfield Head, Darwen, BB3 2SH.
Received: 02/12/2021

I am writing to express our grave concerns about the Application Reference 10/21/1263.

We have no objection to the building of the 3 houses but about the access via the lane.

- 1) There is no mention in the application of the front access onto the lane of our property, Juniper Cottage, 8 Radfield Head. In fact, 3 properties on Radfield Head have direct access from the lane to the front of them. There is no street lighting and poor visibility as to oncoming traffic.
- 2) We already have problems with cars using our front drive as a passing place and to turn around.
- 3) The state of the lane has caused on going concern as in winter it is often not much more than puddles and is difficult for pedestrians. A picture of it after 1 day of rain is enclosed. I cannot imagine what it would be like if lorries use it as well as the present tractor and horse boxes. It is narrow and has poor visibility.
- 4) I do not understand why it is suitable if 3 houses are built instead of four (as was suggested in a previous rejected application). This will not alter the width and general condition of the track in question.

5) I note badgers are not to be disturbed and work is to be carried out in daylight hour; one would hope due regard would be given to us also.

6) We also have problems with taxis refusing to come to our address because of the state of the lane.

In short, we are against the route of access to the site and feel it would cause us distress during the building and further degrade the already poor state of the lane.



Objection – Barry Whittaker, 44 East Park Avenue, Darwen, BB3 2SQ. Received: 06/12/2021

I am writing to you regarding the above planning permission as it directly affects me and my property.

The unmade access road for Jennet House Farm runs adjacent to my property next to my garden fence. At this point the the distance between my garden fence and my neighbours fence is less than 4 metres wide.

I do not want to be subjected to more traffic than there already is using this "track". Which would be the case if this was used as an access to new properties. There would inevitably be damage caused to mine and neighbours fencing.

Objection – Mr & Mrs Jergovic, 38 Radfield Road, Darwen, BB3 2SL. Received: 10/12/2021

We would like to reject this application on a number of reasons.

1. We purchased our home in a rural location on the edge of the countryside/moorland. We currently overlook the proposed field/manege for application and feel that having three houses built will take away the peace and tranquillity that we have presently.
- 2.
3. In building of these houses the noise and disruption this will create for a considerable amount of time is worrying.
4. We have quite a lot of wildlife here, we on occasion do see deer's/pheasants in the said planning area, this will stop this happening.
5. Our back gate backs onto the bridal way where both my children do play, and other children from around Limes Avenue that do lead onto the bridal way, the proposed access for this will be directly opposite my back gate. Which we will find a hazard and again noisy when these 4-bedroom family homes are at least going to be occupied by two/three cars per household.
6. This is a bridal way, I do realise currently people do use in order to access the stables, and people already living there do use. But the sheer volume of traffic with the said dwellings will be too hazardous.
7. There is not enough room along the bridal way to allow for horses to pass when the occasional car passes, let alone the owners of the houses and delivery drivers/postal workers, family and friends visiting etc then coming to these homes on a daily basis. Lots of people do use the bridal way to walk up to the Tower, with dogs, elderly people and children. And dogs, on leads and without. I just feel it's an accident waiting to happen with the added extra cars this would create.

8. Presently the 6 waste disposal bins are left at the very bottom of the bridal way from the currently owners of Jennet House Farm on corner of Radfield Head, with another 3 bins per household, where are these going to possibly fit?
 9. This would cause me upset if this went ahead, we do spend a lot of time in our garden and the noise pollution this would create would be unacceptable to us. After 6pm there is usually no one about, the occasional dog walker yes. But these homes and owners, depending on their lifestyle/jobs will be driving up and down , possibly night shift workers, early morning workers, etc I feel it would be a constant flow of traffic coming past the back of my fence.
 10. A lot of people on mountain bikes do fly down the hill and on the sharp bend with the extra cars, again would be a hazard.
 11. Please do take these points onboard seriously about the planning of the said dwellings.
 12. 10. If I wanted houses built behind us, we wouldn't have chosen this corner plot with all fields around, We would have chosen a cheaper house on a main road.
-

Objection – P A Renbond, 30 East Park Road, Darwen. Received: 13/12/2021

My house backs onto the unadopted green lane used by the farm and as a dog owner I use it every day.

I object to the building of three detached dwellings on the farm land because of all the extra car movement on the lane. Each house will have at least ~~three~~^{two} cars and especially in the summer with equestrians and dog walkers it will be busy.

There are currently six large wheeled bins at the start of the lane belonging to the barn. Three houses and many more bins will be unsightly and a health hazard.

My final objection is the heavy plant using this narrow space in the construction of the houses. It will be dirty, dusty and very disturbing.

Objection – Mrs Janet Ashworth, 35 Radfield Road, Darwen, BB3 2SL. Received: 14/12/2021

As a local resident I am writing to object to the planning application for the following reasons:

- There is no social need for detached dwellings in the area due to the fact that planning permission has been granted for this type of housing at numerous sites in Darwen.
- Building houses would change the environment. Many local residents have chosen to live in this area that borders open countryside. Building houses would change the landscape. It would ruin the views for some residents.
- There are inhabited stables on Radfield Road. The building will cause distress to the horses.
- I am aware that a bat report and tree survey have been undertaken. There are bats and other wild life in the area that will be disturbed/harmed.
- The entrance to Radfield Road is an acute angle. Trucks and Lorries will find it hard to navigate the road.
- Radfield Head which provides access to the proposed building site is not road worthy. It is best described as a dirt track. There are numerous pot holes.

Resident's garages are accessed via this road and open outwards onto the road. This access is not suitable for heavy vehicles. It would limit access for residents.

- The noise associated with the building work will affect all residents causing a great deal of mental distress.
- There is a school nearby. Building could cause disruption to the school.
- There are no services to this area.
- Access to the site is limited. This is a single track road and does not allow for two way traffic. There will be an increased amount of traffic on this road which is already badly damaged.

I hope this will be taken into consideration when deciding to give planning permission to this project.

REPORT OF THE STRATEGIC DIRECTOR

Plan Nos: 10/21/1301
and 10/21/1306

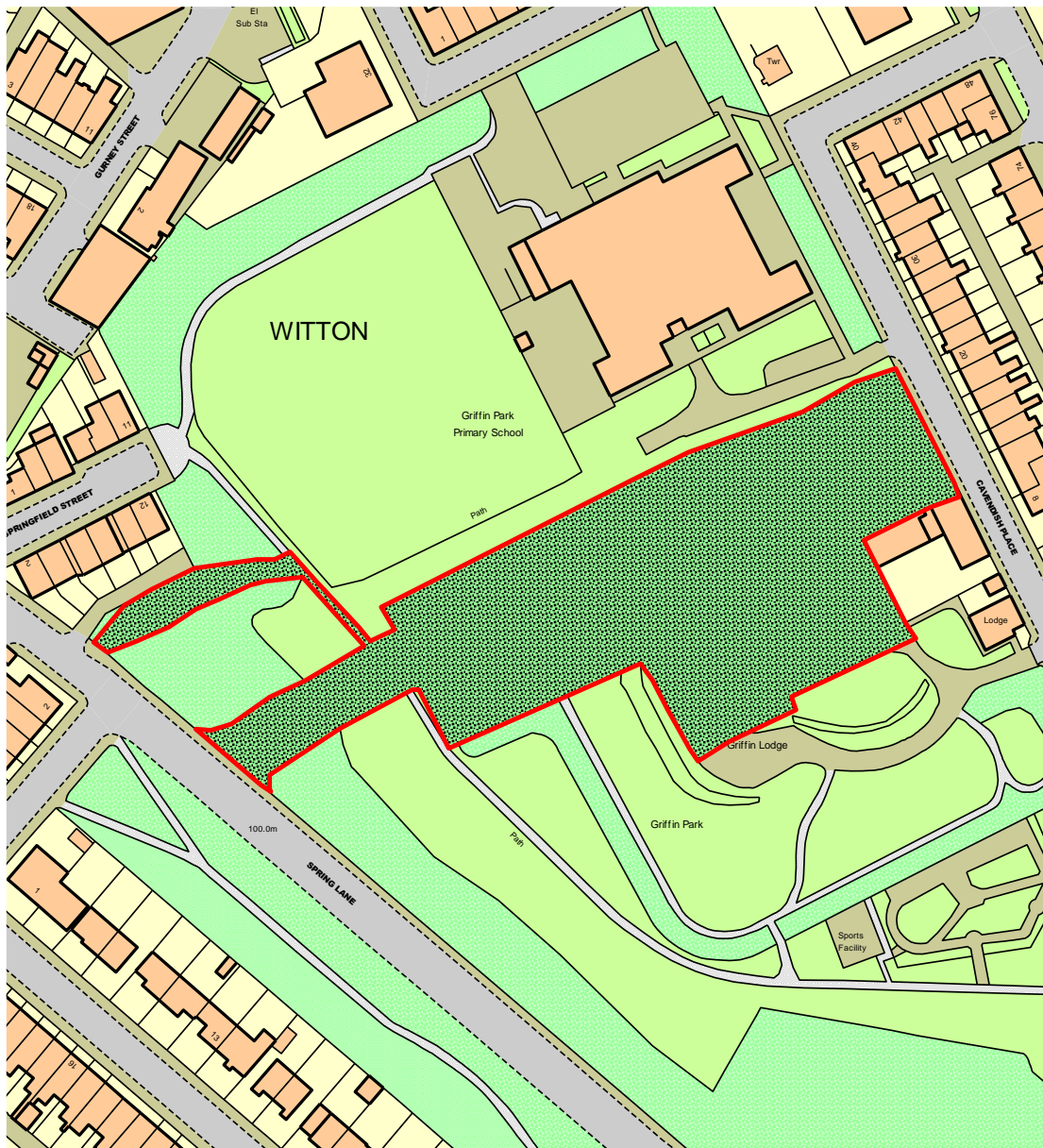
Proposed development: Restoration, refurbishment and extensions to Griffin Lodge for use as a primary care centre – Use Class E(e), including associated external works, car parking and vehicular and pedestrian access – Full Planning Application (10/21/1301) and Listed Building Consent (10/21/1306)

Site address: Griffin Lodge, Cavendish Place, Blackburn, BB2 2PN

Applicant: Assura Medical Properties Ltd

Ward: Mill Hill & Moorgate

Councillor Jim Smith
Councillor Damian Talbot
Councillor Julie Gunn



1.0 SUMMARY OF RECOMMENDATION

- 1.1 The proposed developments are both recommended to be granted planning permission, subject to the conditions and informative notes detailed in Section 5.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 These applications are presented to the Planning and Highways Committee, in accordance with the Council's Scheme of Delegation, and given that the application site is within Council ownership. A number of objections have also been received from members of the public. The comments made principally concern the nature of the proposed use, the potential for elevated levels of congestion to occur locally, parking provision, tree loss, and the potential for the proposals to be harmful to local wildlife. A number of supporting comments have also been received given the provision of enhanced medical care facilities and the proposed renovation of a derelict building. A summary of the public comments made is detailed below in Section 7.16.
- 2.2 The proposed developments have been publicised through letters to residents and occupants of the nearest 229 adjacent properties, on 24th November 2021. 3 site notices were also displayed outside of the site, at the proposed entrance point and on adjacent streets, on 19th January 2022. In addition, a number of consultations have taken place with neighbours and consultees upon the receipt of amended/updated information, including renotifying all 229 adjacent properties, on 11th March 2022. This was due to the submission of an amended Location Plan enabling additional landscaping measures to be provided.
- 2.3 The Council's development plan supports new medical developments and associated works, provided they constitute sustainable development, and accord with the development plan when taken as a whole.
- 2.4 The proposed developments involve the restoration and refurbishment of the currently derelict Grade II listed Griffin Lodge for use as a primary care centre – Use Class E(e). In support of the conversion, a predominantly two-storey extension is proposed to the east elevation together with various associated external works, car parking provision for around 103 vehicles, a new vehicular access point from Spring Lane and pedestrian access points from various surrounding streets.
- 2.5 On balance, the proposals 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 as follows;
- Establishing the principle for development
 - Ensuring the design and layout of the proposals are acceptable
 - Establishing impacts on designated heritage assets

- Safeguarded the residential amenities of the immediate neighbours
- Ensuring adverse impacts on the local highway network are avoided
- Ensuring adequate parking provision supports the development
- Assessing and mitigating impacts in the way of tree loss
- Ensuring impacts on local ecology are appropriately minimised
- Finalising the drainage systems to be installed
- Assessing the potential for ground contamination
- Minimising the impacts of the development on air quality
- Ensuring crime prevention is optimised

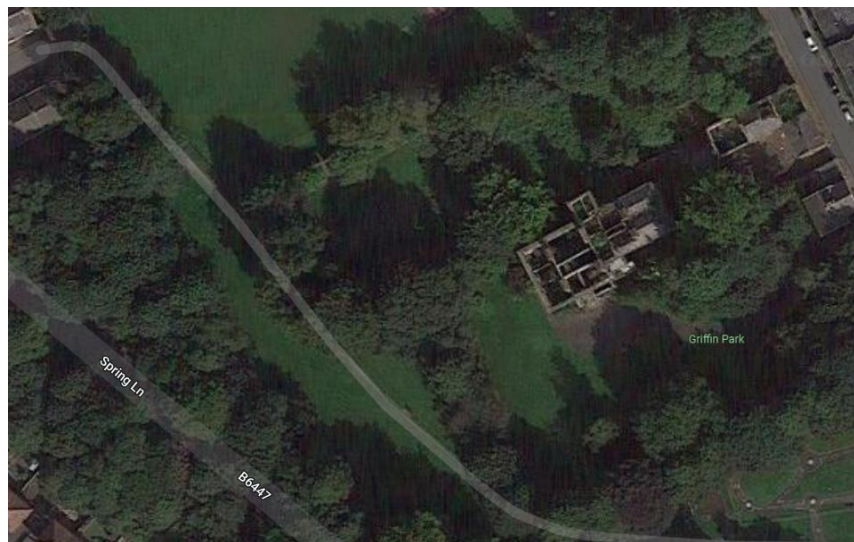
3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 As detailed above, the application site is a Grade II listed building that is currently fire damaged and derelict. The former manor house is located within the defined Inner Urban Area of Blackburn, the Griffin Conservation Area and the Griffin Park Green Infrastructure allocation. The site is also positioned central to Griffin Park, which is publicly accessible parkland.

3.1.2 A derelict Coach House is positioned to the east of the Lodge, which does not specifically form part of these development proposals. Dwellings surround to two sides with a school positioned directly to the north and further parkland to the south.

Figure One – Satellite Image of the Site (taken 2022)



3.1.3 Discounting the access arrangements, the site covers an area of circa 2.5 acres and it has an irregular shape. A number of mature trees currently intersperse the site of varying quality. Red brick boundary walls also line areas of the site, which define previous landscape features and formal garden areas attributed to its former use as a manor house. An existing vehicle access point is also in place from Cavendish Place alongside various pedestrian access points.

Figure Two– Site Plan (1893)

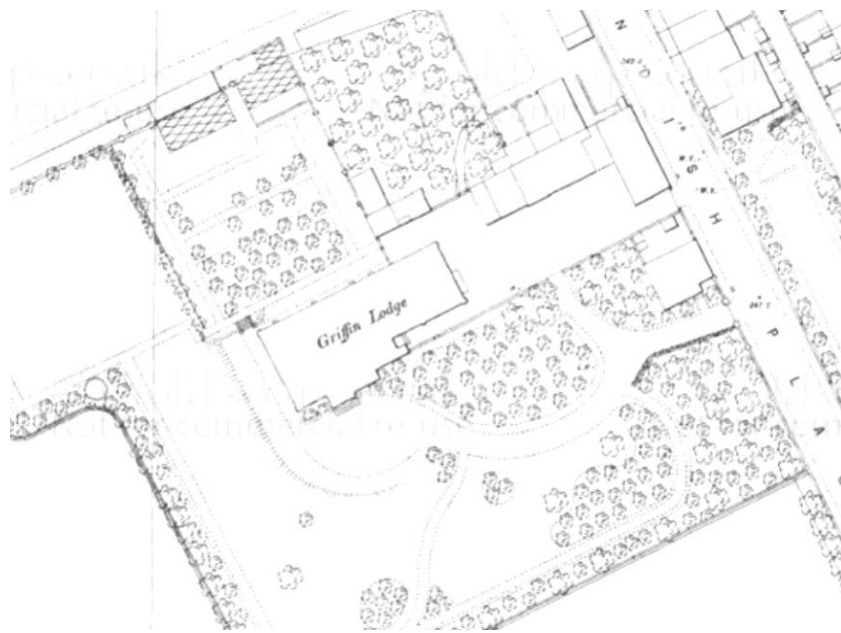
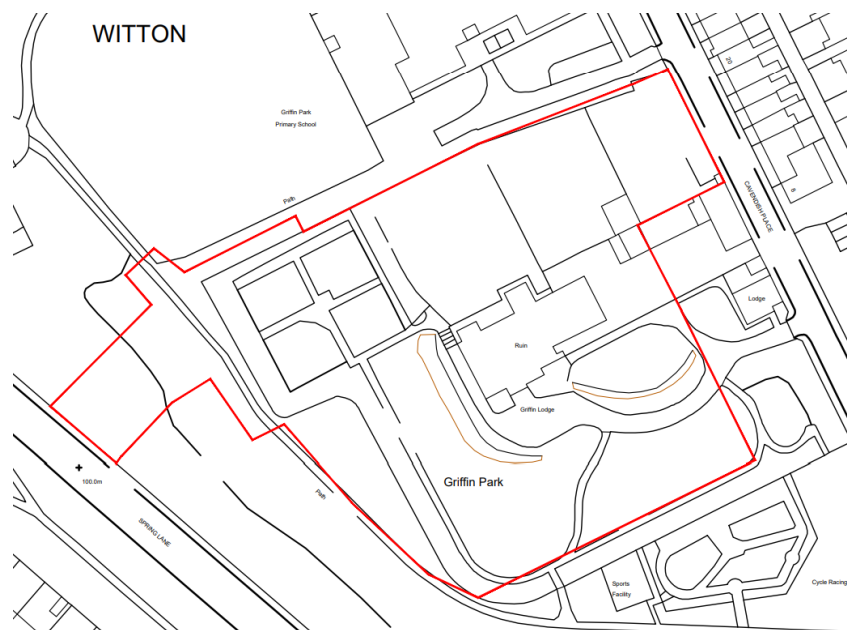


Figure Three – (amended) Location Plan Showing the Extent of the Site and Location of the Proposed Access Point from Spring Lane



3.1.4 Griffin Lodge is a mid-Victorian gentleman's residence built for Thomas Dugdale in 1853. The principle building has a red brick construction with dressed stone detailing to its windows, eaves and plinths, with a later substantial service wing to east side. The main range is a two-storey 3 bays range with central porch and projecting front bay. The Lodge was vacated as a museum in 2006 and has since suffered from vandalism together with significant fire damage in 2013/14. It is currently derelict with minimal roof structure, thereby being exposed to the weather. Very little of the interior remains intact aside from structural partition walls and chimney stacks.

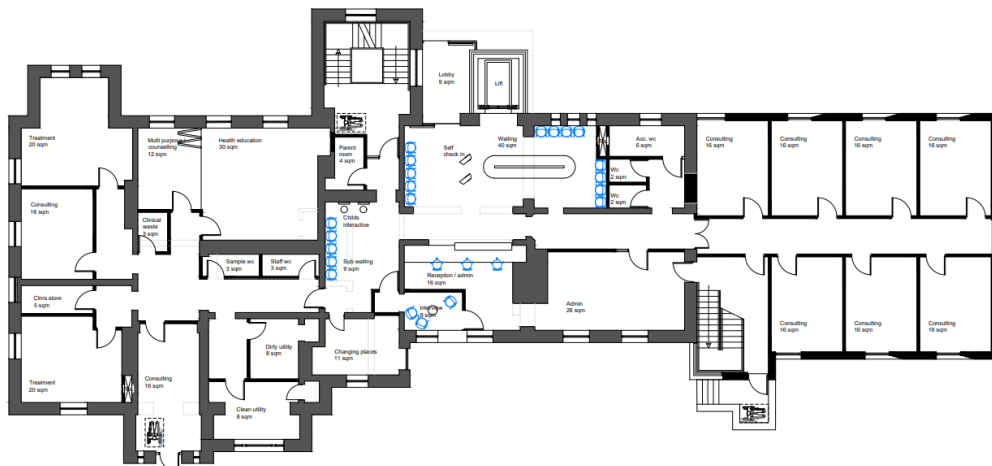
Figure Four – Drone Photo Showing Derelict Condition of the Lodge



3.2 Proposed Development

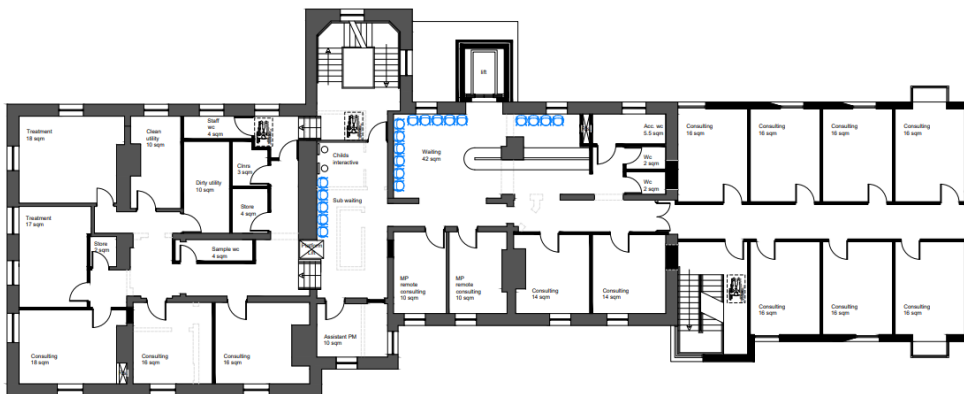
- 3.2.1 As detailed above, this report covers two separate planning applications for the same development proposals. Both Full Planning Permission (10/21/1301) and Listed Building Consent (10/21/1306) is sought for the implementation of various works to restore and refurbish the Lodge to form a primary care centre – Use Class E(e).
- 3.2.2 The proposed development seeks to agglomerate three existing GP surgeries into one, and provide additional patient capacity to secure the long term needs of the local community. The existing surgeries to be relocated are Witton Medical Centre, Redlam Surgery and Limefield Surgery.
- 3.2.3 The supporting information states that 21 consulting rooms would be provided including dedicated remote consulting space, 4 treatment rooms, a health education room and a conference room. A number of supporting offices would also be provided amongst other associated ancillary uses.

Figure Five – Proposed Ground Floor Plan



GROUND FLOOR

Figure Six – Proposed First Floor Plan



FIRST FLOOR

3.2.4 In support of the conversion, a predominantly two-storey extension is proposed to the east elevation, within the existing enclosed courtyard area. A small part of the extension would also rise to the second floor level providing access by a stairwell. The extension would have a footprint of circa 182 square meters. The main flat roof would have a height of 8.2m with the taller part rising up to 10.5m. A narrow lift shaft would be formed to the north elevation with a small lobby area formed at ground floor level connecting the shaft with an existing rear outrigger, which is to house the main stairwell.

Figure Seven – Proposed Front Elevation Plan



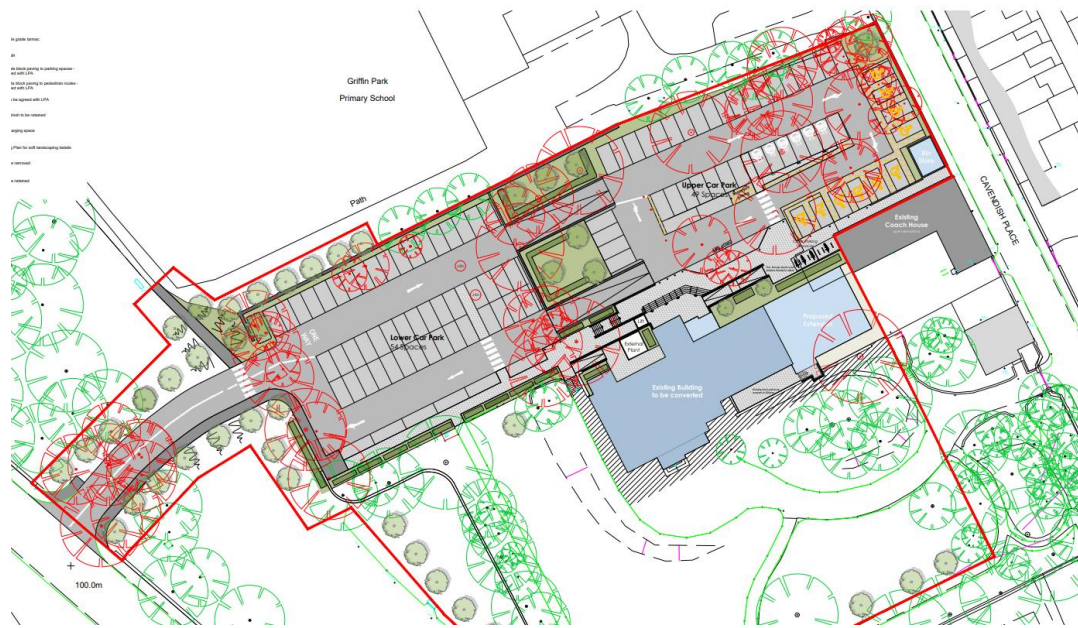
3.2.5 Red bricks, reconstituted stone and grey aluminium cladding would all be used in varying quantities for the proposed extensions. A number of maintenance works would also be implemented to the fabric of the Lodge with the use of matching brick and stone. Any new windows installed within the existing building would be of a traditional style with white aluminium frames proposed. Any windows installed within the proposed extensions would have grey aluminium frames. Slate effect tiles would be applied to the new pitched roof with reconstituted stone parapet details applied to the roofs of the extensions.

Figure Eight – CGI Image of Proposed Rear Elevation and Carpark



3.2.6 To the north of the Lodge a 103 space carpark would be formed, including 10 disabled spaces, a drop-off/delivery bay, motorcycle parking and 7 electric vehicle charging points. Access to the carpark would be gained via a newly formed access point from Spring Lane to the west. The access point would have a dedicated footway along the south side with a pedestrian crossing linking the existing footway from Springfield Street to the north. Supplementary landscaping is also proposed around the newly formed access point, within the carpark and as part of the parkland to the south of the Lodge.

Figure Nine – Amended Proposed Site Plan



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 2: The Inner Urban Boundary
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 36: Climate Change

- Policy 38: Green Infrastructure
- Policy 39: Heritage
- Policy 40: Integrating Green Infrastructure with New Developments

3.4.2 BwD Parking Standards

- D1: Medical and Health Facilities – 1 car space per 2 staff plus 3 per consulting room

3.4.3 Conservation Areas Supplementary Planning Guidance (SPG)

3.4.4 Listed Buildings Supplementary Planning Guidance (SPG)

4.0 ASSESSMENT

4.1 Principle of Development

4.1.1 As detailed, above, the site is positioned within the defined Inner Urban Boundary for Blackburn. The site is in a sustainable location for the proposed development with regular public transport links within walking distance. Both Policies 1 and 2 are generally supportive of all development proposals within such areas, provided they are compliant with other relevant policies in the development plan.

4.1.2 Concerns have been raised in public comments given the existing presence of a number of doctor's surgeries in the local area. However, as detailed above this facility would merge the patients of three surgeries, which will assumedly be used for different purposes moving forward. The proposed development is therefore acceptable in principle, in accordance with Policies 1 and 2.

4.1.3 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 Green Infrastructure (GI)

4.2.1 As detailed above, the site is within the Griffin Park GI allocation. Policy 38 states that the Council's overall objective in relation to GI is to develop a more connected network of open spaces. Those requirements are reinforced with a number of specific requirements that are detailed as part of Policy 40. Obligations regarding the need to retain and enhance existing ecological and landscape features on the site are detailed alongside the need to create new areas of trees and woodland, where achievable.

4.2.2 When assessing development proposals that involve the partial loss of land identified as GI, the relevant requirements of Policy 9 must also be taken into account, which include the following obligations;

- i) The development can be accommodated without the loss of the function of the open space;
- ii) The impact can be mitigated or compensated for through the direct provision of new or improved green infrastructure elsewhere, or through the provision of a financial contribution to enable this to occur, or;
- iii) The need for or benefits arising from the development demonstrably outweigh the harm caused, and the harm has been mitigated or compensated for so far as is reasonable.

4.2.3 When assessing impacts on the function of GI, it is noted that a relatively large part of the allocation would be lost to the proposed access road and carpark, which would arguably compromise its function to a certain extent. That said, the public benefits arising from these proposals are significant through the provision of upgraded public medical facilities for a large catchment area. Moreover, the proposals would enable the renovation of a listed building, which is currently derelict and blights the aesthetical character of the allocation together with immediate area generally.

4.2.4 When those factors are considered collectively, the benefits arising from the proposals would demonstrably outweigh the harm caused to the function of the GI. Supplementary landscaping is also proposed around various areas the site, which is covered in a greater level of detail in subsequent sections of this report, thereby further compensating for any harm caused to the GI allocation. The proposed development is therefore acceptable in relation to GI, in accordance with Policies 38 and 40, together with the relevant requirements of Policy 9.

4.3 Design and Visual Amenity

4.3.1 The site is a standalone element architecturally and in a poor state of repair. Any development proposals at this site would therefore provide some profound visual design benefits. In general terms, Policy 11 requires all development proposals to represent a good standard of design through demonstrating an understanding of the site's wider context and making a positive contribution to visual amenity.

4.3.2 The Lodge was built in the 1850s and its style is typical of that era. Remedial works are required to improve the building's integral fabric and materials matching those of the existing building are proposed within the elevations. Artificial slates are proposed for the new roof and natural slates would be the preferred option. Equally, timber windows would be the preferred option within the Lodge given its age. That said, the extensive costs required to renovate the building are acknowledged and the use those materials would be acceptable for these proposals, on balance.

4.3.3 The proposed extensions would appear appropriately subservient in scale to the existing building and they would not upset its visual balance to a detrimental extent. They would have a contrasting contemporary style in relation to the vernacular form of the Lodge yet such a style can be justified in the broader context of these proposals. Any materials used in their elevations would

appropriately complement the appearance of the Lodge with reference to colour schemes.

- 4.3.4 A number of conditions are recommended to control the quality and finish of any walling and roofing materials to be used alongside the windows, doors and rain water goods to be installed. Such conditions are necessary in order to ensure a satisfactory form of development is achieved. In addition, a condition is recommended to ensure the development is landscaped in accordance the amended landscaping strategy submitted during the course of the application. Such a condition is necessary in order to ensure the development positively integrates with its surroundings.
- 4.3.5 Subject to compliance with those conditions, the proposed development would be acceptable in relation to design and visual amenity, in accordance with Policy 11.

4.4 Designated Heritage Assets

- 4.4.1 As detailed above, the Lodge is a Grade II listed building that is located within the Griffin Conservation Area. Both are designated heritage assets. Policy 39 requires all development proposals that have the potential to affect any designated heritage asset, either directly or indirectly, including by reference to their setting, to sustain or enhance the significance of the asset. Development that will negatively impact upon the significance of an asset will only be permitted where the impact is outweighed by the public benefits arising from the development.
- 4.4.2 It is clear that the Lodge is in a perilous and poor condition at present. Regardless of its current state, the aesthetic and historic values of the Lodge are moderately significance. The adjacent range of outbuildings including a Coach House are also of value and contribute positively to the wider setting within the extensive parkland. Clearly in this context, the proposed re-use of the building should be supported as this will safeguard the key significance of the former residence, and in doing so help preserve the setting with the adjacent barns/coach house and its relationship with the landscaped gardens. This meets the core objectives of Policy 39, thereby providing a substantial public benefit.
- 4.4.3 Set against this benefit are the changes required to the building and wider site. The biggest intervention to the building (and the significance) is the addition of the side extension, which would attach to the service wing. The form and detailing of the addition has been appraised at length through pre-application discussions. The join between the two buildings is a new flat roofed three-storey link that houses the staircase and is faced in contrasting material (artificial stone cladding), which itself joins onto the lower two-storey brick addition incorporating a simpler rectangular form with parapet details and a flat roof. A similar stair tower is proposed at the rear (north side of the original building) to improve access to the upper level treatment rooms.

- 4.4.4 Visually, whilst the new addition is relatively significant in scale, it is sensitively located and its design provides a clear distinction between the Lodge. The stepped down scale helps form a natural continuation of the service wing. Importantly the extension will not dominate the main views of the front (south elevation) of the Lodge when viewed from the southern garden. The other changes including fabric repairs to the existing brickwork and stonework and roof can be viewed as being positive work. However, the preferred option would be the use of natural slate for the roof and traditional timber sliding sash windows. The use of non-traditional detailing for these elements would have an impact on the authenticity of the retained property.
- 4.4.5 The other significant intervention is the provision of the carpark and the relocated access off Spring Lane. Visually, whilst attempts have been made to break the expanse of the carpark it will undoubtedly be seen as a substantial change in the appearance of the north side of the site in close context to the listed building. The removal of garden walls on this part of the site will result in some further low level loss of significance.
- 4.4.6 That said, the location is at the rear of the listed building away from the main elevation and is probably the best (least damaging) location available with regard to the setting. It will also provide an ability to gain a whole 360 degree appreciation of the building. Linked to this is the provision of the new access which involves the removal of a number of mature trees and a section of existing frontage wall. The new section of roadway will be highly noticeable and will cause some harm to the value provided by the enclosed nature of the parkland setting.
- 4.4.7 Overall, the aspects of the proposals highlighted above will, when combined, cause some level of harm (low to moderate), which should be viewed as being 'less than substantial' harm. Under Policy 39, less than substantial harm can be weighed against the public benefits of the proposal, which includes securing an optimum viable use. Clearly the benefits generated by the new use including the repairs to the existing 'at risk' building carry considerable weight in that balancing exercise. The conclusions expressed in the Heritage Assessment are wholly acknowledged. They appraise the benefits gained by safeguarding the future of the building and would in this instance outweigh the less than substantial harm caused to its historical significance.
- 4.4.8 With reference to impacts on the conservation area, given the central building within in the area is in a poor and degraded state, which has a detrimental impact upon the appearance of the area generally, the Griffin Park CA has a low level of historical significance at present. As identified above, the provision of the large carpark, north of the Lodge and creation of the new access and section of roadway will all have a detrimental impact on the immediate setting of the Lodge and the wider landscaped garden environment, which is a key characteristic of the area.
- 4.4.9 That said, the impact of such works on the character and appearance of the area would be moderate. Set against this level of harm are the benefits generated by the repair and re-use of the building. Given the likely continued

deterioration in the condition of the building if no other solution is found, as with the impacts on the listed building, the benefits generated by the re-development scheme outweigh the loss/harm to the character and appearance of the conservation area. Conclusively, the proposals would be acceptable with reference to designated heritage assets, subject to certain matters being further controlled through conditions.

4.4.10 In addition to the conditions recommended above regarding construction materials, conditions are recommended regarding the submission of a repair methodology for any works necessary to the Lodge together with a timetable for the phasing of any works required. In order to facilitate the proposed extension, a small lean-to extension would be demolished on the west elevation of the Coach House, thereby partly exposing that elevation. A further condition is therefore recommended to agree the scope of any remedial works necessary to structurally secure that building.

4.4.11 Subject to compliance with those conditions, the proposals would ensure any harm caused to the historical significance of designated heritage assets are appropriately minimised. When those factors are considered, whilst some aspects of the proposals cause some loss of historical significance, when applying the balancing exercise detailed within Policy 39, the benefits of the proposed new use for the building and wider site outweigh the level of (less than substantial) harm. As such, the proposals would meet the statutory requirement to preserve, thereby complying with the core objectives of Policy 39 together with the guidance contained within the Listed Buildings and Conservation Areas SPG.

4.5 Arboricultural Considerations

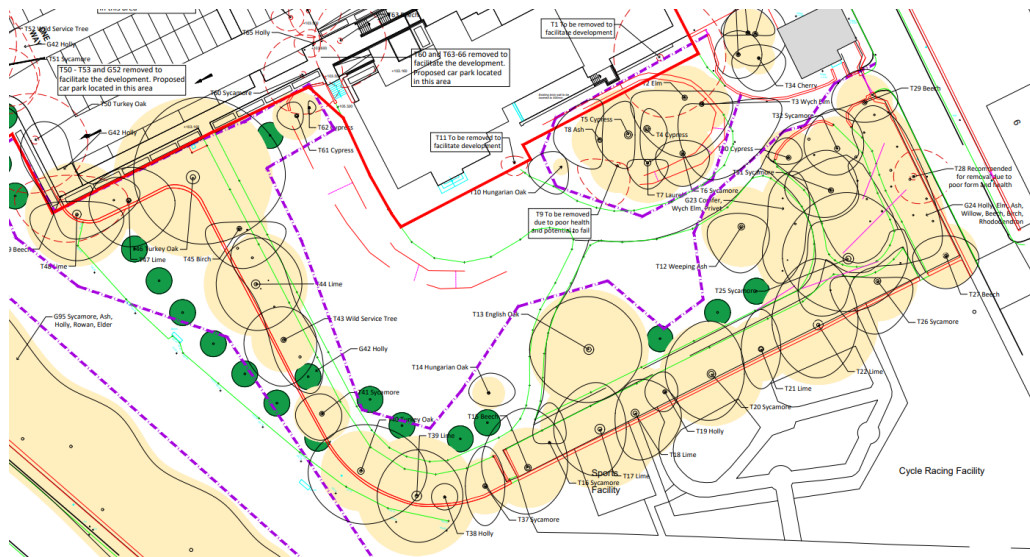
4.5.1 The site is currently interspersed with trees of varying species, ages and quality. None of the trees are protected by a preservation order yet many are afforded the same level of protection given their inclusion within the curtilage of a listed building. Policy 9 states that where development is proposed which would result in the loss of protected trees, planning permission will only be granted where the desirability of the proposed development outweighs the amenity and/or nature conservation value of the trees. If the removal of one or more trees is permitted as part of a development, a condition should be imposed that requires an equivalent number or more new trees to be planted either on or near the site. Concerns have been raised in public comments given the level of tree loss that would occur due to the development.

4.5.2 Tree loss on site has been subject to comprehensive discussions as part of pre-application advice and during the course of the application. Such matters are arguably the weakest elements of the proposals from a planning policy perspective. A comprehensive Tree Survey accompanies the application that grades the trees in terms of health and visual amenity value. Regrettably, a number of Grade A and B mature trees would be lost to the development and concerns have been raised by the BwD Arboricultural Advisor in that respect. Tree loss is almost exclusively limited to the parts of the site where the access

road and carpark are proposed and such constructions are fundamental to the operations of the proposed development.

4.5.3 Although the retention of mature trees is identified as a preference within Policy 9, there is scope to remove such trees where the benefits of the proposals outweigh the harm caused and adequate mitigation can be secured. The benefits of these proposals are significant are they are covered at length above. Moreover, as detailed above an amended Location Plan has been submitted during the course of the application that includes more parkland within the application site boundary. Such an amendment has enabled further supplementary landscaping to be included within the wider site, which was a welcomed amendment by the BwD Arboricultural Advisor. 40 semi-mature Oak, Beech and Birch would all be planted that would be in excess of 4m in height. A condition is recommended to ensure the site is landscaped in accordance with those details prior to occupation of the development.

Figure Ten – Amended Landscaping Proposals



4.5.4 In addition to the above, a further condition is recommended to agree the scope of an Arboricultural Method Statement (AMS) for a number of mature trees to be retained around the proposed access road and carpark. Those trees are identified as T46, T47, T48, T57, T58 and T59 in the submitted Tree Survey. Specific concerns have been raised by the BwD Arboricultural Advisor regarding potential damage to those trees yet the production and implementation of a thorough AMS would adequately minimise potential harm in the broader context of the proposals.

4.5.5 Subject to compliance with the aforementioned conditions, and when the significant public benefits of the proposals are taken into account, on balance, the proposals would be acceptable in relation to arboricultural considerations, in accordance with the relevant requirements of Policy 9.

4.6 Residential Amenity

- 4.6.1 As detailed above, dwellings surround to two sides and safeguarding the amenities of those neighbours is an important planning consideration. 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 general relationship between buildings.
- 4.6.2 Owing to ample separation, the scale and window arrangements of the proposed extensions would not appear overbearing or cause any harmful impacts upon the privacy of the immediate neighbours. A condition is recommended to control the logistics of the construction phase in order to minimise disruptions for neighbours from that phase.
- 4.6.3 Whilst the site's internal operations are unlikely to cause any disruptions for neighbours, the size of the proposed carpark could potentially generate significant numbers of external comings and goings. A further condition is therefore recommended to control opening hours to 7am-10pm. Subject to compliance with those conditions, the proposed development would be acceptable in relation to residential amenity, in accordance with Policy 8.

4.7 Highways and Parking

- 4.7.1 The plans detail the construction of a new access road from Spring Lane and a large carpark. Those aspects of the proposals have also been subject to comprehensive discussions as part of pre-application advice and during the course of the application. 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. Concerns have been raised in public comments on highways and parking grounds.
- 4.7.2 A Transport Assessment has been submitted with the application, which has been appraised at length by BwD Highways alongside the wider merits of the proposals. With reference to vehicle access arrangements, the design and layout of the proposed junction is generally deemed to be acceptable. No further details are required in relation to servicing and the frequency of vehicle movements given that positive outcome.
- 4.7.3 That said, there is a certain level of ambiguity at this stage regarding the required level of off-site works of highway improvements. A draft condition (10/21/1301 – Condition 14) is detailed below yet the wording of that condition has recently been queried by the Transport Consultant for the development. The Council is of the view that a right turn pocket within Spring Lane is fundamental to safe access arrangements yet precisely how those measures would be controlled by condition is unclear at this stage. Those requirements will therefore be covered as part of a committee update report.

Figure Eleven – Close-up of Access Detail



- 4.7.4 With reference to pedestrian access, the latest plan provided shows access points from Cavendish Place, Spring Lane and Springfield Street. Concerns have been raised by BwD Highways given the width of those access points. The submitted plans show them to be 1.8m wide and 2m would be the optimum. Those concerns have been raised with the Agent and they will be covered as part of a committee update report. There is no requirement to surface the existing footway all the way the Springfield Street as any pedestrians travelling from the northwest can simply use the main access point should a solid surface be required for movement.
- 4.7.5 With reference to parking, a slight under provision of two spaces is identified when compared with the requirements of the BwD Parking Standards. Discrepancies are also identified when comparing the provision put forward with the accumulation exercises undertaken within the submitted Transport Assessment. That said, that Agent has confirmed that the amount of parking proposed has been devised in accordance with the bespoke needs of the development, which is acceptable. The latest plan provided shows adequate provision in the way of disabled bays, motorcycle parking and cycle storage. A condition is recommended to ensure the parking and manouvering areas shown on that plan are fully constructed and marked out prior the development being brought into use.
- 4.7.6 A further condition is recommended to control the logistics of the construction phase through the submission of a Construction Method Statement. Such a condition is necessary in order to minimise disruptions on the local highway network from that phase. Subject to compliance with the aforementioned conditions, the proposed development would be acceptable in relation to highways and parking, in accordance with the relevant requirements of Policy 10.

4.8 Ecological Considerations

- 4.8.1 As detailed above, a number of mature trees would be felled through redevelopment of the site. Derelict buildings positioned adjacent to woodland also have the potential to provide nesting and roosting habitats for a number of protected species. 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 Survey has been submitted, which includes a Bat Survey.
- 4.8.2 Concerns have been raised in public comments given the potential for the proposals to negatively affect local wildlife. The BwD Ecological Advisor has reviewed the submitted survey and merits of the proposals as a whole. No objections have been raised yet a number of conditions have been advised in order to minimise potential harm to local ecology and protected species.
- 4.8.3 A condition is therefore recommended to ensure the relevant procedures are followed regarding the potential presence of bats within the Lodge. Either a license by Natural England should be secured regarding transporting bats off site or a statement that confirms no bats are present prior to the commencement of any development. A further condition is recommended to ensure any tree felling and pruning works are carried out in strict accordance with the measures detailed within the submitted Ecological Survey in order to minimise harm to bats.
- 4.8.4 In addition, a condition is recommended to ensure any required tree felling and pruning works are undertaken outside of the bird nesting season, unless further survey works are undertaken that confirm a lack of presence in the way of nesting birds. A further condition is recommended to ensure any ground clearance works are carried out in strict accordance with the measures detailed within the submitted Ecological Survey in order to minimise harm to nesting hedgehogs. Finally, a condition is recommended to agree a scheme for biodiversity enhancement measures, in accordance with the comments made by the BwD Ecological Advisor.
- 4.8.5 Subject to compliance with those conditions, the proposed development would be acceptable in relation to ecological considerations, in accordance with the relevant requirements of Policy 9.

4.9 Land Contamination

- 4.9.1 The site is positioned within a predominantly residential area and the risk of land contamination is relatively low. That said, given the level of excavations required alongside the nature of the proposed end use, land contamination should be assessed and discounted accordingly. In relation to potentially contaminated sites, Policy 8 states that all development proposals should secure effective remediation. This is to ensure a safe environment can be provided for any future occupants and to ensure contamination is not displaced.

4.9.2 In response to those requirements, Phase 1 and 2 Geo-Environmental Reports have been submitted. BwD Public Protection have reviewed those reports together with the merits of the proposals as a whole. Lengthy discussions have taken place during the course of the application and some residual concerns are still applicable at this stage.

4.9.3 All three of the standard land contamination conditions are therefore recommended to be added. Any changes to those requirements will be covered as part of a committee update report. Subject to those requirements being wholly met, the proposed development would be acceptable in relation to land contamination, in accordance with the relevant requirements of Policy 8.

4.10 Flooding and Drainage

4.10.1 The site lies within a low risk area for sources of both fluvial and pluvial flooding. Policy 9 contains general requirements in the way of flood mitigation and the provision of adequate drainage systems. In response to those requirements, a Foul and Surface Water Drainage Strategy has been submitted. BwD Drainage have reviewed the submitted strategy and the merits of the proposals as a whole.

4.10.2 No objections have been raised and a condition has been advised to ensure the development is implemented in accordance with the submitted strategy, which is recommended to be added. Subject to compliance with that condition, the proposed development would be acceptable in relation to flooding and drainage, in accordance with the relevant requirements of Policy 9.

4.11 Air Quality

4.11.1 Given the size of the proposed carpark, the proposals have the potential to generate relatively significant levels of traffic movements. Policy 36 requires all development proposals to demonstrate how they have been designed to minimise contributions to carbon emissions and climate change. In response to those requirements, a condition has been advised by BwD Public Protection to ensure air quality mitigation measures are applied in the form of installing charging points for low emission vehicles.

4.11.2 The location of the charge points is detailed on the submitted proposed site plan yet the exact type of charge points to be installed is unclear at this stage. A condition is therefore recommended to finalise those details. 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.

4.12 Crime Prevention

4.12.1 A number of recommendations have been made by Lancashire Constabulary regarding crime prevention and securing the building. Such requirements are detailed within Policy 8. An informative note will therefore be added to any approvals issued regarding the obligations detailed within the Secured by Design guidance for commercial developments. Subject to those requirements

being duly followed, the proposed development would be acceptable in relation to crime prevention, in accordance with the relevant requirements of Policy 8.

4.13 Summary

4.13.1 These applications seek Full Planning Permission and Listed Building Consent for the renovation and refurbishment of the Grade II listed Griffin Lodge to form a primary care centre – Use Class E(e). In support of the conversion, a number of extensions and external works are proposed alongside the construction of a carpark and new access point from Spring Lane. Subject to appropriate conditions, the proposed developments 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 proposals would be acceptable in principle and in terms of GI, design and visual amenity, designated heritage assets, arboricultural considerations, residential amenity, highways and parking, ecological considerations, land contamination, flooding and drainage, air quality and crime prevention.

4.13.3 The developments therefore comply with the development plan. There is a positive presumption in favour of approving the developments and there are no material reasons to object to the applications.

5.0 **RECOMMENDATION:**

That delegated authority is given to the Strategic Director of Place to approve planning permission for the Full Planning Application (10/21/1301) and Listed Building Consent (10/21/1306), subject to the following conditions and informative notes.

Full Planning Application

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 (2017 – 90 – Revision P-02), 01-S-1055-Griffin Lodge, 2017 – 101 – Revision P-03, 2017 – 200 – Revision P-01, 2017 – 201 – Revision P-01, 2017 – 202 – Revision P-01, 2017 – 205 – Revision P-01, 2017 – 300 – Revision P-01, 2017 – 302 – Revision P-01, 2017 – 400 – Revision P-01, 1497-ESD-XX-00-X-DR-E-6901 – Revision P02, 103 – Revision B (Landscaping Proposals – 1 of 2) and 104 – Revision C (Landscaping Proposals – 2 of 2).

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

3. Prior to the commencement of any above ground works on site, details confirming the exact type 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, as per the details shown on the approved plan '2017 – 300 – Revision P-01' . The development shall thereafter be implemented 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 maintain the historical significance of the listed building, and to comply with the requirements of Policies 11 and 39 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

4. With the exception of any necessary maintenance operations, no development shall commencement on site unless and until, a repair methodology/specification for works to the building has been submitted to and approved in writing by the Local Planning Authority. The methodology/specification shall include full details of the treatment of the external fabric of the building including any re-pointing or repairs to brickwork and stonework, existing rain water goods, lead flashings and chimneys and the treatment of the interior, including finishes. The development shall thereafter proceed in strict accordance with the approved details, unless otherwise agreed in writing.

REASON: In order to ensure any repair works undertaken are implemented in a sensitive manner, in the interests of maintaining the historical significance of the listed building, 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).

5. Prior to their installation, design details confirming the exact type of all the windows and doors to be installed as part of the development hereby approved, together with details of the extent of their application, 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 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 maintaining the historical significance of the listed building, and to comply with the requirements of Policies 11 and 39 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

6. Prior to their installation, design details confirming the exact type of all the rainwater goods to be installed as part of the development hereby approved, together with details of the extent of their application, 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 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 maintaining the historical significance of the listed building, and to comply with the requirements of Policies 11 and 39 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

7. With the exception of any necessary maintenance operations, no development shall commence on site unless and until, a phasing plan of the works to the building hereby approved has been submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include details of the proposed timetable for the works to the building, including the repairs to the existing listed building. The development shall thereafter be implemented in strict accordance with the approved plan, unless otherwise agreed in writing.

REASON: In order to ensure any repair works undertaken are implemented in a sensitive manner, in the interests of maintaining the historical significance of the listed building, 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).

8. With the exception of any necessary demolition operations, no development shall commence on site unless and until, a repair methodology/specification for any necessary works to the west elevation of the Coach House has been submitted to and approved in writing by the Local Planning Authority. The methodology/specification shall include full details of treatments, including any re-pointing or repairs to the external fabric of the Coach House. The development shall thereafter proceed in strict accordance with the approved details, unless otherwise agreed in writing.

REASON: In order to ensure any repair works undertaken to the Coach House are implemented in a sensitive manner, in the interests of maintaining the historical significance of the adjacent building, 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).

9. The development hereby approved shall not be brought into use unless and until, the supplementary landscaping measures as detailed on the approved plans '103 – Revision B (Landscaping Proposals – 1 of 2) and 104 – Revision C (Landscaping Proposals – 2 of 2)' have been implemented in their entirety. 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 a similar species and size, during the first available planting season following the date of loss or damage.

REASON: In order to ensure the development is adequately landscaped so as to positively integrate with its surroundings, in the interests of visual amenity and the setting of the listed building, and to comply with the requirements of Policies 9, 11

and 39 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

10. With the exception of any necessary maintenance operations, no development shall commence on site unless and until, an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The submitted statement shall include details of how harm to the trees detailed as T46, T47, T48, T57, T58 and T59 in the submitted Tree Survey – Revision B (prepared by TPM Landscape Ltd and dated October 2021) will be appropriately minimised during the construction and operational phases of the development. The development shall thereafter proceed in strict accordance with the approved statement, unless otherwise agreed in writing.

REASON: In order to minimise harm to the health of specific retained trees, in the interests of visual amenity and the setting of the listed building, and to comply with the requirements of Policies 9, 11 and 39 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

11. The development shall be externally illuminated and implemented in strict accordance with the measures detailed on the approved plan '1497-ESD-XX-00-X-DR-E-6901 – Revision P02'. Any lighting installed must accord with the Institute of Lighting Professionals guidance document: 'Guidance Notes for the Reduction of Obtrusive Light', unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to ensure minimise the potential for light pollution to occur 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).

12. The development hereby approved shall only operate between the hours of 07:00 and 22:00, unless otherwise agreed in writing by the Local Planning Authority;

REASON: In order to minimise the potential for adverse disruptions to occur 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).

13. With the exception of any necessary maintenance operations, 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 the following;

- 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;

- f) Measures to control noise and vibrations from construction works;
- g) A scheme for recycling/disposing of waste resulting from construction works;
- h) Details of the type, position and height of any required external lighting;
- i) Details of working hours.

The development shall thereafter proceed in strict accordance with all of the measures detailed within the submitted Construction Method Statement, unless otherwise agreed in writing by the Local Planning Authority.

REASON: 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).

14. With the exception of any necessary maintenance operations, no development shall commence on site unless and until, a scheme for the construction of the site access, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details of off-site works of highways improvements and it shall provide for, but not be exclusively limited to the following;
- a) A white lining scheme to provide a clear indication of where vehicles should position themselves in the carriageway;
 - b) An indication to through traffic that vehicles waiting to turn right can be passed safely;
 - c) The provision of a pedestrian refuge (within a hatched taper) with supporting dropped kerbs, and;
 - d) The provision of tactile paving and appropriate links to local footways.

No development outside of works to construct the site access 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 first instance, 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).

15. The development hereby approved shall not be brought into use unless and until, the car parking provision and manouevring areas as detailed on the approved plan '2017 – 101 – Revision P-03' have been provided in their entirety. Any car parking and manouevring areas provided shall thereafter remain in perpetuity with the development.

REASON: In order to ensure adequate car parking provision and manouevring areas are 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).

16. With the exception of any necessary maintenance operations, no development shall commence on site unless and until, one of the following has been submitted to and approved in writing by the Local Planning Authority.

- a) A license issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development go ahead: or
- b) A statement in writing from Natural England to the effect that they, and the licensing authority, do not consider that the specified development will require a license.

Where relevant, the development shall thereafter proceed in strict accordance with the agreed details, unless otherwise agreed in writing.

REASON: In order to ensure no adverse harm is caused to roosting bats, 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).

17. The felling and pruning of any mature trees shall be carried out in strict accordance with the mitigation measures detailed within the Ecological Survey and Assessment, prepared by ERAP Consultant Ecologists Ltd., and dated September 2021, unless otherwise agreed in writing.

REASON: In order to ensure no adverse harm is caused to roosting bats, 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).

18. Vegetation/tree clearance and site management during construction shall be carried out in strict accordance with the mitigation measures detailed within the submitted Ecological Survey and Assessment, prepared by ERAP Consultant Ecologists Ltd., and dated September 2021, unless otherwise agreed in writing.

REASON: In order to ensure no adverse harm is caused to hedgehogs, 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).

19. No works to trees, shrubs, scrub or ivy shall occur or building works commence between the 1st March and 31st August in any year unless a detailed bird nest survey prepared by a suitably experienced ecologist has been carried out immediately prior to clearance. Where relevant, written confirmation should thereafter be submitted to and approved in writing by the Local Planning Authority confirming that no active bird nests are present prior to the commencement of any works on site.

REASON: In order to ensure no adverse harm is caused to nesting, 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).

20. With the exception of any necessary maintenance operations, no development shall commence on site unless and until, a scheme detailing ecological enhancement measures has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the agreed measures have been implemented in their entirety, unless otherwise agreed in writing.

REASON: In order to ensure the scheme contributes positively to the enhancement of the natural environment, 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).

21. The development shall be drained and implemented in strict accordance with the measures detailed within the submitted Foul and Surface Water Drainage Strategy (plus any supporting documents), prepared by ARP Associates and dated November 2021, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to ensure adequate measures are put in place for the disposal of foul and surface water, in the interests of achieving sustainable development, 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).

22. With the exception of any necessary maintenance operations, 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: In order 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).

23. 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: In order 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).

24. 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: In order 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).

25. With the exception of any necessary maintenance operations, no development shall commence on site, including site clearance/preparation, and/or demolition, unless and until, the applicant, or their agent or successors in title, has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and approved in writing by the Local Planning Authority. The programme of recording should comprise of a photographic record of the existing buildings as set out in 'Understanding Historic Buildings' (Historic England 2016) with the appropriate plans and elevations used to situate the photographs. This work should be undertaken by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists.

Reason: In order to ensure and safeguard the recording and inspection of matters of archaeological importance, in the interests of safeguarding the historical

importance associated with the site, 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).

26. With the exception of any necessary maintenance operations, no development shall commence on site unless and until, a scheme for the provision of charging points for low emissions vehicles has 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 implemented in its entirety, unless otherwise agreed in writing.

REASON: In order to minimise carbon emissions associated with the development, in the interests of addressing 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 Informative Notes

1. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.
2. 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, Rhododendron Ponticum and certain species of Cotoneaster 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.
3. A suitable electric vehicle charging scheme will ensure that the occupants of each unit to have access to a charging facilities on a daily basis. For example, each unit could have access to one or more charging points with a rating of at least 7 kW for period of not less than 4 hours on a daily basis. The scheme will identify the charging point specification, the location of dedicated parking spaces where charging will take place, and the basis on which vehicles will be allowed access to the chargers (e.g. Who can use the charging points, payment arrangements, who will maintain the equipment). Mode 3 chargers with tethered type 2 connectors are recommended, and charging points are available that can charge two vehicles simultaneously.
4. Lancashire Constabulary would strongly advocate that this development be designed and constructed to Secured by Design security standards, using the SBD 2015 'Commercial Developments' Design Guide specifications. Further details

about Secured by Design, including application forms and security specifications can be found at www.securedbydesign.com.

Listed Building Consent

1. The works hereby approved shall be begun before the expiration of three years from the date of this consent. No later than three days after works first begin on site, written notice shall be given to the Local Planning Authority of the date on which works are first commenced.

REASON: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to ensure the Local Planning Authority is informed of the commencement of the first works on the site.

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 (2017 – 90 – Revision P-02), 01-S-1055-Griffin Lodge, 2017 – 101 – Revision P-03, 2017 – 200 – Revision P-01, 2017 – 201 – Revision P-01, 2017 – 202 – Revision P-01, 2017 – 205 – Revision P-01, 2017 – 300 – Revision P-01, 2017 – 302 – Revision P-01, 2017 – 400 – Revision P-01, 1497-ESD-XX-00-X-DR-E-6901 – Revision P02, 103 – Revision B (Landscaping Proposals – 1 of 2) and 104 – Revision C (Landscaping Proposals – 2 of 2).

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

3. Prior to the commencement of any above ground works on site, details confirming the exact type 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, as per the details shown on the approved plan '2017 – 300 – Revision P-01' . The development shall thereafter be implemented in strict accordance with the approved materials and details, unless otherwise agreed in writing.

REASON: In order to adequately safeguard the historical significance of the listed building 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).

4. With the exception of any necessary maintenance operations, no development shall commencement on site unless and until, a repair methodology/specification for works to the building has been submitted to and approved in writing by the Local Planning Authority. The methodology/specification shall include full details of the treatment of the external fabric of the building including any re-pointing or repairs to brickwork and stonework, existing rain water goods, lead flashings and chimneys and the treatment of the interior including finishes. The development shall thereafter proceed in strict accordance with the approved details, unless otherwise agreed in writing.

REASON: In order to adequately safeguard the historical significance of the listed building 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).

5. Prior to their installation, design details confirming the exact type of all the windows and doors to be installed as part of the development hereby approved, together with details of the extent of their application, 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 materials and details, unless otherwise agreed in writing.

REASON: In order to adequately safeguard the historical significance of the listed building 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).

6. Prior to their installation, design details confirming the exact type of all the rainwater goods to be installed as part of the development hereby approved, together with details of the extent of their application, 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 materials and details, unless otherwise agreed in writing.

REASON: In order to adequately safeguard the historical significance of the listed building 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).

7. With the exception of any necessary maintenance operations, no development shall commence on site unless and until, a phasing plan of the works to the building hereby approved has been submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include details of the proposed timetable for the works to the building, including the repairs to the existing listed building. The development shall thereafter be implemented in strict accordance with the approved materials and details, unless otherwise agreed in writing.

REASON: In order to adequately safeguard the historical significance of the listed building 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).

8. The development hereby approved shall not be brought into use unless and until, the supplementary landscaping measures as detailed on the approved plans '103 – Revision B (Landscaping Proposals – 1 of 2) and 104 – Revision C (Landscaping Proposals – 2 of 2)' have been implemented in their entirety. 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 a similar species and size, during the first available planting season following the date of loss or damage.

REASON: In order to adequately safeguard the historical significance of the listed building 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).

9. With the exception of any necessary maintenance operations, no development shall commence on site unless and until, an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The submitted statement shall include details of how harm to the trees detailed as T46, T47, T48, T57, T58 and T59 in the submitted Tree Survey – Revision B (prepared by TPM Landscape Ltd and dated October 2021) will be appropriately minimised during the construction and operational phases of the development. The development shall thereafter proceed in strict accordance with the approved statement, unless otherwise agreed in writing.

REASON: In order to adequately safeguard the historical significance of the listed building 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).

10. With the exception of any necessary maintenance operations, no development shall commence on site, including site clearance/preparation, and/or demolition, unless and until, the applicant, or their agent or successors in title, has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and approved in writing by the Local Planning Authority. The programme of recording should comprise of a photographic record of the existing buildings as set out in 'Understanding Historic Buildings' (Historic England 2016) with the appropriate plans and elevations used to situate the photographs. This work should be undertaken by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists.

REASON: In order to adequately safeguard the historical significance of the listed building 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).

6.0 PLANNING HISTORY

- 6.1 No relevant planning history.

7.0 CONSULTATIONS

- 7.1 BwD Highways – In summary, we would support the proposals in principle, subject to the below matters being addressed satisfactorily.

(Parking) In accordance with the adopted parking standards based on the use proposes that requirement for the facility would be as follows;

- 30 spaces provided for the 60 staff (based 1 car space per 2 staff)

- 75 spaces provided for the 25 consulting rooms (based on 1 car space per 3 consulting rooms)

This amount to 105 car parking spaces, 103 spaces have been provided. The number of spaces is acceptable, with regards to the adopted standards, however please offer thought to the comments made in the initial transport statement reviews (please see below). This also raises questions of staff numbers at the existing facilities, and whether they are transferring like for like or additional staff are being taken on.

10% provision should be provided for disabled use (to be incl within the total spaces allowed) I would recommend a small percentage of these is reassigned for parent and child, please request consideration. 18 cycle spaces are provided, although these are not adjacent to the entrance, they are sited to the front of the building, details of coverage and security are offered, and is deemed acceptable. No provision for PTW is received, please request further consideration of this mode of transport.

The arrangement and layout of the car park aside from the above should accord with the councils design bay standards and manoeuvrability into and out of the bays. Please ensure all bays are in compliance. We note there is a drop off bay to the front of the premises...with a use such as this we envisage a number of journeys made by taxi. Has this been considered, as we do not feel the space being provided is adequate?

(Access) The Vehicular access into the site is to be taken from Spring Lane. This is a new access which is to be created, the access road is 6m wide with a 1.8m footway into the site on one side. We would request that all footway leading into the site and around, and through the site, should be widened to 2.0m. Sightlines are to be received for approval. Please request these to be submitted for assessment. The internal roads and circulation roads are deemed acceptable.

There is mention of a pedestrian link from Cavendish Place, yet no details are offered in support, please could we request this detail is shown on the drawings. There is also a footway link heading in the direction of Springfield Street, we would request this is resurfaced for the full length to allow a better level disabled friendly and connective route to Springfield Street for pedestrians.

The access out on the highway network is sited approximately 150m away from the signalised junction at Buncer Lane/Preston Old Road. However, we are mindful that the traffic should not affect the free flow of traffic movement, we would suggest a right turn lane is introduced to prevent any obstruction to general traffic movement.

We understand these would enter outside the operational hours, please confirm. There is a slight worry with artic vehicles turning form the highway up the access road, does appears to impact upon the footway, please consider and revise. No details of frequency of movement are offered, please request this information for completeness.

Please attach a 278 Grampian condition for offsite highway works this would include the construction details (to include gradients to ensure a level plateau is provided to the edge of the highway) for the site access, together with the following;

- Right turn lane on Spring Lane
- Extension of the footway, connecting through to Springfield Street.

(Servicing) Swept Path and vehicle details are provided within the Technical Statement. The majority of the swept paths are able to turn within the curtilage, to be noted both the rigid and the artic would require the car park to be free of parked vehicles in order to turn. We understand these would enter outside the operational hours, please confirm. There is a slight worry with artic vehicles turning from the highway up the access road, does appear to impact upon the footway, please consider and revise. No details of frequency of movement are offered, please request this information for completeness.

(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. 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.

7.2 BwD Highways (Transport Assessment) – Having reviewed the Transport Assessment submitted in support of 10/21/1301, most aspects of the TA are acceptable but I would make the following comments:

- Could consideration be given to widening the footways into the site to 2m please?
- While the parking provision is roughly in line with the benchmark parking standards a parking accumulation exercise has been undertaken which suggests a maximum provision of 68 spaces is required to support the development. As such 103 spaces could be considered to be an over provision which may act to undermine the aims and objectives of the Framework Travel Plan. Could consideration please be given to a reduced level of parking provision with areas currently shown for parking reduced and indicated as areas for future expansion or overspill parking?
- Whilst it is accepted that the proposed development is intended to replace 3 existing facilities there are no details provided regarding the number of staff or consulting rooms provided at the existing facilities. This information is required to form an understanding of the likely trip generation associated with these facilities. It is reasonable to assume that

a combined facility that is larger in terms of staff numbers and consulting rooms would have a greater trip generation. Please can a comparison be provided?

- Notwithstanding the comments made above, the relocation of the existing facilities to the proposed site will have a redistribution impact on the local network. The junction of the A674 Preston Old Road / Spring Lane / Buncer Lane already experiences congestion at peak times and as such the impact of any redistribution (and/or the additional traffic from a larger development) needs to be understood. Please can the Transport Assessment be updated to include an assessment of the impacts of the proposed development at this junction?
- The TRICS trip generation rates presented within the report indicate that there are likely to be more than 300 two-way vehicle movements generated by the site. Figure 2.3.1 of DMBR CD123 Geometric design of at-grade priority and signal-controlled junctions indicates the approximate priority junction provision on single carriageway roads based on flows only. This suggests that a simple priority junction may not be an appropriate form of access where annual average daily traffic flows exceed 300 vehicles on the minor arm. Please can junction modelling of the proposed site access be provided to provide confidence that a simple priority access arrangement will not lead to congestion issues on the local highway network?

(Update) Having reviewed the information provided by Vectos, the transport consultant for the development proposals, we have the following final comments to make;

- Visibility splays for the site access have been provided and satisfactorily demonstrate that visibility in accordance with MfS (2.4m x 43m) is achievable.
- Swept path analysis for the mobile breast screening vehicle has been provided and satisfactorily demonstrates that the vehicle can manoeuvre within the site assuming an empty car park which is acceptable.
- Junction modelling has been provided for the site access which indicates the site access will operate well within capacity with no queues over 1 vehicle on the main road or site access.
- Analysis of the site access as a simple priority layout has been provided which indicates that the carriageway width of 9m is adequate for vehicles to pass vehicles waiting to turn right into the development. The aforementioned modelling has been undertaken based on right turning vehicles blocking ahead traffic and is therefore considered to be robust.
- The viewpoint that the right turn can be accommodated without alterations to white lining is accepted. However, the provision of a white lining scheme to provide a clear indication of where vehicles should position themselves and indicate to through traffic that vehicles waiting to turn right can be passed safely, together with the provision of a pedestrian refuge (within a hatched taper) with supporting dropped kerbs, tactile paving and appropriate links to local footways would support safe and sustainable access to the development.

7.3 BwD Heritage Advisor – (Impact on the Listed Building) Griffin Lodge is a mid-Victorian gentleman's residence built for Thomas Dugdale in 1853. The principle building is brick construction with dressed stone detailing to windows, eaves and plinth with later substantial service wing to east side. The main range is a two storey 3 bays range with central porch and projecting front bay.

The building was purchased by Blackburn Corporation in 1937 and since then has been used for various purposes. The building was vacated in 2006 and has since suffered from vandalism and fire damage and is currently derelict with no roof structure and open to the weather. Very little of the interior is retained. The significance of the building is explained more fully in the submitted Heritage Statement. From my site visit, it is clear that the building is in a perilous and poor condition.

On a previous internal inspection, we noted that except for the retained walls of the room layout the interior had degraded so much to be of little or no value. Regardless of its current state, we would regard the former house because of its retained aesthetic and historic values to be of moderate significance. The adjacent range of outbuildings including a Coach house are also of value and contribute positively to the wider setting within the extensive parkland. Clearly in this context we support the proposed re-use of the building as this will safeguard the key significance of the former residence and in doing so help preserve the setting with the adjacent barns/coach house and its relationship with the landscaped gardens.

This meets the objectives of the Governments planning guidance contained in Chapter 16 of the NPPF and as such provides a substantial public benefit. Set against this benefit are the changes required to the building and wider site. The biggest intervention to the building (and the significance) is the addition of the side extension, which attaches to the service wing. The form and detailing of the addition has been discussed through pre-application. The join between the two buildings is a new flat roofed 3 storey link which houses the staircase, which is faced in contrasting material (stone cladding) which itself joins onto the lower 2 storey brick addition incorporating a simpler rectangular form with parapet and a flat roof.

A similar stair tower is proposed at the rear (north side of the original building) to improve access to the treatment rooms. Visually we feel, whilst the new addition is significant in scale, it is sensitively located and its design provides a clear distinction between the existing house. The stepped down scale helps form a natural continuation of the service wing. Importantly the extension will not dominate the main views of the front (south elevation) of the Lodge when viewed from the southern garden. The other changes including fabric repairs to the existing brickwork and stonework and roof which can be viewed as being positive work although we would have preferred to see the use of natural slate for the roof and traditional timber sliding sash windows.

The use of non-traditional detailing for these elements has an impact on the authenticity of the retained property. The other significant intervention is the provision of the car park and the relocated access off Spring Lane. Visually

whilst attempts have been made to break the expanse of car park it will undoubtedly be seen as a substantial change in the appearance of the north side of the site in close context to the listed building. The removal of garden walls on this part of the site will result in some further low level loss of significance.

That said, we do accept that the location is at the rear of the listed building away from the main elevation and is probably the best (least damaging) location available with regard the setting. It will also provide an ability to gain a whole 360-degree appreciation of the building. Linked to this is the provision of the new access which involves the removal of a number of mature trees and a section of existing frontage wall. The new section of roadway will be highly noticeable and will cause some harm to the value provided by the enclosed nature of the parkland setting.

Overall, we feel that the aspects of the proposals highlighted above will, combined, cause some level of harm (low to moderate), which should be viewed by the LPA as being 'less than substantial' harm. Under P.202 of the NPPF less than substantial harm can be weighed against the public benefits of the proposal, which includes securing a viable use. Clearly the benefits generated by the new use including the repairs to the existing 'at risk' building should carry considerable weight in that balancing exercise. we agree with the conclusions expressed in the Heritage Assessment that the benefits gained by safeguarding the future of the building would in this instance outweigh the less than substantial harm.

(Impact on the setting to adjacent listed buildings) The entrance gates off Springfield Street are located approximately 60 metres north west of the corner of the new car park area and approximately 120 metres from the Lodge itself. As there are no direct impacts on the gates and given the distance separation I do not feel the proposals will cause any substantive harm to the contribution made by the immediate setting to the significance of that asset.

(Impact on Griffin Park Conservation Area) Whilst there is not a Conservation Area Appraisal for Griffin Park it is clear that its principle significance is derived from Griffin Lodge and its associated landscaped park land setting. In this regard, given the central building within in the CA is in a poor and degraded state and that this has a detrimental impact on the appearance of the area, I would only assign the Griffin Park CA as having a low significance.

As identified above I feel the provision of the large car park, north of the Lodge and creation of the new access and section of driveway will have a detrimental impact on the immediate setting of the house and the wider landscaped garden environment, which is a key characteristic of the CA. I feel the impact of such works on the character and appearance would be moderate. Set against this level of harm are the benefits generated by the repair and re-use of the building.

Given the likely continued deterioration in the condition of the building if no other solution is found as with the impacts on the listed building I find the benefits

generated by the re-development scheme outweigh the loss/harm to the character and appearance of the CA.

(Conclusion) As we are required to do so, we have given the duty's imposed by s.66(1) and s.72(1) of the P(LBCA) Act 1990 considerable weight in my comments. As indicated above whilst I feel that some aspects of the proposals cause some loss of significance. P.199 of the NPPF requires that the LPA should give great weight to this harm. However overall when applying the balance required under P.202 of the NPPF, the benefits of the proposed new use for the building and site outweigh the level of (less than substantial) harm. As such I feel the proposals would meet the statutory requirement to preserve and would meet the objectives of Chapter 16 of the NPPF and is in conformity with Policy CS17 and Policy 39 of the Local Plan.

(Conditions) Should this application be approved, conditions should be imposed to control all the external construction materials to be used, the methodology of repair work, window/door details, details of RWGs and a phasing plan.

- 7.4 BwD Public Protection – Should this application be approved, the three standard land contamination conditions should be imposed. Further conditions should be added to control opening hours, air quality mitigation measures, sources of external lighting, and the logistics of the construction phase. Informative notes should also be added regarding land contamination, external lighting sources, construction noise, asbestos control, sound insulation, and ensuring the amenities of neighbours is adequately safeguarded.

(Update) The contamination reports initially submitted made reference to use of the site for residential purposes. An update report has been submitted, which has been written by a different consultant to the initially submitted reports. The new consultants have got around chemical exceedances that required remediation by changing the end use of the doctor's surgery from residential without plants to commercial-industrial. We will have to check my guidance on whether this is appropriate when the latest report is reviewed.

(Update) Based on the latest information provided, the issue I have is until I have details of whatever scheme is chosen in writing and the UU assessment complete, I'll need to recommend that both our standard contaminated land conditions are attached, because as below the pre-commencement condition requires we agree on the details of proposed remedial work first. Whatever planting scheme and pipes you conclude are required count as remedial work. Although it may seem OTT for a site that is fairly clean and low risk.

If the material being imported was being used in a cover system to break a pollutant linkage then we'd ask for it to be sampled and analysed for a standard chemical suite at a rate of 1/50 tonnes (unknown source) or 1/100 tonnes (greenfield source with certification). We'd then ask for the information to be put into a final Verification Report which would also include photos showing the agreed depth of the cover system. Once we'd received that, together we details

of any other agreed remedial work, we'd be in a position to recommend discharge of the second, validation contaminated land condition.

However, it is my understanding that no cover system is required on this site as no chemical exceedances were measured, so any sampling would be done at your own discretion rather than to satisfy the condition, although I'd still recommend the rate above and the results put into a final verification report.

- 7.5 BwD Arboricultural Advisor – Having reviewed the submitted documents, the tree survey is three years out of date, Phase 1 Desk Study part 4 showing an earlier site layout (?) which is completely different and, most importantly, no Arb Impact Assessment and/or Arb Method Statement that includes crucial information relating to the very least, tree protective fencing. Another important aspect is how the developer is going to work with the trees to be retained without causing undue damage.

The main reason why the tree survey needs updating is due to the number of large Ash trees on the site that are now affected badly by Ash Dieback disease. Some of these trees are categorised as 'A class' when clearly that is now not the case. If this application is approved there is going to be such a huge loss of quality trees on this site that the very least we should be doing is insisting on up-to date and accurate valid documents that conform to Council Policy and are in accordance with the BS 5837.

Another major issue with these proposals is mitigating the loss of numerous trees. I have estimated between 40-50 (mostly A & B Category) trees to be removed and looking that the, again out of date, 'Landscape Strategy' it proposes the planting of 16 trees as replacements. This meagre mitigation is nowhere near in-line with Council or National Policy and more has to be done to satisfy these needs. I do have ideas of how the tree loss can be mitigated which would include the management of the site as a whole, and although this can be conditioned, this approach needs to be discussed with the applicant prior to determination. Ideally they produce an up-to date Landscape Strategy document.

Until the relevant information referenced above is forthcoming, from a tree and landscape perspective, we cannot appraise the proposals and therefore we find it hard to see how this application can be approved. We are fully aware of the need for a planning balance in this instance, retention of a listed building and the good that the proposals will bring to the local economy and residents alike.

For the record, what we presume was an earlier proposed layout is much more sensitive to the trees and landscape and more in-line with the Council's Local Plan Development and the Environment: 9 'Trees'. It is possible to accommodate a similar number of car parking spaces as on this newer layout when looking at the earlier version.

(Update) An updated landscaping scheme has been submitted, which is an improvement on the previous situation. However, additional planting is shown outside of the red edge. Can this be controlled?

Also, are there any updates on the Arb Method Statement and other Arb documents? In particular we need details of how they are going to go about creating car parking spaces within the RPA of the important trees T46 Turkey Oak, T47 & T48 Limes.

We can see a generic picture included in the AMS but I need to see the details overlaid on a site plan. This is very important as the tree is highly likely to be seriously damaged. Also, regarding T57, 58 & 59, is that wall going to be removed and the trees retained? If so, how are they going to do this without damaging the trees. All needs to clear in the AMS.

- 7.6 BwD Ecological Advisor – (Summary) Several small bat roosts were recorded. A license from Natural England will be required. Other ecological issues relating to nesting birds, invasive species, hedgehog and ecological mitigation and enhancement measures can be dealt with via condition and or informative.

(Bats) The buildings and trees on the site were assessed for bat roosting potential. Two dusk and one dawn survey were carried out on the two buildings proposed for renovation. All were carried out by suitably experienced ecologists. Three different roost locations were identified during these surveys, two in Griffin Lodge and one in the coach house, all utilised by small number of common pipistrelle bats, on just one of the three surveys. I.e. not permanent roosts. There are no reasons to doubt the findings of the surveys.

All three roosts would be lost if the buildings were repaired and it is likely that other features associated with these buildings will provide occasional day roost opportunities. A license will therefore also be required from Natural England for the works if planning permission is granted. I agree with the consultant's that such a license would be issued as the roosting opportunities are for low numbers of common pipistrelle and eligible for consideration under a low impact license and that mitigation will be possible to maintain the favourable conservation status of the common pipistrelle bats in this area. The outline mitigation proposals appear adequate. It is therefore recommended that an appropriately worded condition be imposed to control those matters.

(Trees) A number of trees were also assessed as having low bat roosting potential some of which are proposed for removal. Reasonable avoidance measures have been recommended within the submitted report. A condition should be imposed any permission issued to ensure any required felling is carried out in accordance with those measures.

(Other Protected Species) No evidence of any other protected species was found on the site and all reasonably discounted by the consultants. Given the lack of suitable habitat on-site and lack of connectivity to high value habitat for any such species, I have no reason to doubt the finding of the report.

(Nesting Birds) Bird nesting habitat is present for a number of bird species, including the mature trees, shrubs, bramble scrub, ivy and buildings. All British birds' nests and eggs (with certain limited exceptions) are protected by Section

1 of the Wildlife & Countryside Act 1981, as amended. It is recommended that a condition be imposed to prevent any works to trees, shrubs, scrub or ivy shall occur or building works commence between 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out.

(Invasive Species) A number of invasive species are potentially present including Japanese Knotweed, rhododendron and a cotoneaster. The Japanese Knotweed was first record in 2018 and is currently under management and potentially already eradicated. I therefore recommend an informative. An unidentified Cotoneaster species is also present, certain species of cotoneaster are listed under schedule 9 part 2. None are however particularly invasive in a parkland situation, primarily being an issue in calcareous areas. It would also not be regarded as an offence to plant in a park. Therefore, the only risk would be if the plant(s) or soil contaminated with seed were excavated and removed from site. A suitable informative notes should be added to draw attention to such requirements. Finally, only the wild type of Rhododendron (the purple flowered variety) is listed under schedule 9 part 2. It is likely given the history of the site and current use that some if not all the Rhododendron on site are ornamental varieties not covered by the schedule. A further suitable informative note should be added to draw attention to such requirements.

(Hedgehogs) A hedgehog was recorded during two separate site visits. Hedgehogs are UK Biodiversity Priority Species and therefore a material consideration as part of any planning application. It is possible that they are utilising the areas of dense successional vegetation such as the bramble as breeding or hibernation habitat. A condition should be imposed to ensure vegetation clearance and site management during construction is carried out in accordance with the details in the Ecological Survey and Assessment by ERAP.

(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 the loss of trees, bat roosting, bird nesting and hedgehog habitat Mitigation should be provided for all habitat and species impacts. The details can be conditioned.

7.7 BwD Drainage – No objections. Should this application be approved, a condition should be imposed to ensure the development is implemented in accordance with the submitted Foul and Surface Water Drainage Strategy. 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.

7.8 BwD Property Services – No objections.

7.9 BwD Cleansing – No objections.

- 7.10 LCC Archaeology – The buildings are, as you are aware, listed structures originally built as the home of a wealthy industrialist and related to the rise of Blackburn and the wider area as a major centre of industry in the 19th century. They have subsequently been used for other purposes and the house has been seriously damaged in recent years, having been partially gutted by arson attacks.

The proposals to re-use the shell of the house is to be welcomed as despite the damage it is still a significant feature of the historic townscape and the structure gives an indication of the aspirations and tastes of the rising merchant classes during the heyday of industrial Lancashire while acting as a focal point within the wider area of lower class workers housing that stand around the house and its former grounds.

The building interiors were inaccessible to the contractors carrying out the heritage and archaeological assessments and so it was not possible for them to carry out a detailed analysis of the survival and condition of any architectural elements relating to the function and decorative schemes of the buildings. Although such features are likely to have been affected by the later uses of the buildings, and in the case of the former house particularly, by the fires that damaged the building, we note that the developer proposes to retain, if possible, any surviving features of the historic building that have not been fire damaged.

We would advise that as part of the development process, and at a stage where the building has been secured and safe access is possible, that an archaeological building record be made of the house and former coach house, both to record surviving historic details that fire and subsequent weather damage make it impossible to preserve or conserve and to record any features that can be retained in the condition that they are in currently to provide a baseline record for their conservation and re-use. This record can be secured by means of a condition attached to the planning permission and Listed Building consent.

- 7.11 Historic England – We have no objections to the applications on heritage grounds. In determining these applications, you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. As well as section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 7.12 Natural England – No objections. The proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 7.13 United Utilities – no comments received.

- 7.14 Lancashire Constabulary – It is appreciated that due to the Grade II listed Heritage status of this building, not all security recommendations in this report will be able to be implemented due to constraints around planning matters and listed building consents.

We would advocate that the installation be designed and constructed using the security principles and security rated products as stated in the attached SBD 'Commercial Developments 2015' Design Guide. Further details about Secured by Design. The security comments and recommendations have been made in order to keep people safe and feeling safe and to prevent crime and disorder in accordance with;

Section 17 of the Crime and Disorder Act 1998 (as amended by the Police and Justice Act 2006) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and (b) the misuse of drugs, alcohol and other substances in its area and reoffending in its area.

Crime prevention advice is given without the intention of creating a contract. Neither the Home Office nor the Police Service accepts legal responsibility for the advice given. Fire Prevention advice, Fire Safety Certificates conditions, Health & Safety Regulations and Safe Working Practices always take precedence over any Crime Prevention issue. Recommendations included in this report have been considered for a specific site and take into account information available to the Police.

- 7.15 Ward Cllrs

- 7.16 Summary of Public Responses

Comments have been received from members of the public both objecting and supporting the application. Full representations received are contained in Section 10.

Supporting comments

- The development would enhance the local area;
- A derelict building would be brought back in to use.

Objecting comments

- There are already doctors in the local area;
- Losses of greenspace will occur;
- The proposals may increase traffic in the local area;
- A large carpark is proposed in support of the development;
- A pedestrian access would be maintained from Cavendish Street;
- Surplus parking may be displaced onto surrounding residential streets;

- The access road cuts through parkland;
- A number of mature trees will be felled;
- Local wildlife may be detrimentally effected.

8.0 CONTACT OFFICER: Christian Barton – Planning Officer

9.0 DATE PREPARED: 13th May 2022

10.0 SUMMARY OF REPRESENTATIONS

Objection – Philip Savage, 27 Nares Road, Blackburn, BB2 2TH. Received: 26/11/2021

I have lived in the area of Griffin park all my life. I attended the old Griffin school 1965 to 1961 whilst living in Coleridge street and I currently live in Nares road.

The rear of Nares road over looks Spring lane and so I am fully aware of the large volumes of traffic already using this road . At any time of the day there is queuing traffic back to Buncer lane traffic lights with Selous road / Nares road already used as a 'rat run' to avoid the Buncer lane traffic lights. Any proposal to increase the amount of traffic on Spring lane by adding any additional road junction from the proposed development would not only have huge impact on Spring Lane but the surrounding local roads.

Whilst the above may cause concern about traffic problems I feel the biggest concern is the introduction of vehicles into an park environment. The proposed provision for a 100+ car park gives the impression of a well used access road. This road would cut through the middle of a well used park. Who would imagine creating a road through the middle of a park used by children on bikes, dog off leads etc. This is only exasperated by the fact it crosses the access to Griffin park PRIMARY School. Primary school children and cars do not mix and everything should be done to keep them apart not actively brought together.

Additionally I take note of the amount of trees and green space that would be lost to the car park etc by this proposal.

Whilst I am sure everyone would welcome a renovated Griffin Lodge I feel the proposed development would be detrimental to child safety and local traffic problems and the application in its current form must be rejected

Objection – Miss Heyworth Read, Lansdowne Street, Blackburn. Received: 15/12/2021

I am contacting you in regards to the Planning Application sent in relation to Griffin Lodge, Cavendish Place, Blackburn BB2 2PN.

As a local Resident on Lansdowne Street, I have concerns as to the Plans for the Lodge.

Although it is in a bad state of repair, not only do I feel that it would benefit the local residents and the residents in the Property in Griffin Park, but I feel that money would be better spent on restoring Griffin Lodge as oppose to Building a Health Facility when there are several Doctors Surgeries in the area and Barbara Castle Way close by.

I feel that Griffin Lodge could be restored into its former glory and become a place everyone could enjoy once again, something which is lacking in Blackburn.

I also have concerns as to the parking and traffic problems that will be created by such a facility would cause, not only on Cavendish Place but in the adjacent streets, for residents and I would not be prepared to pay for residents parking. There will be a build up of traffic in an already busy area and that residents Parking will be compromised with visitors to the new Facility. I do not want to have to come home from being at work all day to find that the place I park has been taken by a non resident and that I would have to struggle to park.

I feel that this will also have a detrimental affect on Griffin Parks thriving Wildlife, such as the Owls and Squirrels which I see and hear on a daily basis amongst others, and that myself and other

residents who take our Dogs to the Park and children who play in the Park will lose our popular safe space by building on the land. I was so pleased when I moved to the area lasy year with Griffin Park round the corner, and no more Parking Wars as I had at my previous address. I love where I live.

There aren't going to be any Green Spaces/Parks left the way Blackburn with Darwen are over developing the town with no real thought for local people, whose comments and concerns really aren't taken on board and things just go ahead anyway because it all comes down to money at the end of the day.

Objection – Faye Thornton, 48 Cavendish Place, Blackburn, BB2 2PN. Received: 29/03/2022.

Hello I am pleased that Griffin lodge is being refurbished and support the plans however as a resident of Cavendish place with young children I am concerned about preserving our way of life in respect of the immediate surroundings. We are a close knit community and our children play outside our houses as outside of school times it is a quiet and peaceful place to live. I understand parking and a different route has been taken in to consideration however there is still access on foot from Cavendish place. I feel this will mean people coming from this side of town will park on our street and walk around. Not only is this a safety concern it will also increase air pollution so close to the school.

I have consulted with a local traffic warden and other residents and we have put together some possible solutions to try to avoid it becoming a problem/habit in the first instance.

one way system with traffic to enter from scar st and out via the new exit on spring lane,. residents parking scheme from [8.am](#) to 5, pm to stop patients parking o/s peoples homes, possible double yellow lines single kerb markings no loading/no waiting 8am to 6pm down the school side of cavendish place. this will stop vehicles parking when the school is in and keep the traffic away from the school entrance. speed bumps on cavendish place to stop traffic from speeding again to keep the children safe. The roads around the school are B roads and are congested enough when school is in with parents and staff.

Support – John Hall, 5 St Philips Street, Blackburn, BB1 1UT. Received: 29/11/2021.

In respect to the above I wish to support the application.As it is much needed in the area and would enhance the area which has been plighted for over 10 years.

Please keep me informed particularly if it goes to the Planning & Highways Committee as I would like to Request to Speak.

Please direct me with a link to where on the website I can access the necessary form to request to speak.

I look forward to hearing from you

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/21/1312

Proposed development: Full Planning Application for: Change of use of first floor from E(G)(i) Offices To F1(a) Educational Class Rooms (retrospective).

Site address:

**First Floor
49-51 Preston New Road
Blackburn
BB2 6AE**

Applicant: Unity Educational Trust (UET)

Ward: Wensley Fold

**Councillor David Harling
Councillor Sabahat Imtiaz
Councillor Quesir Mahmood**



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to conditions, as set out at paragraph 4.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The proposal is in the form of a full planning application. It is reported to Committee due to receipt of a significant number of public comments, including representations of objection and support. This is in accordance with the Council's adopted Scheme of Delegation. A petition objecting to the proposal was reported to Committee on 20th January 2022. Two petitions of support have since been received which are appended at paragraph 9.0 (Public Consultations), as are all individual representations.
- 2.2 Detailed assessment of the application finds the proposed development to be, on balance, in accordance with the Development Plan and National Policy. Retention of an important community facility, offering cultural education and recreational services will be secured, with all issues having been addressed through the application or capable of being controlled or mitigated through application of planning conditions.

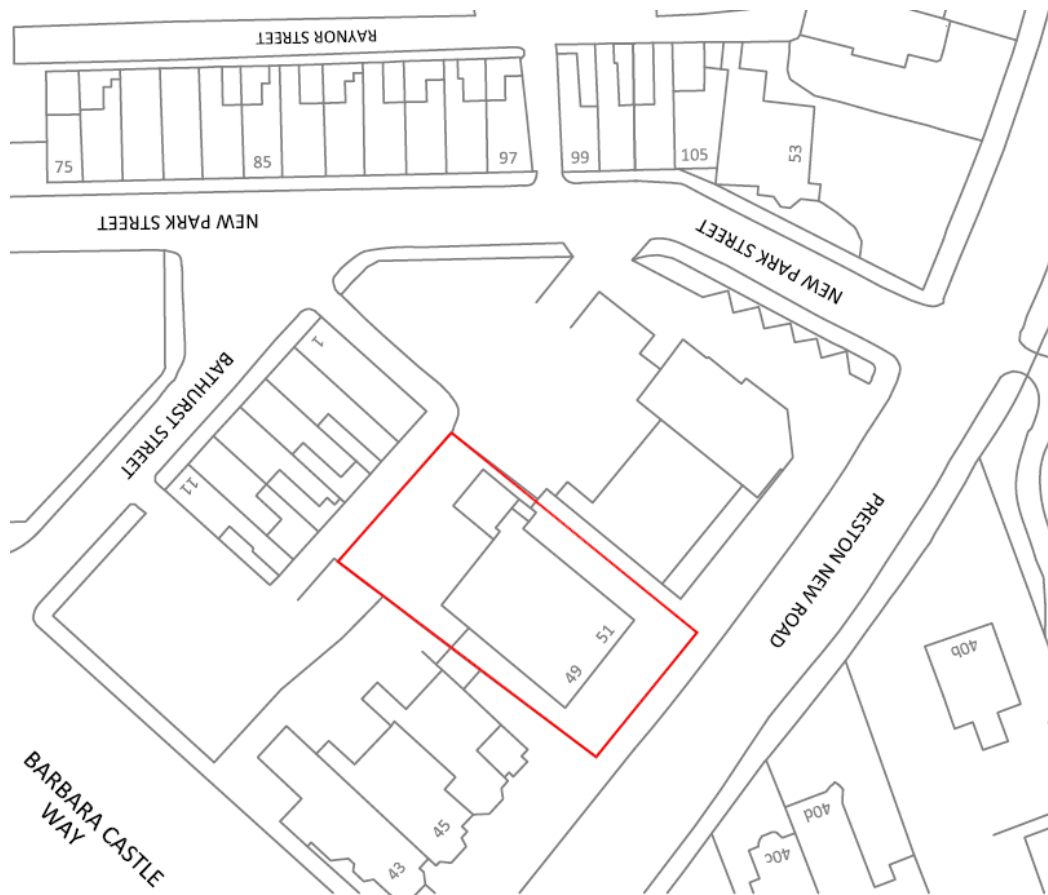
3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site (the site) is located on the first floor of Unity House, at 49-51 Preston New Road, Blackburn. The building is accessed from the Preston New Road frontage. In-curtilage parking is also available from this point, via a dropped kerb vehicle crossover. Primary parking as well as a drop-off and pick-up area is provided to the rear of the building, accessed from New Park Street. The remaining 3 floors of the building are occupied as offices by multiple users.
- 3.1.2 Whilst the site, as defined by the red edged, is limited to the building and its associated curtilage, including car parking areas to the front, side and rear, the communal car park adjacent, to the direct rear of Kaspas Desserts at Units 1 -2 Preston New Road, is detailed as car parking to serve the use.
- 3.1.3 The area is generally characterised by the presence of a range of commercial uses, along the Preston New Road corridor. New Park Street and Bathurst Street to the rear are predominantly residential streets.
- 3.1.4 Approximately 70m south-east of the application site, Preston New Road forms a four-arm signal-controlled crossroad junction with the A666, at the edge of the town centre.

3.1.5 The site benefits from its sustainable location, with bus services available along Preston New Road which provide regular services to various locations within Blackburn and to Preston.

3.1.6 The site is identified edged red on the location plan below (Core Architectural Studio, Nov 2021) and the case officers site photographs, which also include the additional car parking to the side / rear of the building.

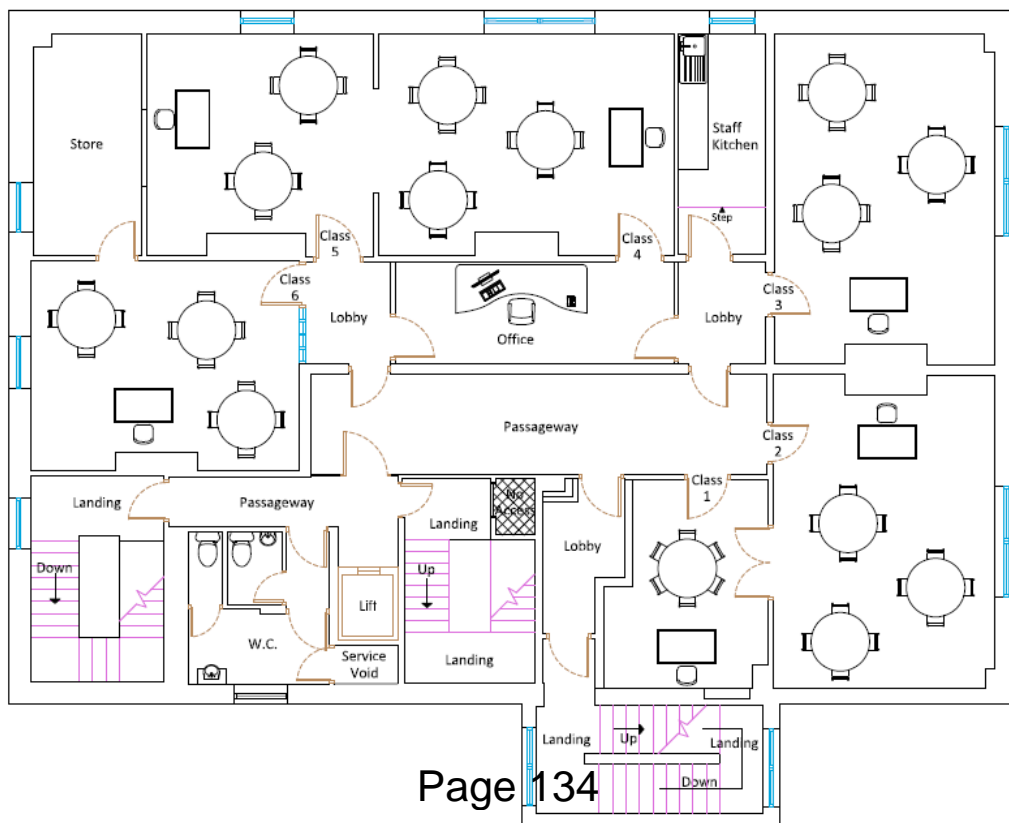




3.2 Proposed Development

3.2.1 Retrospective full planning permission is sought for change of use of the first floor of 'Unity House', at 49 – 51 Preston New Road, from Use Class E(g)(i) Offices to Use Class F1(a) Children's Educational Class Rooms, as set out in the submitted drawings.

3.2.2 The gross internal area (GIA) of the development is 277.3sq.m, which is unchanged from the previous, lawful office space (show below - Core Architectural Services, Nov 2021). The education classrooms have retained their previous internal layout. No external alterations to the building are proposed.



3.2.3 The use operates from 16:45 - 19:20 Monday to Friday, with class times concluding at 19:15. UET (the applicant) seek to accommodate up to 91 pupils per day, with 6 members of staff.

3.2.4 UET was launched three years ago and has operated from the premises since 2019. Their supporting statement sets out their mission as:

To enrich the lives of young individuals with shared Islamic and British values based upon mutual love and respect which extends beyond the madrassah and into the wider community, with a particular focus on mutual respect and tolerance;

to produce confident, grounded individuals who are passionate about their faith and committed to making a difference to the society they live in;

to create an ethos that values each child for who they are and provide a happy and purposeful learning environment in accordance with the teachings of Qu'ran and Sunnah. This will be achieved through building and maintaining a positive relationship between the children, parents / guardians, Unity Educational Trust representatives and the wider community;

to educate young Muslims growing up in modern Britain. This includes Tajwid, conversational Arabic lessons and Islamic Studies; covering practical elements of faith as well as providing a safe space for open and transparent dialogue about typically taboo subjects; and

to offer weekly recreational activities, including looking after the environment, food banks, litter picking, supporting the elderly, sport participation, and bridge building between British and Islamic values, e.g., engaging with all sectors of the community through multi-faith discussions; celebrating international women's day through the lens of pioneering women in Islam.

3.2.5 The application is submitted following intervention by the Council's Planning Enforcement Officers, who received a complaint alleging congestion and parking problems associated with the use.

3.2.6 The applicants submit that the use has occurred since September 2019, at varying levels of intensity. Inevitably, the pandemic interrupted the use to a significant extent, until around receipt of the complaint.

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

- Policy CS1 – A Targeted Growth Strategy
- Policy CS11 – Facilities and Services
- Policy CS22 – Accessibility Strategy

3.3.4 Local Plan Part 2

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

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (The Framework)

The Framework sets out Government planning policies for England and how these are expected to be applied. **Paragraph 11** states that the purpose of the planning system is to contribute to the achievement of sustainable development and that a presumption in favour of sustainable development is at the heart of The Framework.

The key social objective of The Framework is to support strong, vibrant and healthy communities, by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

3.5 Assessment

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
- Accessibility and Transport.

3.5.1 Principle

The site lies within the inner urban area of Blackburn. It is not allocated for any specific land use purpose. Core Strategy Policy CS1 explains that the overall planning strategy for the Borough is one of 'Targeted Growth'. Policy 1 of the Local Plan Part 2 confirms the preferred option for new development to be the urban area.

- 3.5.2 Policy 7 on Sustainable and Viable Development echoes the presumption in favour of sustainable development set out in The Framework. Thus, applications that accord with policies in the Local Plan will be approved without delay unless material considerations indicate otherwise.
- 3.5.3 Policy CS11 supports the expansion and enhancement of the range and quality of public services in 'accessible locations' and supports the creation of 'community hubs' to provide a range of services in one place.
- 3.5.4 Paragraph 93 of The Framework requires decisions to provide for social, recreational and cultural facilities, and services the community needs. This includes taking account of improved health, and social and cultural well-being for all sections of the community.
- 3.5.5 The nature of the services provided, within a sustainable location that is easily accessible and that supports a pre-existing range of use types, is consistent with both local and national strategic policy requirements.
- 3.5.6 Accordingly, the principle of the development is found to be acceptable, in accordance with the requirements of the Development Plan and The Framework.
- 3.5.7 Amenity
Policy 8 requires development to contribute positively to the overall physical, social, environmental and economic character of the area. It is also required to secure a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking, and the relationship between buildings.
- 3.5.8 The relationship of the host building with others is a pre-existing circumstance. No additional impacts arise from the internal educational use than the previous office use.
- 3.5.9 Traffic generation associated with the drop-off and pick-up of pupils generally occurs prior to 16.45 (drop-off) and after 19.15 (pick up). Typically, drop-off and pick-up last for approximately 10 - 15 minutes with a varied intensity but can last longer. It is recognised that some nuisance has been experienced by local residents along New Park Street and, to a lesser extent, Bathurst Street, during drop-off and pick-up times. The applicant has, however, introduced measures to address the issue which are explained and assessed under the subsequent 'Highways and Transportation' section of this report. Subject to implementation of specified measures, the development is found to appropriately safeguard public amenity, in accordance with the requirements of Policy 8 and The Framework.
- 3.5.10 Highways / Accessibility and Transport
Policies CS22 and 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.

3.5.11 A Technical Note has been submitted with the application assessing highway impacts arising from the use.

3.5.12 The note confirms car parking availability within areas defined on the below plan (Core Architectural Services, Nov 2021).



3.5.13 It is submitted that the car park to the front of the building, off Preston New Road, can accommodate 7 spaces. Further, as it is owned by the applicant, continued availability is assured. Although these spaces do not represent an optimum layout being in linear form and accessed off a busy main road, they are a pre-existing and lawful provision which would otherwise serve the office space previously contained within the first floor, as well as the rest of the building. These spaces are best suited to parking for the 6 members of staff. This will be secured via condition.

3.5.14 The car park to the direct rear of the building, also within the applicant's ownership, can accommodate up to 10 spaces. The largest car park, to the rear of Kaspas (Unit 1 -2 Preston New Road) can accommodate up to 28 spaces. Although this car park is not within the applicant's ownership, it is

confirmed that the applicant has a written 99 year lease agreement for its use during their operational hours (16:45 – 19:20). Whilst it is acknowledged that the car park is also required to serve users of Units 1 -2 Preston New Road, including customers of Kaspas, it is considered that the relatively limited operating hours of the classrooms and the typical usage by customers of Kaspas from 19:30 onwards, ensures no significant conflict arises. Moreover, the amount of car parking identified is not necessary a pre-requisite to support the use, as it is evidenced that parent's drop-off and depart the area, before returning to pick-up. A sign posted and marshalled drop-off and pick-up area is, therefore, considered to be more important to support the use. Such provision can be secured via condition, in an area within Kaspas and the applicants parking area.

3.5.15 Car parking identified on the plan, next door to the site at no. 45 – 47 Preston Road, should be discounted in this assessment due to the applicant having no legal entitlement to its use.

3.5.16 The applicant has also stated that a 'parental parking code of conduct' is now in force, requiring parents to adhere to a defined protocol. Submission of full details will be secured and implemented as approved, via condition.

3.5.17 Due to the retrospective nature of the application, actual travel data associated with the use, rather than forecasted, is offered as an evidence base. It was found that approximately 85% of pupils arrive by car, 10% walk and 5% arrive by bus. Evidence indicates that, whilst 85% arrive by car, car sharing is not uncommon, with approximately 2 pupils arriving per vehicle.

3.5.18 Based on a maximum of 91 pupils, and an observed 85% travelling by car, including shared trips, plus an additional three staff vehicles, it is anticipated that the development will attract up to 42 arrivals and 39 departures during the centre (maximum) opening time (16:00 - 17:00) and 39 arrivals and departures during the centre (maximum) closing time (19:00 - 20:00).

3.5.19 Based on the data provided, pupil trips comprise 78 two-way vehicle trips during the broad extent of opening and closing times.

3.5.20 To understand the net trip attraction of the development, a comparison between the permitted office use and the current use has been undertaken. This evidences a minor reduction in trips during typical peak hours when the highway is most congested. Am and PM highway network peaks see high levels of traffic flows associated with surrounding land uses. Replacement of the permitted office use results in an overall reduction of traffic during peak periods.

3.5.21 Vehicle trips during opening hours result in an intensification due to a change in operational periods associated with the current use (16:00 – 17:00) and (19:00 – 20:00). These periods are, however, 'off-peak' in contrast to the permitted office use, therefore, occurring during less congested times. The risk of pupil drop-off coinciding with the network PM peak hour is further mitigated by the commencement of class at 16:45, indicating that drop-off

vehicles would have arrived / departed before the PM peak network period begins.

3.5.22 The evidence base submitted is generally accepted as representative and supports the notion that the current use, taking account of the relatively limited periods of intensive drop-off and pick-up, does not have an increased adverse impact on the overall local highway network, in particular that of New Park Street and Bathurst Street.

3.5.23 The sites sustainable location, on the Preston New Road bus route also weighs in favour of the application. The applicant states their commitment to promoting arrival by sustainable modes of transport – ie walking, bus and car sharing. In this context, submission of a Green Travel Plan for approval will be secured via condition.

3.5.24 Accordingly, on balance, and notwithstanding some public objection, it is considered that sufficient evidence is available to demonstrate that highway impact will not be 'severe', in accordance with the requirements of Policies CS22 and 10, and The Framework. Critical to assessment of highway impact is The Frameworks directive at paragraph 111, 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.

3.5.25 Summary

This report assess the retrospective full planning application for the change of use of first floor from E(G)(i) Offices To F1(a) Educational Class Rooms. The assessment demonstrates that the planning decision must be made in the context of assessing the development balanced against any potential harm that may arise. This report finds that the proposal, on balance, meets the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, and the National Planning Policy Framework.

4.0 RECOMMENDATION

4.1 Approve subject to:

Delegated authority is given to the Strategic Director of Place (Growth & Development) 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 application received 22nd December 2021 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.

2. The 7 car parking spaces identified on the submitted Block Plan & Car Park Plan, Ref. 00187, shall be permanently retained for the use of staff parking for users of the application site and not for any other purpose, including parental parking and drop-off / pick-up associated with the use hereby approved.

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

3. Within 1 month of the date of this decision, a detailed 'Car Parking Code of Conduct Scheme' shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify precise measures to be agreed between the applicant and all parents who will arrive and depart from the site by motor vehicles. The development shall proceed in strict accordance with the approved scheme which shall be so retained.

REASON: To provide for effective control of parental parking, in the interest of safeguarding the amenity of residents and the residents only parking status of New Park Street and Bathurst Street, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

4. Within 1 month of the date of this decision a scheme detailing sign positing and marshalling of a drop-off and pick-up zone within the car parking area to the rear of Kaspas / Units 1 2- Preston New Road, as defined by the 28 space car park identified on the submitted site Block Plan & Car Park Plan, Ref. 00187, shall be submitted to and approved in writing. The development shall proceed in strict accordance with the approved scheme which shall be so retained.

REASON: To provide for effective control of parental parking, in the interest of safeguarding the amenity of residents and the residents only parking status of New Park Street and Bathurst Street, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

5. Within 2 months of the date of this decision, a Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.

The Green Travel Plan shall contain:

- details of a Travel Plan co-ordinator;
- details of measures to be introduced to promote a choice of travel modes to and from the site;
- a monitoring regime which sets out travel mode share targets, monitoring procedures and mechanisms to be put in place to ensure that the Travel Plan remains effective; and

- a timetable for the implementation, monitoring and review of the Travel Plan which shall include provision for an annual assessment (over a minimum period of five consecutive years following the implementation of the Travel Plan) of the effectiveness of the measures introduced under (b) and shall identify the need for any changes to the Travel Plan and a timetable for their implementation.

The development shall proceed in strict accordance with the approved Green Travel Plan which shall be so retained.

REASON: To provide and promote sustainable transport measures and to minimise traffic flow, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

5.0 PLANNING HISTORY

10/93/1557 - 2 storey side extension enclosing staircase and new fire escape to car park at rear. Approved 6th December 1993.

10/94/0375 - Construction of a side extension enclosing staircase. Approved 26th June 1994.

10/03/0946 - Alterations to ground floor elevation and forecourt. Approved 5th December 2003.

10/04/0026 - Change of use from offices on ground floor to retail use for Bridal Wear. Approved 18th March 2004.

10/14/0705 - Extension to side of the building to create disabled access. Approved 7th October 2004.

6.0 CONSULTATIONS

6.1 BwD Highways

Parking

In accordance with the adopted parking standard, the use is measured against a D1, which is based on number of classroom and no of children. We have received confirmation that there will be 6 classrooms with 91 children, which would attract an allowance of 14 car parking spaces. There is a provision of parking being provided in excess of that which the allowance would suggest is required. This is located within the curtilage of the property to the rear and front of the property. With further spaces being leased from Kaspas who own a car park to the rear of their property.

We would not support parking to the front of the building for any drop off and pick up, and would ordinarily have suggested that these spaces are removed. We do

however, acknowledge that these are bays are already in situ and support the whole building not just the madressa. It is for this reason we would allow and accept - subject to these spaces being used by staff only. Please condition.

The car park layout is an existing layout. All spaces appear to conform to the council's dimensions and manoeuvrability into and out of the spaces appears sufficient.

We would support the number of spaces set out, however there needs to be some management on the operational use of these spaces. Having visited the site on numerous occasions, the volume and manoeuvring of vehicles did concern me. It is therefore imperative that the car park is managed and marshalled, please condition accordingly. To support this we would request a condition is attached for a Car Parking code of conduct, this should be further supported by a submission of a detailed scheme outlining signage of car park for drop off and pick, which is to be supported by marshalling.

There is no provision made available for disabled parking, cycles or PTW's – further consideration should be given to this. please condition.

Access

Both vehicular and pedestrian access to the site is already established. No changes are proposed to either.

Transport Statement

The initial assessment highlighted further clarification was needed on the following matters:

The Technical Note is okay but there are a few concerns that are not addressed. These include:

- 1) The car parking to support the development does not appear to be for the sole use of the madressa – how is this to be managed and controlled as parking in this location is likely to be in demand and may attract indiscriminate parking?
- 2) The pick-up and drop-off activity is likely to take place on Preston New Road or within the driveway off Preston New Road – what measures if any are going to be employed to discourage or prevent this from happening?
- 3) Is the Madressa not serving the local area? There are a number of similar facilities across Blackburn so I would envisage a relatively small catchment area with much higher levels of walking to get to the facility? What is being done to encourage the uptake of more sustainable travel to the site? I'm shocked but not surprised that 80% of pupils arrive by car. I would expect to see a clear commitment to reducing this number and increasing the number of pupils walking or cycling to the Madressa.

We have since this assessment received further information explaining the facility and the services it offers. To support the above we would request a Travel Plan is submitted within 2 months of the approval being granted for assessment, together with the conditions already requested.

To conclude, we in principle offer no objections to the above, subject to the above conditions being attached, together with the standard condition / Informatives as sited below

6.2 Public consultation

64 letters were posted to the local community on 30th November 2021 and a site notice was displayed. 2 representations of objection were received, including a 15 signature petition; and 4 representations of support were received, including a 41 and an 8 signature petition. Members are also advised that on the 30th November 2021, Ward Councillor M Khan, commented as follows:

“ How this development will impact the traffic on busy road. Not a good spot for Education Centre.”

In addition, on the 2nd December 2021, Ward Councillor Mahmood submitted comments as follows:

“I just wanted to raise some concerns which have been mentioned to me by residents from Bathurst st, and New Park st, this place has been operating as a madrassah without prior consent and this is having a significant impact on traffic and especially parking in the vicinity, as they don't have a car park of their own. The cars either park on double yellow lines on Preston New rd or come into the residential permit holder parking area around New Park street, this has a significant impact on traffic movement especially around Preston New rd which is an extremely busy area at all times of the day. This is having a significant impact on the residents and I am aware of altercations which have taken place already with residents. I am not sure how wide you will be consulting but this needs to be taken into consideration when assessing the application. “See Section 9 for the detailed responses.

7.0 CONTACT OFFICER: Nick Blackledge – [Principal Planner].

8.0 DATE PREPARED: 11th May 2022

9.0 SUMMARY OF REPRESENTATIONS

Objection – Cllr M Khan. Received: 30/11/2021

How this development will impact the traffic on busy road. Not a good spot for Education Centre.

Support – Petition from Residents. Received: 20/04/2022

Petition to support Unity Educational Trust Planning Application

Petition summary and background	Unity Educational Trust Planning Application Change of Use for their after school facility based at Unity House, 49-51 Preston New Road, Blackburn, BB2 6AE.
Action petitioned for	We, the undersigned, residents of the Borough fully support Unity Educational Trust's Planning Application for Change of Use, and we strongly urge Blackburn with Darwen Borough Council to approve the application.

Printed Name	Signature	Address	Date
AFTAB HUSSAIN		124 PRESTON NEW RD	29/3/22
NARAN ULCAH		84 COLUMBIA WAY	25/3/22
Jalil Sleman		30 Florence Street, Blun, BB1 5JP	29.3.22.
Amreen Tawasin		203 Audley Range, Blackburn	29.3.22.
Zahid Afzal		105 Franklin Road, BB2, ZTS	29/3/22
ATTIQ MAHMOOD		27 Ashworth Close, BB2 1GP	29/3/22
WASEEM AZAM		18 Whitelock Street	29/3/22.
Mehreen Iqbal		558 Whalley New Road	29/3/22
ARIFA SAHIB		225 Wendel Road	29.3.22
UMME HABIBA		18 ALBANY RD BB2 6ED	29/03/22
resident -> Shamsia Sumra		DB2-1DB 3 Buttschat	30.03.22

Printed Name	Signature	Address	Date
Maryam Hussain		30 Bank Lane BB12 9AF	29/3/2022
Hafsa Hussain		202 Preston new rd BB2 6PN	29/3/22
Aisha Hussain		1 BENTONHOUSE GARDENS, BB1 6GT	31/3/22
NAVEED KAYANI		834 WARRICK RD BB1 9BN	31/3/22
Natasha Baca		60 Coniston Rd	31/3/22
Saira		1 St Andrews St	31/3/22
URFAN HUSSAIN		77 Holly St	31-03-22
AISHA AFZAL		33 WEST LEIGH BB18 5JR	31/3/22
Jadere Hussain		1244 Preston New Rd BB2 6BU	31/3/22
Nazish Latif		122 Rendge Road BB2 6EB	31/3/22
Rashda BataoP		18 cadshaw close BB1 8RN	31/3/22
Mohammed Azam		14 IRVING PLACE BB2 6LA	31/3/22
NAREEN IQBAL		30 St Barnabas St BB2 1HS	31/3/22
Mohammad Hassan Rizvi		17 Langdon Brook Square, BB11TA	31/3/22

Printed Name	Signature	Address	Date
NARGIS S		31 THE DENE, BB2 7QS	29/3/22
KHAUDA REHMAN		14 LOWOOD PL BB2 6JD	29/3/22
Rosemina MOOSA		30 ALBANY RD. BB2 6EQ	29/3/22
SAGUFTA MOOSA.		17 ALBANY RD. BB2 6EQ	29/3/22
SAMIR MASTERS		383 REVIDGE RD, BR1 8DF	29/3/22.
Mehwish Khan		30 Lynwood rd BB2 6HF	29/3/22
Mohamed Oukhai		27 WILLOW TREES DRIVE BB1 8LB	29/3/22
Sabah Murtaza		36 Whiteread ST. BB2 4H	29/3/22
Rebaya Ahmed		2 ADA STREET BLACKBURN BB2 1EL	29/3/22
N. Bano		60 COMSTON ROAD BB1 8PL	29/3/22
Salim Patel		15 WINDY LAKE BB2 7RX	29/3/22
UMAMA NAJAZ		227 WENSEY ROAD BB2 6JY	29/3/22
Mariya Hussain		69 Cherry Street BB1 1WT	29/3/22
Raja Islam		33 KIRKLAND CLOSE BB1 5JF	29/3/22
RIZWANA MUZAFFAR		16 Maple Street BB1 6LP	29/3/22
Zakeer Hussain		165 Revidge rd. BB2 6EE	29/3/22.

Support – Petition from Residents. Received: 20/04/2022

Petition to support Unity Educational Trust Planning Application

Petition summary and background	Unity Educational Trust Planning Application Change of Use for their after school facility based at Unity House, 49-51 Preston New Road, Blackburn, BB2 6AE.
Action petitioned for	We, the undersigned, are local citizens who fully support Unity Educational Trust's Planning Application for Change of Use, and we strongly urge Blackburn with Darwen Borough Council to approve the application.

Printed Name	Signature	Address	Date
SHAFEEEN Yaqoob		1 Bathurst St	4/5/22
SAIF QUSAYI		7-11 BATHURST ST	4/5/22 4/4/22
M Thomson		5a Bathurst st	4/4/22.

Petition to support Unity Educational Trust Planning Application

Petition summary and background	Unity Educational Trust Planning Application Change of Use for their after school facility based at Unity House, 49-51 Preston New Road, Blackburn, BB2 6AE.
Action petitioned for	We, the undersigned, are local citizens who fully support Unity Educational Trust's Planning Application for Change of Use, and we strongly urge Blackburn with Darwen Borough Council to approve the application.

Printed Name	Signature	Address	Date
Imtiaz Ahmed		83 New Park Street	01/04/2022
MASIO RAZAQ		Blackburn BB2 1DF 85 NEW PARK ST, BB2 1DF	05/04/2022
OMER MAHMOOD		75 NEW PARK ST BB2 1DF	5/4/2022
MUHAMMAD MUJAHID		77 NEW PARK ST	8/4/2022
ZAFFAR IQBAL		79 NEW PARK ST	8/4/2022

Kaspas, Blackburn Ltd, New Park House (Support) Received 11th February 2022:

11/02/22

To whom it may concern,

**Re: Unity Educational Trust
49-51 Preston New Road, Blackburn, BB2 6AE**

I confirm I am the proprietor of Kaspas's Blackburn Ltd at New Park House, Preston New Road, Blackburn, BB2 6AE.

I hereby confirm that I support the planning application, as the Trust carries out an important community service.

Yours sincerely,

In-Car-Hi-Fi Ltd, 47 Preston New Road, Blackburn (Support) Received 18th February 2022:

Dear Sir/ Madam,

Subject: Unity Educational Trust, Unity House, 49-51 Preston New Road, Blackburn, BB2 6AE (Change of Use Application)

I confirm I am the proprietor of 47 Preston New Road, Blackburn, BB2 6AE.

I hereby confirm that I have given full permission for my car park at the front and rear to be used by Unity Educational Trust from 4.45pm to 7pm (Monday to Friday) indefinitely for the purpose of using it as a free car park for the parents dropping off/ picking up from the Unity Educational Trust. This would be ideal for staff to park, freeing up other spaces for parents.

The charity carries out an important service to the community, supports local families and we support Unity Educational Trust's application.

Yours faithfully,

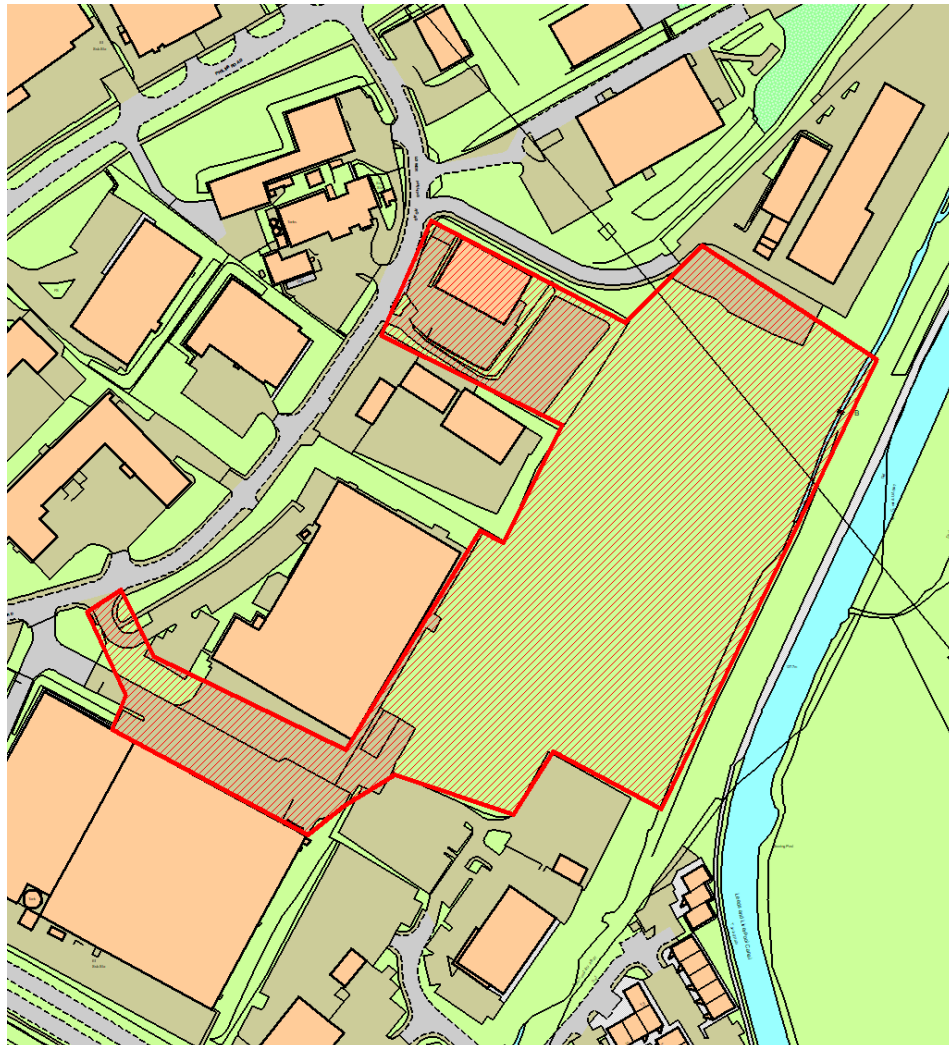
Proposed development: Full Planning Application (Regulation 4) for: Construction of new 120,000 sq ft B2 / B8 warehouse unit with associated external works, car parking and service yards; construction of new dock leveller extension bays to existing warehouse building; change of use of existing 10,550 sq ft production building to form retail unit; construction of access road; and reconfiguration of existing access road.

Site address:

**Land to South East Lower Philips Road
Whitebirk Industrial Estate
Blackburn
BB1 5UD**

Applicant: Pets Choice Ltd

**Ward: Little Harwood & Whitebirk
Councillor Sonia Khan
Councillor Abdul Patel
Councillor Mustafa Ali Desai**



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to conditions, as set out at paragraph 4.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The proposal is in the form of a major, full planning application. It is reported to Committee on account of the application site (the site) being Council owned, in accordance with the Council's adopted Scheme of Delegation. Submission of the application follows pre-application consultation undertaken between the applicant and the Council. It is considered that the final scheme responds appropriately to representations made during the pre-application process.
- 2.2 Detailed assessment of the application finds that the proposed development corresponds with the Council's overarching employment growth strategy, as set out in the Core Strategy and Local Plan Part 2. Delivery of a high quality employment led development will be secured, focussed on land that is allocated for employment, to the South East of Lower Philips Road, on the Whitebirk Industrial Estate. Moreover, from a technical point of view, all issues have been addressed through the application or are capable of being controlled or mitigated through planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site (the site) is located on the Whitebirk Industrial Estate, accessed from Lower Philips Road, to the immediate north west. The site is bounded by the Leeds Liverpool Canal to the south east and other industrial uses to the north east and south west.
- 3.1.2 The site measures 6.09 hectares in area sits within a wider area allocated for Primary Employment, in accordance with the Adopted Policies Map annexed to the Local Plan Part 2. The site specific policy is set out under Policy 13/1 - Employment Land Allocations, Whitebirk Industrial Estate, Blackburn. The policy is explicit in allocating the site for the development of Use Classes B1, B2 and B8 (light industrial, general industrial and storage & distribution, respectively). It should be recognised that Use Class B1 has been replaced by Use Class E(g), since publication of the Local Plan.
- 3.1.3 The site lies to the north of the A6119 road (Whitebirk Drive), with Lower Phillips Road lying due west. The Leeds and Liverpool Canal lies to the east of the site, beyond which is vacant land, while a variety of commercial, industrial, and retail units lie to the north, and across the Whitebirk Industrial Estate in general. Junction 6 of the M65 is roughly.

- 3.1.4 1.05km to the southeast of the site, with this road a major routeway in Lancashire, connecting Blackburn, Preston, Burnley, and Colne amongst others.
- 3.1.5 The site and its immediate surrounding context is shown in the following aerial image (PWA Planning Support Statement, Nov 2021).



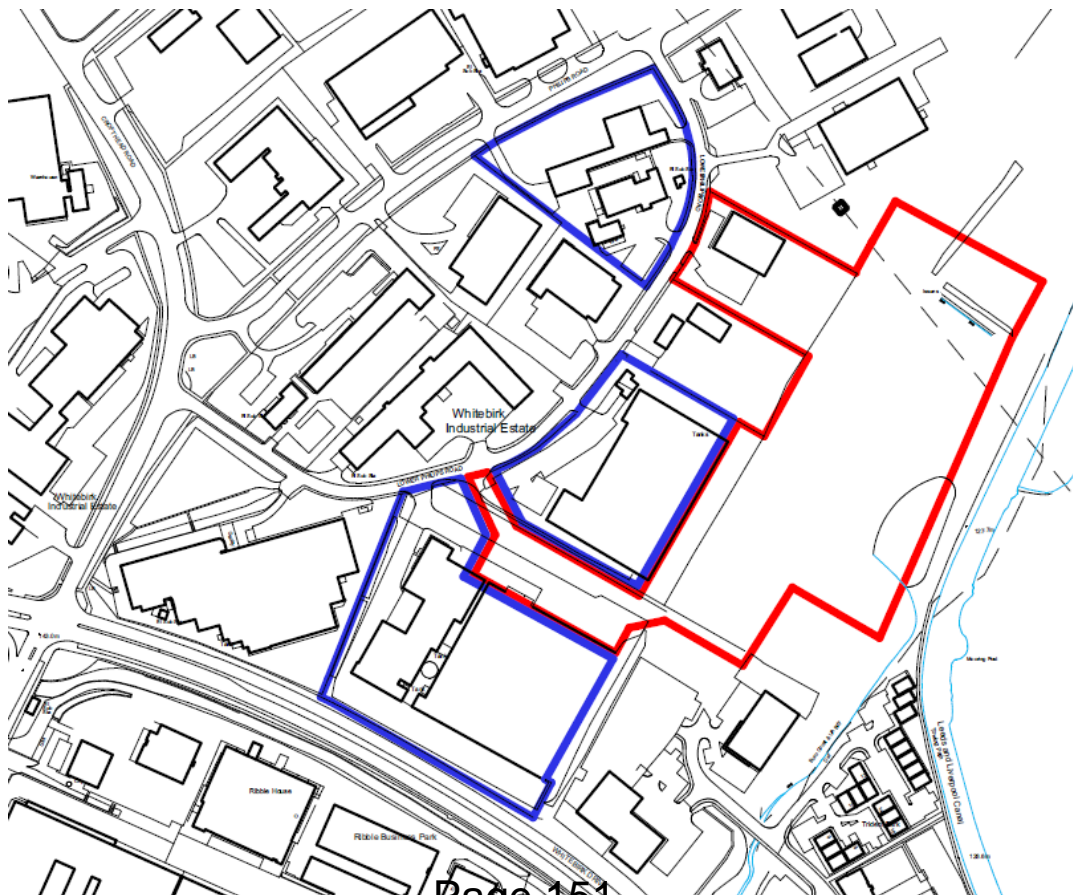
- 3.1.6 The nearest residential units are approximately 425m to the west of the site off Tintern Crescent. A clear, defensible boundary between the residential areas and industrial areas are formed through Philips Road and Whitebirk Drive (A6119), as well as other built development.
- 3.1.7 There are no heritage constraints associated with the site, with the nearest heritage asset to the site is the Grade II listed 'Side Beet Bridge' which is located 215m to the northeast of the site. With regards to flood risk, the site is within Flood Zone 1 where the risk of flooding is the lowest. The site is designated as a Mineral Safeguarding Area (Brick / Clay and Surface Coal). Detailed assessment of such via a Mineral Resource Assessment is not required, on account of the sites position within the Urban Area, as so defined at the time of adoption of the Local Plan Part 2 (2015).
- 3.1.8 A number of Public Right of Ways (PRoW) are routed through the site, as illustrated below (PWA Planning Support Statement, Nov 2021):



Figure 3.1.9: Location plan of the site (Campbell Driver Partnership, July 2021)

3.1.9 A portion of the site is utilised as a warehouse supporting the business through the packaging and dispatch of products to Pets Choice retail stores. The remaining parcel of land is undeveloped.

3.1.10 Pets Choice already have a significant presence on the industrial estate, occupying land to the south, west and north west of the site, as illustrated by the blue outline on the location plan below. The red edge represents the application site (Campbell Driver Partnership, July 2021):



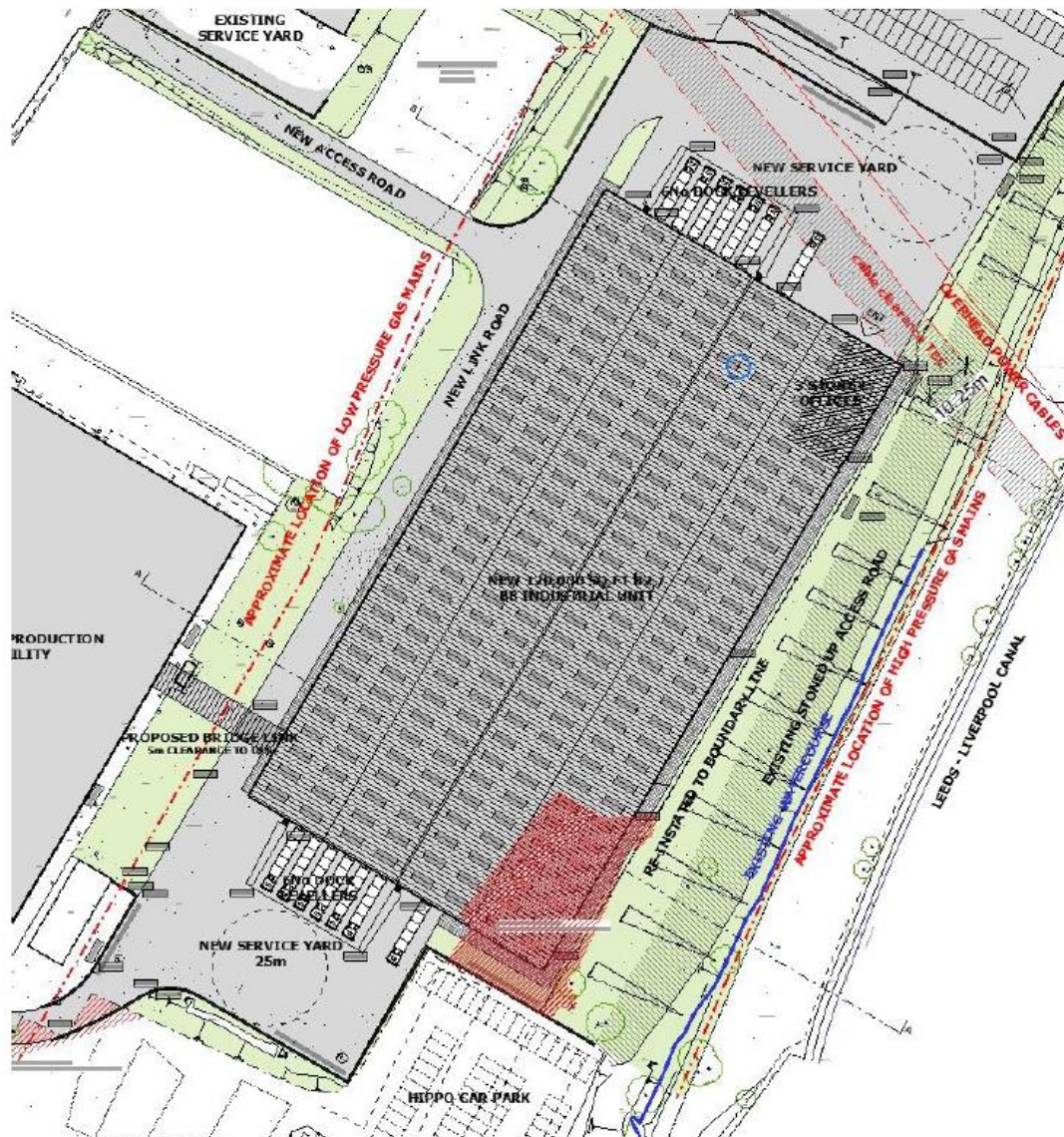
3.2 Proposed Development

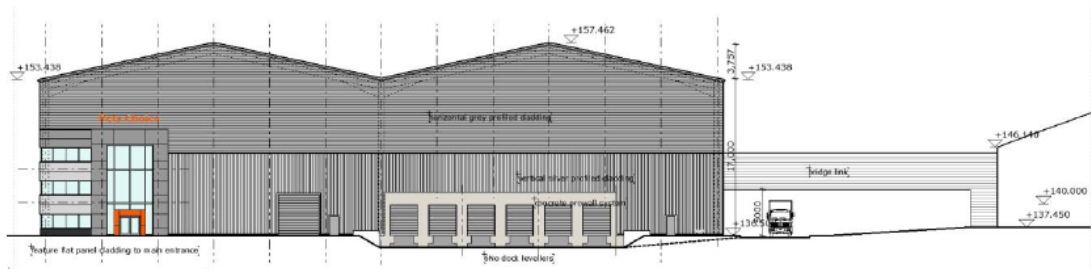
- 3.2.1 Pets Choice are a leading pet food manufacturer based in Blackburn, Lancashire, with a worldwide customer base. Pets Choice have an industry knowledge spanning over 135 years, providing pets and wild animals all over the globe with a variety of food at competitive prices.
- 3.2.2 Pets Choice supply partners in the grocery, independent, and pet speciality sectors (both in the UK and abroad) with high-quality products in a variety of formats. Their state-of-the-art UK manufacturing facilities and warehousing facility mean product quality is controlled from the beginning to the end of the product journey.
- 3.2.3 Planning permission is sought for the erection of a single storey 120,000 sqft warehouse building (use Class B2 / B8) with 3 storey offices, change of use of the existing packing building (10,550 sqft) to an ancillary retail building, creation of a new access road, alterations to the sites existing access, and the creation of new car park spaces, as set out in the submitted drawings and Design and Access Statement. The proposal will create an additional 60 jobs.
- 3.2.4 Change of use of the existing industrial building used for packing operations to a retail unit, which will be an ancillary feature to the wider Pets Choice operations and production facilities. The unit is intended to operate on Thursday to Saturday for wholesalers and the general public. Whilst Sunday-Wednesday the space will be used as a 'showroom' to allow the business to 'mock-up' shelves to illustrate to the retailers what their shelves would look like, and what space they are expected to have.
- 3.2.5 It is also envisioned that on a Tuesday and Wednesday the retail space will form staff sales operations, which are currently performed out of the existing warehouse, where employees pick up previously ordered products at the site. Staff are currently permitted to do so from the manufacturing building. Therefore, these vehicle movements will simply be reassigned from where the Pets Choice staff member works (the warehouse or extruder site) to the proposed trade counter. Relocating the staff sales to the proposed trade counter site will simplify the Pets Choice operations across their sites.
- 3.2.6 Access into the site is to be taken through an alteration of existing arrangements that existing along Lower Phillips Road, to the north-west and south-west of the site, as shown on the Site Plan. This will effectively provide a new link road and support access to the new service yard, while also providing access to the new car parking area with 81no. spaces. In addition to utilising the existing car park west of the existing production facility and the existing overflow parking 43no. and 9no. spaces located to the east and west of the proposed retail units. A new access will also be inserted to the south of the existing packing building, this to provide direct access to the existing car park, as well as the new link road.
- 3.2.7 A new dock leveller extension to the south of the site, as well as two new service yards, located to the southeast and northeast respectively. Both of

these service yards will be able to hold 6no. dock levellers, with the north-eastern yard access via the new access road, while the yard to the south-eastern yard will be accessed via the new link road, that connects to the existing access road in the southwest which is to be reconfigured.

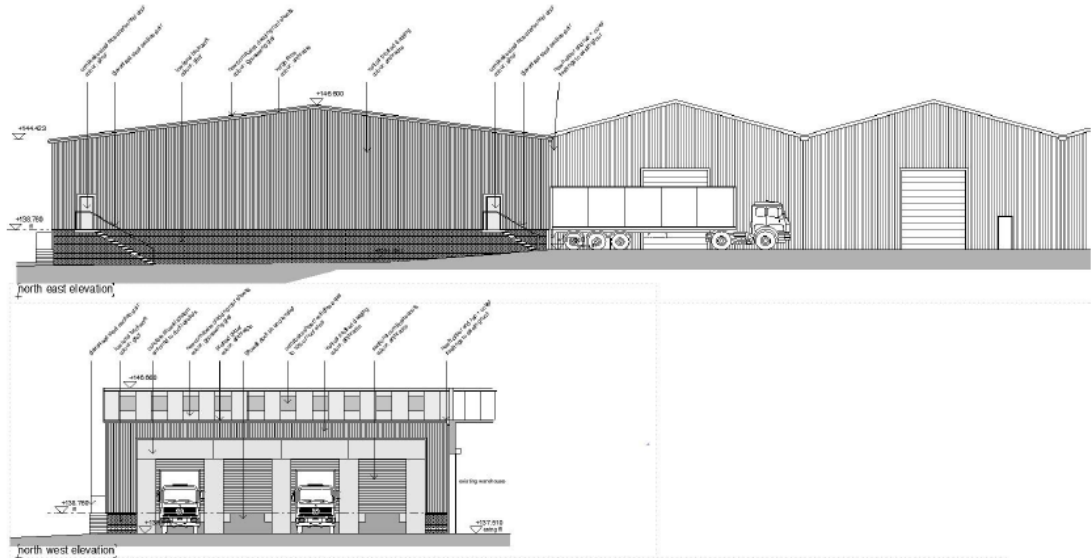
3.2.8 Drawings show the proposed warehouse scale and height and to be composed of modern design using high-quality, attractive, efficient, and durable materials. The walls will feature vertical silver cladding on the ground floor of the proposed warehouse, and the 1st and 2nd floor will compromise of horizontal grey cladding. Whilst the offices main entrance will feature flat panel cladding, creating a contemporary design which fits into its surrounding context upon an industrial estate.

3.2.9 The proposed site layout and selected elevations of the proposed building are illustrated below (Design & Access Statement, Campbell Driver Partnership):





- north east elevation



- dock leveller elevations

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

- Policy CS1 – A Targeted Growth Strategy
- Policy CS3 – Land for Employment Development
- Policy CS4 – Protection and Re-Use of Employment Sites
- Policy CS13 – Environmental Strategy
- Policy CS15 – Ecological Assets
- Policy CS16 – Form and Design of New Development
- Policy CS19 – Green Infrastructure
- Policy CS22 – Accessibility Strategy
- Policy CS23 – Tackling Worklessness

3.3.4 Local Plan Part 2 (LLP2)

- 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 13/1 – Employment Land Allocations: Whitebirk Industrial Estate, Blackburn
- Policy 14 – Primary Employment Areas
- Policy 29 – Assessing Applications for Main Town Centre Uses
- Policy 36 – Climate Change
- Policy 39 – Heritage
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape

3.3.5 Joint Lancashire Minerals and Waste Local Plan.

3.3.6 Joint Lancashire Minerals and Waste Development Plan.

3.3.7 Joint Lancashire Minerals and Core Strategy (2009).

3.3.8 Site Allocations Development Management Policies Plan Part 1 (2013)

- Policy M2 – Safeguarding Minerals.

3.4 **Other Material Planning Considerations**

3.4.1 Green Infrastructure & Ecological Networks SPD (2015)

3.4.2 BwD Air Quality Planning Advisory Note

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

The Framework sets out Government planning policies for England and how these are expected to be applied. **Paragraph 11** states that the purpose of the planning system is to contribute to the achievement of sustainable development and that a presumption in favour of sustainable development is at the heart of The Framework. For decision taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless:

- Any adverse impacts of doing so would significant and demonstrably outweigh the benefits, when assessed against the policies in the framework as a whole; or
- Specific policies in the framework indicate development should be restricted.

A key objective of The Framework is to raise economic performance to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

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

- Section 2: Achieving sustainable development
- Section 6: Building a strong, competitive economy
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed place
- Section 16: Conserving and enhancing the historic environment.

3.4.4 National Planning Policy Guidance (NPPG).

3.4.5 Blackburn with Darwen Local Plan 2018 – 2037 (Consultation Draft) (January 2021).

3.5 **Assessment**

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
- Accessibility and transport
- Design and layout
- Planning Gain / Section 106 contributions: Affordable Housing, GI and Education.

3.5.1 Principle

Core Strategy Policy CS1 explains that the overall planning strategy for the Borough is one of 'Targeted Growth', with the aim of raising economic performance, average wage levels and Gross Value Added generation, including through new development on land supplied for business and higher value sectors. Policy 1 of the Local Plan Part 2 confirms the preferred option for new development to be the urban area.

3.5.2 Policy 7 on Sustainable and Viable Development echoes the presumption in favour of sustainable development set out in The Framework. Thus, applications that accord with policies in the Local Plan will be approved without delay unless material considerations indicate otherwise.

3.5.3 Policy CS3 confirms that provision will be made for up to 105.5 hectares of employment land between 2011 and 2026. 60 jobs will be created. The proposal will also ensure preservation of the site for employment in accordance with its allocation and consistent with the requirements of Policy CS4.

3.5.4 Policy 13 provides detail on the Core Strategy principles, in allocating specific site for employment purposes – Use Classes B1 (now E_g), B2 and B8. Of the overall minimum 66 hectares allocated in the Local Plan Part 2, the site comprises 6.09 hectares, as defined by Policy 13/1, ‘Whitebirk Industrial Estate, Blackburn’, as set out below:

Site 13/1 – Whitebirk Industrial Estate, Blackburn

Site Area	6.09 Hectares
Typology	Prestige
<p>The site is close to Junction 6 of the M65, and is on the edge of an established business park. Developments could include offices / light industry or general industry.</p>	
<p>Key Development Considerations</p> <ol style="list-style-type: none"> 1. Potential land remediation issues due to proximity to a former landfill gas site. Any development would need to accommodate the requirements of the surrender of an active landfill licence. 2. Any development should have a good relationship with the adjacent Leeds and Liverpool Canal and conserve the setting of the listed canal bridge number 106. 3. Possible ecological impacts should be considered due to the greenfield nature of the site and any features of ecological importance incorporated into the site layout. 4. Public rights of way cross the site, which would need to be retained or diverted. 	

- 3.5.5 As a proposed new building accommodating uses within Classes E(g) and B2, on land allocated for employment, this element of the development is consistent with Policies 13/1 and 14; subject to ensuring no conflict arising with the overall function and developability of the area. No such conflict arises. Detailed assessment of Key Development Considerations 1 – 4 is set out subsequent to addressing the principle of the development, at the relevant policies targeted at safeguarding those matters.
- 3.5.6 Policy RAP4 of the emerging Local Plan identifies that the site is earmarked for renewal, with development that supports employment uses, including B2, B8, & E Use Classes, viewed favourably.
- 3.5.7 Core Policy 3 of the emerging Local Plan shows that a minimum of 57.1 hectares of new land will be delivered for employment purposes over the plan period 2018-2037, with an additional buffer of land applied to provide flexibility and to ensure requirements over the plan period are met. This policy also states that the Council will help to protect existing employment areas, including the Whitebirk Industrial Estate, from inappropriate types of development, in line with Policy RAP4.
- 3.5.8 The Framework, at paragraph 81, states that planning decisions need to encourage economic growth and productivity, while Paragraphs 82 and 122 assert that planning policies need to be flexible to accommodate for needs and respond to changes in economic circumstances. Paragraph 120(a) builds on the above stating that mixed-use schemes will also be encouraged on sites.
- 3.5.9 The proposed change of use of the existing industrial building to an ancillary retail outlet sits outside of the allocated site (as defined by the red edge above by policy 13/1). It remains, however, within the wider employment allocation of the industrial estate. Some minor conflict arises with Policies 14 and 29. That a retail aspect will exist as a use strictly ancillary to the predominant manufacturing and distribution use is an important material consideration weighing in favour of this element of the proposal. This circumstance is considered to avoid any significant conflict with the Council's strategic retail policies relating to 'main town centres uses', that would undermine retail provision within the Town Centres and District Centres. Moreover, it is agreed with the applicant that limitation of the retail use as a provision ancillary to Pets Choice will be secured via condition.
- 3.5.10 The site sits within a defined Mineral Safeguarding Area, relating to brick / clay and surface coal. As the site sits within the Urban Boundary and is allocated for employment use, in accordance with the provisions of the Local Plan Part, review of a Minerals Resource Assessment is not a requirement.
- 3.5.11 Accordingly, the principle of the development is found to be entirely acceptable, in accordance with the provisions of the Development Plan and The Framework.

3.5.12 Heritage

Policies CS17 and 39 requires development to identify and take advantage of opportunities to integrate with and promote the Borough's assets and for development with the potential to affect designated or non-designated heritage assets to sustain or enhance the significance of the asset. This local position essentially reflect that of The Framework.

3.5.13 A Heritage Statement has been submitted with the application which considers the proposed developments relationship with the adjacent Leeds and Liverpool Canal and, specifically, the Grade II listed 'Side Beet Bridge' (bridge no. 106) – Key Development Consideration 2 (Policy 13/1).

3.5.14 The bridge is located circa 215m to the north east of the site. lies off Side Beet Lane and was first listed on 9th March 1984, assigned listing ref. 1206129 by Historic England. This bridge provides crossing across the Leeds and Liverpool Canal and was constructed in 1810 by engineers Ralph Whitworth and Joseph Priestley).

3.5.15 Taking account of the existing industrial nature of the Whitebirk Estate, the sites allocation for employment use, pre-existing industrial / commercial built form (Hippo Motors) positioned between the site and the bridge and the overall separation distance of 215m from the bridge, the proposal is not considered to cause any discernible harm to the setting of a heritage asset.

3.5.16 Accordingly, the proposal is found to comply with the requirements of Policies CS17 and 39, and The Framework.

3.5.17 Amenity

Policy 8 requires development to contribute positively to the overall physical, social, environmental and economic character of the area. It is also required to secure a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking, and the relationship between buildings.

3.5.18 An Air Quality Impact Assessment has been submitted with the application and reviewed by the Council's Public Protection consultee. It is concluded that there may be a medium risk of dust soiling during construction phase of the development. Such an outcome is considered inevitable and not unreasonable and can be proportionately addressed via a condition to secure submission of a Construction and Environmental Management Plan (CEMP) to guard against, amongst other things, excessive dust and dirt emissions towards neighbouring uses. The CEMP will also include safeguarding measures against vibration during construction, particularly if pile driving foundations are required.

3.5.19 Air quality during operational phase of the development is concluded as being unlikely to result in a 'pollution hotspot' requiring submission of additional modelling predictions on pollution concentrations. Extra traffic will, however, be generated which will contribute to background levels of pollution and a

degree of adverse health impact. Mitigation in the form of provision of 5 electric vehicles charging points, as proposed by the applicant, will, therefore be secured via condition. As an additional measure, a Green Travel Plan will also be secured via condition, specifying details of a Travel Plan co-ordinator, promotion of travel mode choices, a monitoring regime and a timetable for implementation and routine monitoring and review in the form of an annual assessment.

3.5.20 With reference to odour impacts, it is recognised that the site forms part of a wider food manufacturing facility. No record of odour complaints exist, suggesting no pre-existing odour nuisance. Notwithstanding this, odour is controlled via an A1 IPPC Permit with the Environment Agency (EA). Although discussions between the applicant and Public Protection colleagues establish that the precise function of the manufacturing facility proposed is yet to be finalised, Public Protection are satisfied that odour arising from the new facility can continue to be controlled via the EA permitting regime. An informative will advise the applicants of their responsibility to vary the permit to account for any new process, as may be necessary.

3.5.21 Phase 1 and Phase 2 Geo-Environmental Assessments have been submitted with the application, in response to contaminated land issues arising from the proximity of the site to a former landfill gas site which presents a high risk of contamination that could be mobilised during construction. The Council's Public Protection consultee recommends application of standard contaminated land conditions, in order to conclude review of information submitted and to require additional information, as necessary, in order to agree a final remediation strategy for the site - Key Development Consideration 1 (Policy 13/1). In this context, site investigations / gas monitoring, as regulated by the Environment Agency (EA), is ongoing. The applicants are aware of their need to surrender the existing Landfill License to the EA, a matter that will be re-enforced via an informative. Surrender of the license will also be captured via the 'Conditions of Sale' between the applicant and the Council. As with Public Protection, the EA recommend their standard contaminated land condition, in order to secure any necessary remediation strategy to guard against contamination to all areas, including controlled waters.

3.5.22 An acceptable interface between the proposed building and neighbouring existing industrial / commercial buildings is achieved, ensuring an acceptable relationship between buildings.

3.5.23 The nearest dwelling to the site is sited circa 425m to the west, off Tintern Crescent. A clear, defensible buffer from the residential area, in the form of Philips Road and Whitebirk Drive, as well as other built form, guards against any residential amenity impacts (noise, odour, dust, other pollution etc) arising from the proposed development.

3.5.24 The Canal & Rivers Trust recommend that the structural integrity of the adjacent Leeds and Liverpool Canal is safeguarded via condition.

3.5.25 The site sits within a defined 'Development High Risk Area' arising from coal mining legacy. The submitted Phase 2 Geo-Environmental Assessment includes results of intrusive site investigations in this regard which concludes that no worked shallow coal seam or coal seams were encountered. The Coal Authority, therefore, offer no objection to the application.

3.5.26 Cadent Gas have provided comment on the application, in response to the presence of high and low pressured gas mains in proximity to the site. Dialogue with Cadent Gas confirmed the need to consult the Health and Safety Executive on the application. A report, produced via their online app confirmed that the HSE 'does not advise, on safety grounds, against the granting of planning permission in this case'.

3.5.27 Accordingly, the development is found to appropriately safeguard public amenity, in accordance with the requirements of Policy 8 and The Framework.

3.5.28 Environment

Policies CS13, 9 and 40 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.

3.5.29 A Flood Risk Assessment (FRA) and Drainage Strategy is submitted with the application which has been reviewed by the Council's Drainage consultee (as Lead Local Flood Authority) and United Utilities. The FRA confirms the site to be wholly within Flood Zone 1, where the risk of flooding is at its lowest. Moreover, the report confirms that both surface water and foul water will be adequately managed at the site, following the SuDS strategy. No objection is offered, subject to submission of a Surface Water Drainage Scheme and a SuDS Management and Maintenance Scheme, for the lifetime of the development, notwithstanding the submitted information, as recommended by United Utilities.

3.5.30 A Phase 1 Habitat Survey has been submitted with the application which has been reviewed by the Council's Ecology consultee, who offers no objection. Review confirms the site to have limited ecological value, absent of any specially protected or priority habitats, and has only low-negligible potential to support any specially protected species. Only relatively common habitats which have arisen recently on either previously developed, or previously cleared, land are present.

3.5.31 The following are recommended to be secured via condition - Key Development Consideration 3):

- No vegetation clearance during bird nesting season (March to August), unless the presence of nesting birds has been discounted by a suitably qualified person;
- submission of an Invasive Species Method Statement to address the presence of Japanese Knotweed and Himalayan Balsam; and

- submission of a detailed Landscaping and Biodiversity Enhancement Scheme to address biodiversity loss across the site and to enhance the canal corridor (as recommended by the Canal & Rivers Trust). The scheme should include native tree and shrub planting, as well as bird nesting and bat roosting boxes.

3.5.32 The site supports only limited low value scrub trees, most of which are to be removed. Replacement planting will mitigate any tree loss, as above. An ongoing management and maintenance regime, thereof will be secured via condition. No objection is offered by the Council's Arboricultural consultee.

3.5.33 Accordingly, the environmental impact of the development is found to be acceptable, in accordance with the requirements Policies CS13, 9 and 40, and The Framework.

3.5.34 Highways / Accessibility and Transport

Policies CS22 and 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.

3.5.35 Three access routes will connect into the site, from Lower Philips Road, with all three entrances currently in existence. Full connection into the site, to the proposed building is to be carried out as part of the development. Access arrangements, in principle, are acceptable, subject to submission of additional design information confirming proposed gradients, to be secured via condition. Appropriate sightlines at the existing access points will be also be secured via condition.

3.5.36 Submission of an amended site layout provides for appropriate additional pedestrian links into and within the site, in the form of a new stepped access and pathway between the car park and proposed offices.

3.5.37 The proposal generates a total parking provision of 146 spaces, when assessed against the Council's relevant benchmark standard. The proposed layout provides 133 spaces which is deemed acceptable, subject to implementation of sustainability measures set out in the submitted Transport Statement. Such measures will be secured via the aforementioned Green Travel Plan condition. Parking spaces are to be retained in the existing car park to serve the retail unit, together with provision of 2no. additional oversized bays for transit vans. A single 'Powered Two Wheeler' (PTW) space and 2no. covered cycle spaces are also added to the car park. Provision of additional PTW and covered cycle space exists within the existing adjacent (Pets Choice) site which are positioned next to the main arrival point for staff and visitors. Disabled spaces also exist within this area. An additional 3no. disabled spaces to the proposed car park serving the new warehouse and an additional single disabled space to the retail unit are to be provided. Taking account of the nature of the facilities proposed, site level constraints and pre-existing PTW, cycle and disabled provision, additional provision is considered unnecessary.

- 3.5.38 Submitted vehicle tracking drawings for the maximum legal articulated vehicles, confirms suitability of the access arrangements at the bellmouth and to the servicing area at the proposed dock levellers.
- 3.5.39 Review of the Transport Statement concludes no significant impacts on the wider highway network. A condition to secure enhanced accessibility routes for sustainable transport modes is recommended. Access to the site and the wider estate is suggested from the Leeds and Liverpool canal. The applicant has, however, provided a rebuttal to this suggestion, asserting that such provision would pose a significant security risk which would require continued monitoring and management, and that site levels between the canal towpath and the site would prove a significant constraint, without substantial and expensive engineering works. On balance, and having regard to the economic and environmental benefits arising the proposal, it is considered that additional accessibility routes are unjustified.
- 3.5.40 Submission of the aforementioned CEMP will guard against any excessive highway impacts arising during construction phase, including a need to ensure that the surrounding highway be kept free of dirt and debris.
- 3.5.41 Whilst the definitive Public Right of Way (PRoW) (footpath 80), from Lower Philips Road, is affected by the development it is currently under a temporary closure order. The applicant has requested a diversion of this and other footpaths routed through the site – Key Development Consider 4. Accordingly, an application to permanently divert the PRoW is required. The Council's PRoW consultee confirms that the applicant has entered into dialogue and is aware of their responsibility. An informative will be applied reminding the applicant of their obligation in this regard.
- 3.5.42 Accordingly, highway impacts arising from the development are found to be acceptable, in accordance with the requirements of Policies CS22 and 10, and The Framework.
- 3.5.43 Design / Character and Appearance
Policies CS16 and 11 require a good standard of design and will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area. This includes enhance and reinforcing the established character of a locality. Key aspects of character which must be taken into account are the following:
- i) Existing topography, buildings and landscape features and their integration into the development;
 - ii) Layout and building orientation to make best use of existing connections, landmarks and views;
 - iii) Building shapes, plot and block sizes, styles colours and materials that contribute to the character of streets and use these to complement character;
 - iv) Height and building line of the established area;
 - v) Relationship of the buildings to the street; and

vi) Frontage treatment such as boundary walls.

3.5.44 A Design and Access Statement has been submitted with the application which sets out the design approach to the proposal. The existing retail unit will remain unaltered.

3.5.45 Both the new warehouse and dock levellers are to be of steel frame construction allowing for fully cladded exteriors in a mix of flat panel cladding systems and trapezoidal / profiled wall cladding and roof sheets. Dock leveller areas will be formed in concrete Prowall systems.

3.5.46 The proposed office entrance to the warehouse building is proposed to consist of feature flat panel cladding and curtain walling to highlight entrance areas, with high quality horizontal flat panels to north and east elevations, complimented by bands of upper level ribbon windows providing views of the canal.

3.5.47 The new warehouse building is designed to reflect the branding and colour tones as previously approved for the adjacent office building and laboratories, as shown below (Design & Access Statement, Campbell Driver Partnership) to assist in providing a consistent appearance to the wider site development.



3.5.48 The scale of the built development is proportionate to the site and the wider estate. The warehouse building will extend to a height of 17m to eaves and 21m to the ridge of the dual pitch roof. Appearance of the development will be entirely typical and responsive to the industrial / commercial context. Implementation of soft landscaping will help soften and assimilate the development with the canal towpath and countryside beyond to the east.

3.5.49 Submission of boundary treatments, including details of the retaining wall adjacent to the canal, will be secured via condition.

3.5.50 Accordingly, the design of the development is found to be in accordance with the requirements of Policies CS16 and 11, and The Framework.

3.5.51 Summary

This report assess the full planning application for the construction of a new 120,000 sq ft B2 / B8 warehouse unit with associated external works, car parking and service yards; construction of new dock leveller extension bays to existing warehouse building; change of use of existing 10,550 sq ft production building to form retail unit; construction of access road; and reconfiguration of existing access road. 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, Supplementary Planning Document, Planning Advisory Note and the National Planning Policy Framework.

4.0 RECOMMENDATION

4.1 Approve subject to:

Delegated authority is given to the Strategic Director of Place (Growth & Development) 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 application received 22nd December 2021 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. Prior to commencement of any above ground works hereby approved, and notwithstanding the submitted details, 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.

4. Prior to commencement of any above ground work 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.

5. Prior to the commencement of development hereby approved, the developer must submit to the Local Planning Authority for written approval:

i) A preliminary risk assessment including:

- A comprehensive desk study report, which identifies all previous land uses;
- potential contaminants associated with those uses;
- a Preliminary Conceptual Site Model (CSM) in text, plan and cross-section form, indicating potential contaminants and their sources, pathways and receptors associated with those uses;
- potentially unacceptable risks arising from contamination at the site; and
- Where necessary, detailed proposals for subsequent site investigation, 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 or the Environment Agency.

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 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:

- Steps to be taken to prevent the discharge of silt -laden run-off, construction site, drainage, materials or dust or any accidental spillages entering the waterway the Canal;
- details of the environmental pollution incident emergency response;
- A plan showing the areas of storage for all materials associated with construction;

- measures to locate, clear, remediate and permanently seal any existing drains or culverts within the application site that may discharge to the canal;
- Details specifying how the waterway corridor and its users would be protected during the works and details of proposed protective fencing/netting to be erected to safeguard the waterway;
- infrastructure during site clearance/construction;
- 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.

11. Prior to the commencement of any above ground works hereby approved, and notwithstanding the submitted details, an electric vehicle charging point scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to operational use of the approved development and shall be so retained.

REASON: In the interests of air quality management and protection of health, in accordance with Policies 8 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

12. Prior to operation use of the development hereby approved, and notwithstanding the submitted details, a Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall contain:

- details of a Travel Plan co-ordinator;

- details of measures to be introduced to promote a choice of travel modes to and from the site;
- a monitoring regime which sets out travel mode share targets, monitoring procedures and mechanisms to be put in place to ensure that the Travel Plan remains effective; and
- a timetable for the implementation, monitoring and review of the Travel Plan which shall include provision for an annual assessment (over a minimum period of five consecutive years following the implementation of the Travel Plan) of the effectiveness of the measures introduced under (b) and shall identify the need for any changes to the Travel Plan and a timetable for their implementation.

REASON: To provide and promote sustainable transport measures and to minimise traffic flow, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

13. No development (including any site clearance) shall take place within 25m of the edge of the canal towpath until a Risk Assessment and Method Statement (RAMS) outlining all works to be carried out adjacent to the canal has been submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate how the proposed works including, piled foundation for the building and retaining wall; tree removal/planting, bank regrading/level changes, any access roads, paths and supporting infrastructure would be carried out whilst protecting the structural integrity of the canal. In addition to this demonstrate how any additional loads from the permanent or any temporary works, plant and machinery or storage of materials would not harm the structural integrity of the canal infrastructure. The details shall also set out how any proposed earthmoving and excavations works required in connection with the development activities would be carried out and managed to protect the canal and its users. The development shall be carried out in strict accordance with the agreed details.

REASON: In the interests of safety, as excavation, earth removal and / or construction of foundations have the potential to adversely impact on the integrity of the waterway infrastructure, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

14. 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.

15. 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.

16. No site clearance 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.

17. Prior to the commencement of any works on site, a detailed Invasive Plant Species Survey of the site shall be carried out by a remediation / invasive species specialist, in relation to identified Japanese Knotweed and Himalayan Balsam. The results of this survey and any recommendations or mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Any recommended mitigation measures shall be carried out in strict accordance with the approved detail.

REASON: In order to protect ecology and biodiversity, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

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

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

19. Prior to commencement of any above ground works hereby approved, and notwithstanding the submitted details, a Biodiversity Enhancement Scheme to provide for bird nesting and bat roosting boxes within the development 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 scheme which shall be so retained.

REASON: In order to protect ecology and biodiversity; in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

20. Prior to occupation of the development hereby approved, and notwithstanding the submitted detail, a Landscape and Environmental

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, subject to details approved under condition 18, and it shall detail a programme of works including scheduled frequencies of weeding and watering as well as monitoring of habitats for a period of 30 years. The strategy shall be implemented in accordance with the approved detail upon completion of the development.

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.

21. Prior to commencement of any above ground works hereby approved, and notwithstanding the submitted detail, full design specification of the proposed accesses into the site, including cross sections confirming gradients, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved detail.

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

22. Visibility splays at the site entrances 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. The retail floorspace hereby approved shall only be used for the sale of food products manufactured by Pets Choice, at its manufacturing facility, and not as an independent shop unit.

REASON: In order that the development hereby permitted will not conflict with the Council's retail / shopping strategy, in accordance with Policy 29 of the Blackburn with Darwen Borough Local Plan Part 2.

5.0 PLANNING HISTORY

The following application relate either directly to the site or close proximity thereto.

10.82/0834 - Erection of two retail stores with supporting retail unit together roads, service yards, car parking and landscaping. Refused 13th September 1982.

10.82/1821 - Disposal of inert highways and construction waste. Withdrawn 3rd May 1983.

10.84/0288 - Extension of existing tip area for depositing inert. Approved 17th April 1984.

10.86/1932 - Single storey extension to existing factory. Approved 7th January 1987.

10.89/1392 - Light industrial units with off road loading and car parking. Area 0.48ha. Approved 24th October 1989.

10/11/1042 - Change of use from B8 (storage and distribution) to B2 (general industry). Approved 29th December 2011.

10/12/0976 - Part demolition of existing building, construction of replacement two storey office and single storey industrial unit including recladding, partial reroofing, installation of roof mounted flues and erection of a new security fence. Approved 21st December 2012.

10/13/0915 - Construction of a three-storey office and single storey high-bay warehouse unit and erection of a new security fence. Approved 23rd December 2013.

10/14/0780 - Demolition of existing meter house, construction of sprinkler pump house and erection of new security fence, gates and access barriers. Approved 24th September 2014.

10/17/0055 - Construction of new, and alterations to existing, Vehicle Parking, Display and Storage Hardstanding's. Hippo Vehicle Solutions Ltd. Approved 29th February 2017.

6.0 CONSULTATIONS:

6.1 BwD Drainage (Lead Local Flood Authority)

LLFA have no objection but require the following condition:

Prior to commencement the applicant is required to obtain Consent to Discharge to the watercourse under the Land Drainage Act 1991. Application forms are available from the Drainage Section of Blackburn with Darwen Borough Council

Reason

To ensure that Consent to Discharge is obtained

6.2 BwD Public Protection

Air Quality

Our AQ officer has reviewed the air quality aspect of the application and lodged the following comments.

Construction phase dust assessment (Section 7 of submitted Miller Goodall Report)

The assessment concluded that there is a medium risk of dust soiling from demolition, construction and trackout. There is likely to be a low risk to health. These are reasonable and justified conclusions. I therefore recommend that the following condition is imposed requiring dust control measures.

Recommended Construction Management Plan & Dust Soiling Condition:

Earthworks and construction activity shall not commence until a construction management plan is submitted by the developer has been agreed in writing with the Planning Authority. The agreed plan shall include but not necessarily be limited to measures to prevent dust soiling. It will be implemented for the duration of the earthworks and construction activity at the site.

Reason: This condition is recommended to mitigate the risk of dust soiling at neighbouring sensitive premises during earthworks and construction. The developer's assessment concluded that the risk of dust soiling is medium without mitigation, but the impact is likely to be negligible if good practice measures are implemented.

Operational phase air quality assessment & Total Emissions assessment (Section 8 & 9 of Miller Goodall Report)

Based on submitted information, it is reasonable to conclude that there is no need for a detailed assessment predicting the impact on pollution concentrations. The developments are unlikely to give rise to a pollution hotspot. However, the extra traffic will contribute to background levels of pollution that will have an adverse health impact. I note that the developer is proposing to install 5 electric vehicle charging points and the TA discusses a travel plan. I therefore recommend the following conditions.

Recommended Electric Vehicle Charging Condition: A scheme for electric vehicle charging shall be submitted by the developer. The scheme will be agreed in writing by the Local Authority, implemented and retained thereafter.

Reason: In accordance with 110 of the NPPF. 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 petrol and diesel vehicles by 2030.

Informative: It is recommended that there are at least five mode 3 charging points with Type 2 connectors and a minimum charging rate of 7kW (32A) installed at the developer's Whitebirk sites. I also recommend that passive ducting and wiring

is installed at not less than ten parking spaces to facilitate the addition of extra connection points (with a minimum rate of 7kW) in future years to match demand.

Condition: Green Travel Plan: Notwithstanding any details submitted as part of the application, none of the buildings hereby approved shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall contain:

- details of a Travel Plan co-ordinator;
- details of measures to be introduced to promote a choice of travel modes to and from the site;
- a monitoring regime which sets out travel mode share targets, monitoring procedures and mechanisms to be put in place to ensure that the Travel Plan remains effective; and
- a timetable for the implementation, monitoring and review of the Travel Plan which shall include provision for an annual assessment (over a minimum period of five consecutive years following the implementation of the Travel Plan) of the effectiveness of the measures introduced under (b) and shall identify the need for any changes to the Travel Plan and a timetable for their implementation.

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

Reason: In order to promote modal shift and increased use of sustainable methods of travel in accordance with the objectives of policies 7, 10 and 36 of the Blackburn with Darwen Local Plan Part 2, and paragraph 111 of the National Planning Policy Framework.

Odour

The site is part of a wider pet food manufacturing installation. I am not aware of any complaints in respect of odour from the new manufacturing facility. The existing facility has an A1 IPPC Permit with the Environment Agency.

From discussing with pets choice the exact function / content of the newly built facility is not yet known and will become clearer in time.

As far as odour is concerned we have two options.

Leave odour to be dealt with as part of the site A1 IPPC Permit. The Permit would need to be varied in time to account for process / site changes; or
Condition an odour management plan to be agreed in writing prior to commencement of the approved use. The OMP would only cover the new development and not the existing extruder equipment.

I would be happy to discuss how you want to proceed on this and the wording of any condition.

Contaminated Land

Info has been submitted and is being reviewed. This aspect can be conditioned using the **standard contaminated land condition** used by the authority.

Construction Phase

Some construction phase conditions can be applied to protect other users of the estate. Above we have already recommended the dust control condition. This could be expanded to include noise in a general CMS condition.

Condition – Construction / Demolition Site Noise, Vibration and Dust

Demolition or construction work shall not begin until a scheme for protecting the surrounding residential premises from noise, vibration and dust from the site during these works has been submitted to and approved in writing by the Local Planning Authority. All measures which form part of the approved scheme shall be adhered to throughout the period of demolition and/or construction.

Reason: To safeguard the amenity of neighbouring uses by reducing the noise/vibration levels emitted from the site.

6.3 BwD Highways & PRow

PROW –

Footpath 80 from Lower Phillips road is affected by this development however the path is currently under a temporary closure order and the applicant has requested a diversion of this and other footpaths throughout their site.

Although the developers have highlighted on their planning application form that the footpaths require diverting, I have been in touch with the developers today to remind them that we still need a completed application form from them to permanently divert these Public Rights of Way, if the temporary closure expires and isn't renewed the definitive line of the PROWS will be obstructed by the development.

The submission details have been reviewed, and a site investigation has been carried out

The proposal seeks consent for Full Planning Application (Regulation 4) – Construction of new 120,000 sqft B2/B8 warehouse unit with associated external works, car parking and service yards; construction of new dock leveller extension bays to existing warehouse building; change of use of existing 10,550 sqft production building to form retail unit.

Parking

In accordance with the adopted parking standards, the floorarea of the proposal is as follows:

- B2 (General Industrial) 4698.5/1 car space per 60 Sqm = 78 car parking spaces

- A1 (retail) 910sqm/1 car space per 22sqm = 41 spaces
- B8 (Storage & Warehousing) 6413sqm/1 car space per 100sqm = 64 spaces

The total allowance generated by the proposal would be 146 spaces.

The application form reports that 124 spaces would be provided. The proposed site plan presents 133 spaces (this includes an indication of 43 spaces in an overflow car parking). The number of spaces provided are generally accepted, subject to the sustainability measures as set out in the Transport Statement section below, being considered and adopted.

In addition, further works is required around the layout of spaces:

- The arrangement of bays near the retail unit, would appear restrictive. If there are vehicles larger than a standard vehicle visiting the site i.e. transit vans (for bulk buys) then the bays need to be altered. Please consider further.
- We would request a plan showing the arrangement on the overflow car park together with the Bellmouth entrance.
Please request further details, showing the arrangement at access bellmouth.
- No cycle or ptw spaces are provided, nor is there any inclusion for disabled spaces. These should be provided close to the entrance, and in the case of the cycle and PTW spaces these are to be covered and made secure.

Access

There are three access roads which will connect into the site. All three entrance currently existing, however they do not currently provide full connection to the proposed buildings. This is to be carried out as part of the scheme proposed, this is deemed acceptable

The Access sited most southern is existing, this will connect to the extension works proposed.

We would request details of the gradient of the access roads is provided, more specially the areas that join the highway.

There is no pedestrian links into the site. These need to be provided connecting from the highway into the site, also required is a safe pedestrian route from the car park up to the entrance of the building.

No details of sightlines have been offered in support of the application, please seek further details.

Transport Statement

- The Transport Statement appears to relate to wider development proposal including:
- a new 120,000sq.ft B2/B8 commercial building on undeveloped land to the south of recently constructed and operational Pets Choice B2 unit on the south side of Lower Philips Road;
- the repurposing of an existing building to the east of their current operation as a trade counter for staff and the general public to use;

- amendments to the extruder works building, located to the north-east of the operational.

The site layout and the D&A statement appear to relate to the amendments to the extruder site only. As stated in the TS there does not appear to be any material impacts that would result in a severe impact on the wider highway network.

While this application does not relate to the wider proposals it is noted that the TA proposed parking provision across the proposed development sites (as presented in the TS) which is below the benchmark standard despite being in an area of low accessibility. A framework travel plan is provided within the Transport Statement which sets out a series of soft measures to support sustainable travel to the site. It should however be noted that parking provision and/or the provision of additional physical measures to improve the sites accessibility by sustainable modes should be considered as part of any future applications relating to the other elements of the development proposals considered within the TS. In particular it would be worth considering if an access to the site (and wider Philips Road estate) can be provided from the Leeds & Liverpool canal (through the site south of Lower Philips Road) to ensure the opportunities for access by sustainable modes are taken up.

We would request this is conditioned, please attach a Grampian to support the delivery of a connection to the Leeds and Liverpool Canal corridor.

Servicing

The tracking provided shows some adjustment would need to be made to the middle access road at the bellmouth, as the radius is currently restrictive

The addition of the new dock leveller to the existing building, would impact upon the existing servicing, details are to be presented and how the vehicles would enter, and turn to exit the highway, for these locations.

Other

Please request an assessment of the PROW and the diversion that needs to be presented for approval.

Details of construction method statement are required –please seek this information or condition accordingly.

Mattes also to be considered are:

- All existing street furniture including street lighting should be removed/disconnected at the applicants expense and relocated at locations to be agreed with by the relevant highways officer, (should they be required to do so)
- Contact to be made with our Structures Division prior to commencement of any works affecting retaining walls/ structure adjacent to/abutting or within the adopted highway
- Prior to any work commencing that affects the existing adopted highway contact to be made with the Local Highway Authorities office on Tel: 01254 585009
- Any old entrances that are no longer required, should be reinstated back to full footway at the developers expense

- Footways around the periphery of the site, are to be made good, up to modern adoptable standards, this include street lighting, lining and any associated works.

In principle we are supportive of the scheme, there are however a number of outstanding matters that require further consideration. Please request a response and additional information required.

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

Additional details received 18th march 2022

The original assessment has been responded to positively for the vast majority, however there are details that have not been satisfactorily responded to.

Those that remain and which in my opinion either require further clarification or can be conditioned are:

- Details for coverage and security for cycles and ptw parking ...please condition
- Details of site access and gradients of new accesspoitns joining the highways. These details require approval...they have accepted this can be conditioned. Please attach condition
- Pedestrian connection from the highway up to the offices is required. They have provided connection from the new car park to the offices...however the point we were making was to safeguard those who walk to the site, they require a safeguarded delineated route up to the office, please condition
- Sightlines are still required, irrespective of existing...as this is an opportunity to make good, if the visibility is poor. Please request details or condition accordingly
- We remain steadfast in our request to connect a footway from Lower Phillips Road through to canal towpath. This does not have to go through their site if it poses security issues, but one should be provided at the edge of the site.

6.5 BwD Arboriculture Officer

It appears that there are some scattered scrub trees across the site most of which are to be removed. Looking at the proposed landscaping there is to be a substantial planting scheme that uses mostly native trees and shrubs which will adequately mitigated the loss of the scrub. The landscaping scheme also includes the necessary planting schedule and specification as well as details on maintenance and management.

6.6 BwD Property

No comment.

6.7 The Coal Authority

The Coal Authority Response: Material Consideration

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards, which need to be considered in relation to the determination of this planning application, specifically likely historic unrecorded underground coal mining at shallow depth associated with a thick coal seam outcrop.

The Coal Authority notes the submitted Phase 2 Geo-Environmental Investigation Report (dated May 2017, prepared by PWA Geo-Environmental Ltd), which accompanies this planning application. The content of the Report has been informed by an appropriate range of sources of information, including the results of intrusive site investigations.

On the basis that the Report confirms that no worked shallow coal seams or coal seams were encountered, the Coal Authority is satisfied that the site is safe and stable from a mining viewpoint. The Coal Authority therefore has **no objections to this planning application.**

Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on.

SUDS

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

The Coal Authority Recommendation to the LPA

The Coal Authority considers that the content and conclusions of Phase 2 Geo Environmental Investigation Report (dated May 2017, prepared by PWA Geo-Environmental Ltd) are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development.

The Coal Authority therefore **has no objection** to the proposed development.

6.8 Canal & Rivers Trust

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

- a) Structural Integrity of the canal
- b) Layout, landscaping and ecology
- c) Construction Environment Management Plan
- d) Surface water drainage

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:

Structural Integrity of the canal

The towpath side of the Leeds & Liverpool Canal passes to the east of the site. The towpath carries a National Cycle Route. There is an existing brook between the site and canal, which is understood to be a tributary to the river. Listed Bridge no.106 Side Beet Bridge is located to the north-east of the site. The canal is in a principle cutting at that point, but for the majority of the site boundary is relatively open to the canal. The application site where the building is proposed is formed on a plateau relative to the canal with the land generally falls/slopes towards the canal corridor. Based on the submitted details and the cross sections the proposed building would be offset from the canal corridor by approximately 30m and as such the building construction should not impact the structural integrity of the canal infrastructure. The details show that a new retaining wall is proposed next to the building. The building would be constructed with piled foundations. The reinstated banking/re-profiling and planting would however require works to be undertaken closer to the canal corridor which may be of concern depending on the method of works. Therefore, if the Council are minded to approve the application we would welcome the following condition be included on the decision notice:

No development (including any site clearance) shall take place within 25m of the edge of the canal towpath until a Risk Assessment and Method Statement (RAMS) outlining all works to be carried out adjacent to the canal has been submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate how the proposed works including, piled foundation for the building and retaining wall; tree removal/planting, bank regrading/level changes, any access roads, paths and supporting infrastructure

would be carried out whilst protecting the structural integrity of the canal. In addition to this demonstrate how any additional loads from the permanent or any temporary

works, plant and machinery or storage of materials would not harm the structural integrity of the canal infrastructure. The details shall also set out how any proposed earthmoving and excavations works required in connection with the development activities would be carried out and managed to protect the canal and its users. The development shall be carried out in strict accordance with the agreed details.

Reason: Excavation, earth removal and/or construction of foundations have the potential to adversely impact on the integrity of the waterway infrastructure and to accord with the advice and guidance relating to land stability contained in Paragraphs 174 and 183 of the National Planning Policy Framework 2021.

Layout, landscaping and ecology

Based on the submitted details the building measuring up to 17m in height to the eaves would be quite substantial, especially as it would be sited on a plateau and elevated above the canal corridor. The potential impact may be lessened to a degree due to the offset from the canal and the proposed landscaping buffer.

Indeed, the landscaping details appear to be comprehensive and should provide appropriate species to enhance the natural canal buffer. We would however welcome some further planting here of larger native specimens as the majority of the planting proposed would be relatively low level. It would be important that the ongoing management and maintenance of the landscaping is conditioned to ensure that it establishes and flourishes. The building would also be set with an existing light industrial context and large warehouse typology and would be approximately 200m from the listed Side Beet Bridge. We agree with the heritage statement that the impact on the listed bridge would be limited.

The extended habitat survey notes the presence of Himalayan balsam and Japanese Knotweed and we welcome that these will be eradicated on the site (para 4.10). If the Council are minded to approve the application we suggest the following condition:

Prior to commencement of development, a method statement detailing how Japanese Knotweed and Himalayan Balsam will be prevented from spreading throughout the development site must be submitted to and approved in writing by the Local Planning Authority. The statement must include a plan showing the extent of the plants, the methods used to prevent spreading, the method of removal/treatment, the methods of control to be used and details of monitoring. The recommendations of the approved statement shall be carried out prior to the occupation of the development.

The ecology details also make reference to a dark zone to be created and that the canal corridor would be protected from light spill. We would welcome details of the lighting strategy to be conditioned to ensure that there would be no light spill towards the canal corridor both during and completion of the works. The lighting scheme bordering the canal should comply with the Bat Conservation Trust 'Guidance note 08/18: Bats and Artificial Lighting in the UK'.

Construction Environment Management Plan

The submitted contamination reports set out that the site is contaminated. Given the brook/steam between the development and the canal the risk from pollution from

run-off to the canal would be mitigated to a degree. The waterway has been considered as a receptor within the contamination report. Any storage of materials near the boundary with the waterway would need to ensure that there would be no loading imposed on waterway infrastructure. The waterway would also need to be protected from runoff and other waste both from any storage compounds and during construction. It is important that any excavated material stored in temporary stockpiles on site is situated away from the canal to prevent contaminated water run-off and the amount of exposed ground and stockpiles minimised. The potential for contamination of the waterway in terms of dust, solid materials and surface runoff during the construction phase would need to be addressed as part of the Construction Environment Management Plan (CEMP) for the site. If the Council is minded to approve the application we would ask that the CEMP condition includes the following criteria:

A plan showing the areas of storage of plant, fuel/chemicals and materials used in constructing the development;

Include the steps to be taken to prevent the discharge of silt -laden run-off, construction site drainage, materials or dust or any accidental spillages entering the waterway;

details of the environmental pollution incident emergency response;

include measures to locate, clear, remediate and permanently seal any existing drains or culverts within the application site that may discharge to the canal; and

Details specifying how the waterway corridor and its users would be protected during the works and include any details of proposed protective fencing/netting to be erected to safeguard the waterway infrastructure during site clearance/construction.

The Trust would be happy to assist the Council with the discharging of the condition.

Surface water drainage

The application details set out the surface water drainage arrangements would be to the brook/steam which runs through the site between the building and the canal. The drainage strategy would incorporate fuel interceptors and attenuated discharge. Subject to this being the case, we would have no further comments to make on the drainage strategy.

Should planning permission be granted we request that the following informative are appended to the decision notice:

1) The applicant/developer is advised to contact the Canal & River Trust Infrastructure Services Team on

01782 779909 or email Enquiries.TPWNorth@canalrivertrust.org.uk in order to ensure that any necessary consents are obtained and that the works comply with the relevant Code of Practice.

6.9 GMEU Ecology

The application site has limited nature conservation value; it appears to support relatively common habitats which have arisen recently on either previously

developed, or previously cleared, land. The site does not support any specially protected or priority habitats, and has only low-negligible potential to support any specially protected species.

I would therefore raise no overall objections to the application on Ecology grounds. However, I would recommend the following to protect nature conservation interests

No vegetation clearance required to facilitate the scheme should take place during the optimum time of year for bird nesting (March to August inclusive) unless nesting birds have been shown to be absent by a suitably qualified person. All nesting birds, their eggs and young are legally protected.

A method statement should be required to be prepared giving details of measures to be taken to control invasive plant species during the course of any development. One agreed, the method statement must be implemented in full. Both Japanese knotweed and Himalayan balsam have been recorded on the site, and the spread of both of these species is prohibited under the terms of the Wildlife and Countryside Act 1981.

The development will result in losses to semi-natural habitats and the current landscaping plans for the site are very limited. The development will therefore result in a local loss to biodiversity. The NPPF encourages development to avoid biodiversity losses, and to achieve a gain in biodiversity, wherever possible. I would advise that more detailed landscape plans should be provided for the scheme, to include planting and features which would benefit wildlife. For example, new tree and shrub planting, sustainable drainage features and the installation of bird nesting and bat roosting boxes would all be useful. If the limited space on the site precludes any of these measures, consideration should be given to seeking a contribution for the management of off-site greenspace.

6.10 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.

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

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.

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.

6.11 Environment Agency

Environment Agency position

We have no objection to the proposed development however, the new unit will be partially located on an active landfill.

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.

Reasons

To ensure that the development does not contribute to and is not put at unacceptable risk from, or adversely affected by unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework; and

To prevent deterioration of a water quality element to a lower status class in the underlying aquifer and the adjacent water course.

Land Contamination – Advice to the LPA

The previous use of the proposed development site as a landfill 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
- is located upon a secondary aquifer A

We have reviewed the following reports:

Report No: 16246/GR/01 by PWA geo-environmental, entitled: Phase 1 for Pets Choice, Former Whitebirk Landfill Site, Blackburn, dated January 2017

And

Report No: 16246/GR/02 by pwl geo-environmental, entitled: Hippo Expansion and Extruder Building, Blackburn, dated May 2017

and would offer the following comments.

The Phase 1 report requires consideration of the following information:

Construction on a landfill that has not been surrendered can lead to the potential development of pollution pathways that might render the developer responsible for the liabilities of that pollution pathway under Part 2A. All possible precautions should be undertaken to prevent this potential. All monitoring positions associated with the surrender monitoring of this landfill should remain unhindered during and after construction, with all possible access being made available freely to those undertaking the monitoring on behalf of the license holder. These boreholes should also not be impacted by any below ground geotechnical interventions.

The Phase 2 report states that:

In groundwater the results of the remedial targets methodology indicate that there are elevated concentrations of some inorganic metal species above EQS targets and slightly elevated concentrations of organic hydrocarbon contaminant species although the majority of determinands analysed were below the detection limit of the laboratory.

We would agree that the elevated concentrations of these inorganic metal species may be due to the presence of the Made Ground at this location and/or due to the presence of Coal Measures beneath the site, or potentially associated with a number of commercial/industrial facilities located up the hydraulic gradient relative to the subject site.

We would concur that the contaminant concentrations identified are not considered significant in the context of the surrounding groundwater quality. Furthermore, the presence of hard standing across the majority of the site (post development), will limit surface infiltration and reduce the risk of leaching of contaminants via vertical and lateral migration to the adjacent watercourse.

As previously stated in your Phase 1 report, our preferred method of pile construction is cast in-situ to prevent development of pollution pathways through the structures, to the underlying aquifer.

We look forward to receiving the Remediation Strategy and Development Method Statement for the site.

Waste – Advice to the LPA/applicant

The landfill in this location was largely composed of inert waste. We have been working with Blackburn with Darwen Council, the developers and their consultants, however, the developers need to ensure that the plant is built so as to protect it from landfill gas, which is being generated at low levels within the landfill.

In addition, the applicant must ensure continued access for monitoring from the boreholes that are present (and for any that need to be installed in the future) and for the maintenance of those boreholes until such time as the site is considered stable and the permit has been surrendered.

6.12 Cadent Gas

Your planning application – No objection

After receiving the details of your planning application at Whitebirk Industrial Estate, Blackburn, BB1 5UD we have completed our assessment.

We have **no objection** to your proposal from a planning perspective.

What you need to do

Please review our attached plans, which detail the Cadent gas asset/s in the area. If your application affects one of our high pressure pipelines, it is a statutory requirement that you input the details into the HSE's Planning Advice Web App. For further details, visit www.hse.gov.uk/landuseplanning/planning-advice-web-app.htm

6.13 Health & Safety Executive

Your Ref: 10/21/1345

Development Name: Pets Choice, Brentwood House, Lower Philips Rd, Whitebirk Ind. Estate, Blackburn, BB1 5UD

Comments: Construction of new 120,000 sqt ft B2 / B8 warehouse unit with associated external works, car parking and service yards

Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013]

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Blackburn with Darwen (B).

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

6.14 Lancs Constabulary

No objection subject to standard recommendations

6.15 Lancs Fire & Rescue

No objection subject to standard recommendations

6.16 Public consultation

22 letters were posted to the local community on 21st December 2021 and site notices were displayed. A press notice was published 14th February 2022. In response, no comments were received.

6.17 Hyndburn Borough Council

No comments received.

7.0 CONTACT OFFICER: Nick Blackledge – [Principal Planner].

8.0 DATE PREPARED: 10th May 2022

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/21/1404

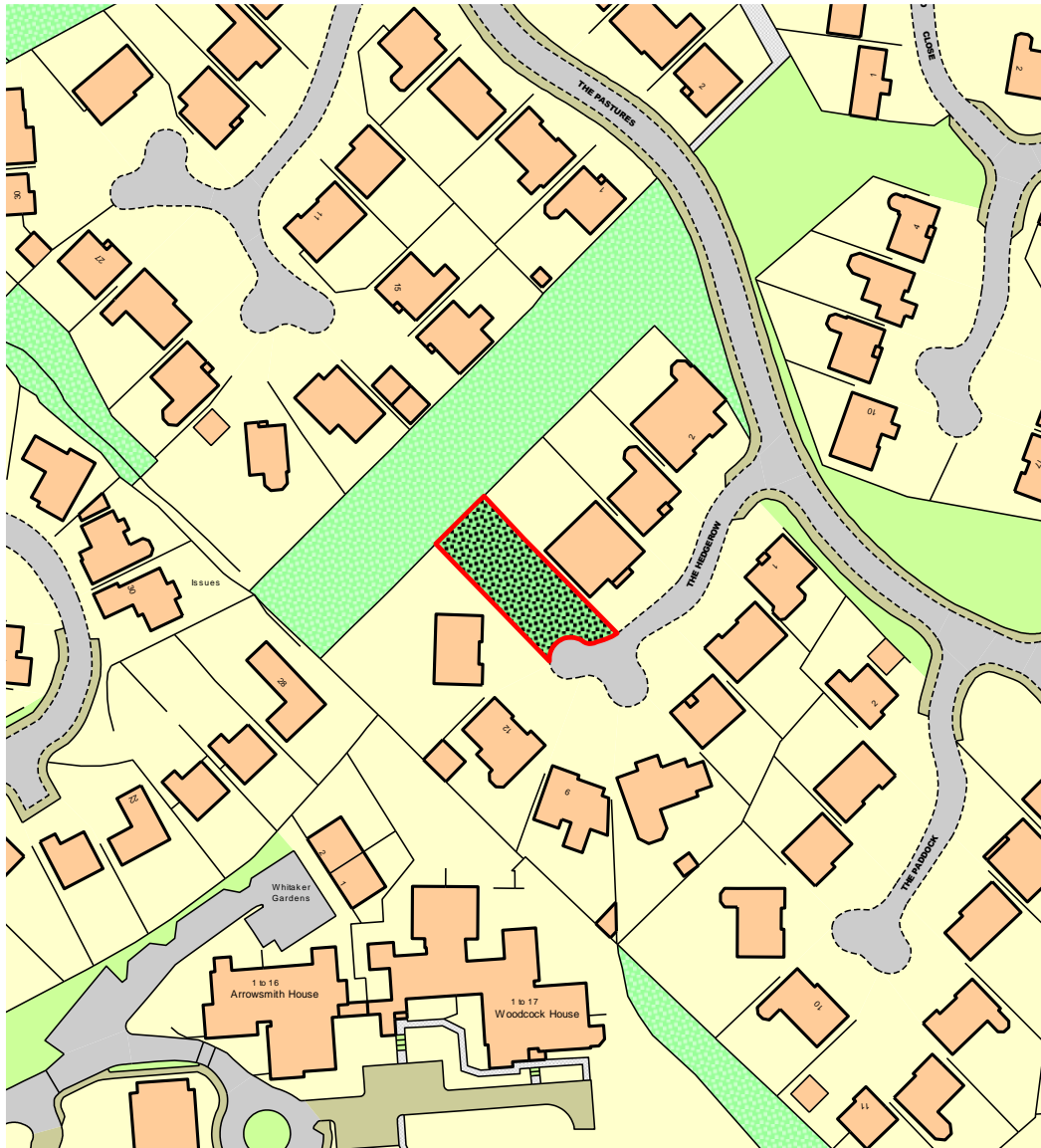
Proposed development: Erection of retaining wall and decorative railing, raising of garden levels to rear and creation of hardstanding within garden (Part-Retrospective)

Site address: 8 The Hedgerow, Blackburn, BB2 7QU

Applicant: Mr MD Patel

Ward: Billinge and Beardwood

**Councillor Mohammed Irfan
Councillor Tasleem Fazal
Councillor Jackie Floyd**



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 Council's scheme of delegation through the Chair Referral Process, and given that a significant number of objections have been received from members of the public (from the occupants of three properties No 6 The Hedgerow, and Nos 19 and 21 The Pastures – see Section 10). A summary of the objections received is detailed below in Section 7.2. As detailed above in the development description, the application is also part-retrospective with the retaining wall and raised platform already built.

2.2 The objections raised principally concern the current appearance of the development alongside the potential for residential amenity impacts in the way of overlooking and losses of privacy. A number of wider concerns have also been raised, which involve the structural integrity of the development, the potential for surface water drainage issues to materialise and the potential for surrounding property prices to be adversely effected.

2.3 The proposed development has been publicised through letters to residents of the nearest adjacent properties on 29th December 2021. In addition, further notifications have taken place with additional neighbours on 7th April 2022.

2.4 The Council's development plan supports new domestic developments and associated works, provided they constitute sustainable development and accord with the development plan when taken as a whole.

2.5 The proposal will deliver enhanced amenity provisions in the rear garden of the site. The previously sloped garden has been levelled to create a flat surface for domestic enjoyment. Decorative metal railings would also be installed defining the rear boundary.

2.6 On balance, the proposals 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.

2.7 The key issues to be addressed in determining this application are;

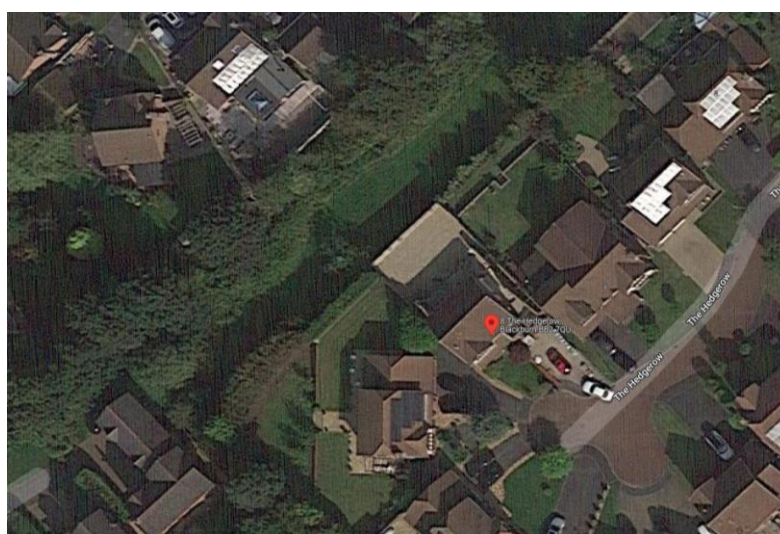
- Visual design considerations, and;
- Safeguarded the amenities of the immediate residential neighbours.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site is a two-storey detached dwelling located within the settlement of Blackburn. An extension is currently under construction that was approved in 2020 (detailed below in Section 6.1). The extent of the site is shown below in Figure Two. Similar properties surround to three sides that are arranged on a small residential cul-de-sac. A strip of amenity grassland is positioned immediately to the northwest with further residential properties positioned beyond that strip of land.

Figure One – Satellite Image of the Site (taken 2022)



3.1.2 Construction of the dwelling was approved in 1987 and it has been built in a relatively modern style. Pale bricks have been used to construct the elevations with small concrete tiles used as the roofing materials. A garden and parking area is positioned to the front with a further garden area to the rear.

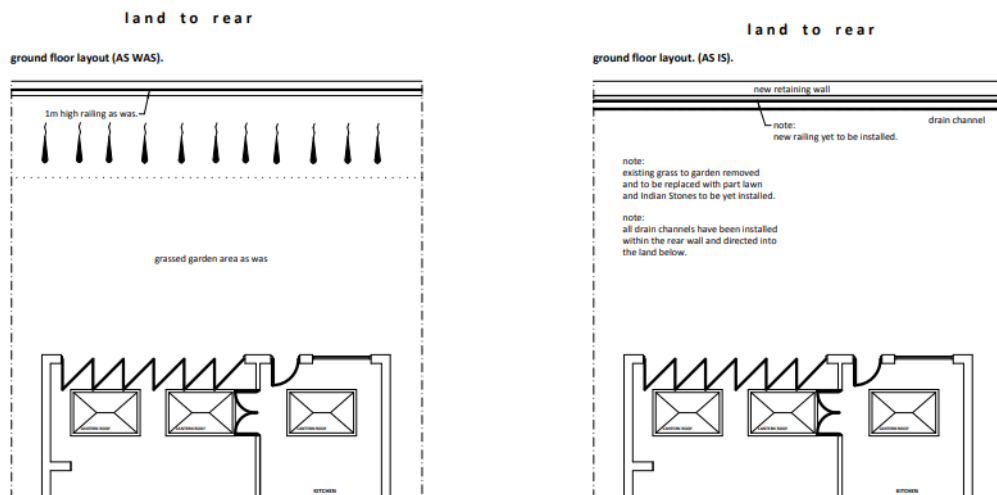
Figure Two – Submitted Location Plan



3.2 Proposed Development

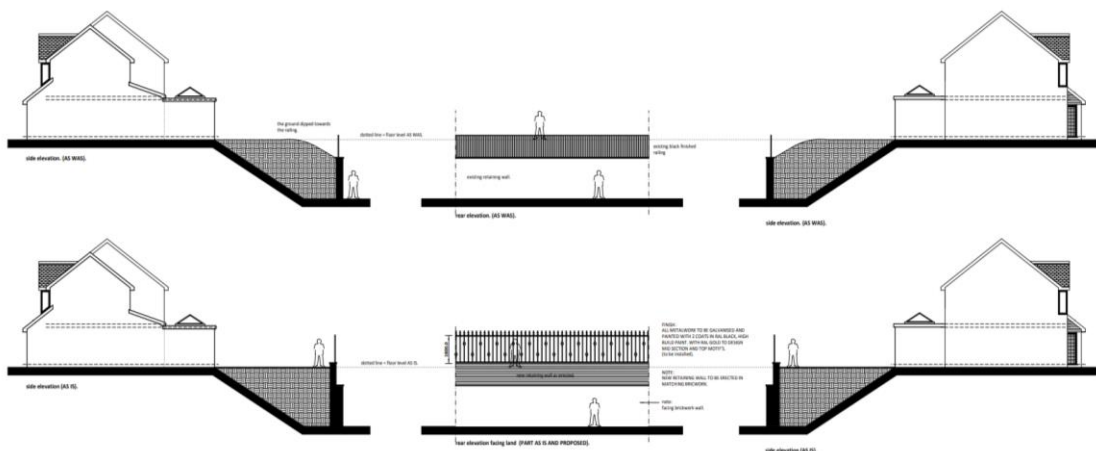
3.2.1 This planning application involves the retention of an authorised raised platform, which has been constructed to level a previously partly sloped garden. To enable those works, the existing retaining wall that runs along the northwest boundary has been increased in height by circa 1m.

Figure Three – Existing and Proposed Site Plans



3.2.2 The plans initially submitted showed the use of white K-render for the entire face of the retaining wall. Such a material had only been applied to the upper part of the wall at the time of the site visit, which is shown below in Section 3.3. Following discussions with the applicant’s Agent during the course of the application, amended plans have subsequently been received showing the use of brick for the upper part of the wall. The existing brick finish would also be retained for the lower part. Stone chippings have been applied as the surfacing treatment for the raised platform.

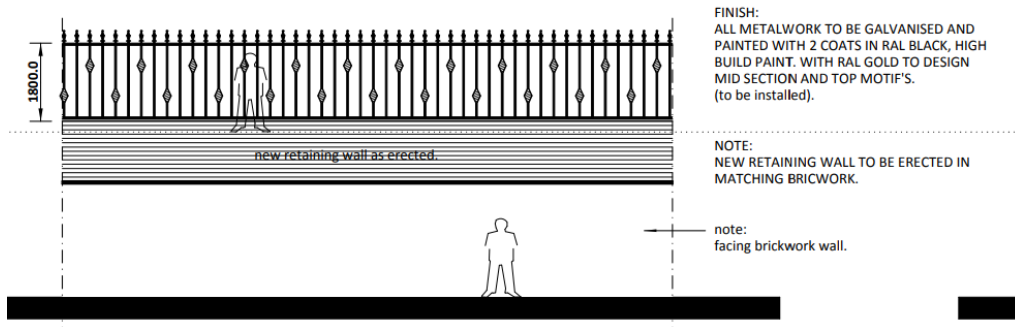
Figure Four – Amended Existing and Proposed Cross-sections and Rear Elevation Plans



3.2.3 Above the enlarged part of the retaining wall, 1.8m high railings are shown on the submitted amended plans. The railings would have a decorative style. Black

paint would be applied to the majority of the installations with gold painted motifs applied in staggered formations.

Figure Five – Amended Proposed Rear Elevation Plan



3.3 Case Officer Site Photos



3.4 Development Plan

3.4.1 Local Plan Part 2 (adopted December 2015):

- Policy 8: Development and People
- Policy 11: Design

3.4.2 Residential Design Guide Supplementary Planning Documents (SPD)

3.5 National Legislation

- The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended): Schedule 2, Part 2, Class E – buildings etc. incidental to the enjoyment of a dwellinghouse

4.0 ASSESSMENT

4.1 Design and Visual Amenity

- 4.1.1 The works undertaken have no harmful impact upon the character of the host dwelling and any assessments in the way of visual amenity are limited to impacts from the perspective of the public domain. In general terms, Policy 11 requires all development proposals to represent a good standard of design through demonstrating an understanding of the site's wider context and making a positive contribution to public visual amenity. Concerns have been raised in public comments on various visual design grounds.
- 4.1.2 As shown above, the enlarged retaining wall currently in place appears at odds with the uniformity of the brick faced structure that runs to the rear of numbers 2-10. A white render has been applied to the upper part that has already stained, partly due to the presence of outflow drainage pipes. That said, and as detailed above, amended plans have been received during the course of the application showing the retention of brick to the lower part of the wall. The same material would also now be applied to the upper part.
- 4.1.3 Specific concerns have been raised in public comments regarding the potential inability to match any new bricks with those of the existing retaining wall. Given the process of weathering and manufacturing variations, finding an exact match for bricks can often be difficult. A condition is therefore recommended to agree the exact type of bricks to be used in order to enable the best match to be found when compared with the appearance of the existing retaining wall. Subject to compliance with that condition, the retaining wall aspect of the proposals would be acceptable visually.
- 4.1.4 In relation to boundary treatments, specific concerns have been raised in public comments regarding a lack of landscaping along the northwest boundary. The fact the proposed railings would likely protrude above the adjacent boundary treatments has also been cited as a concern.
- 4.1.5 Although the use of landscaping to the front of the wall would provide some obvious visual benefits, the way the structure has been built now prevents that from being delivered. Similar works have been previously undertaken at number 2, which are shown below in Figure Six. No landscaping is in place along the rear boundary of that property. The works undertaken at number 2 are much more visually prominent from public vantage points along The Pastures and their presence establishes a precedent regarding other such works along this row. On that basis, a lack of landscaping associated with the proposals does not warrant any material levels of visual design concern.

Figure Six – Photo of Similar Development at Number 2



- 4.1.6 With reference to the railings, the style proposed would be acceptable in the context of this development and site. The amended plans submitted show railings at 1.8m in height. However, such boundary treatments provide nothing in the way of privacy screening and the use of 1m high railings would ensure the development as whole visually integrates with adjacent boundary treatments to a much greater extent.
- 4.1.7 A condition is recommended to ensure that occurs. In addition, amended plans have been requested from the Agent showing such detail and any new plans submitted will be covered as part of a committee update report. Although 1m high railings would still slightly protrude above those at numbers 6 and 10, such an outcome also does not warrant any material levels of visual design concern.
- 4.1.8 Subject to compliance with the aforementioned conditions, the proposed development would be acceptable in relation to design and visual amenity, in accordance with Policy 11.

4.2 Residential Amenity

- 4.2.1 Dwellings are positioned immediately adjacent to the site and safeguarding the amenities of those neighbours is an important planning consideration. Policy 8 states that all development proposals must secure a satisfactory level of amenity and safety for surrounding uses, with reference to light, other pollution or nuisance, privacy/overlooking, and the relationship between buildings.
- 4.2.2 In relation to raised platforms, the Residential Design Guide SPD states that such forms of development can often be problematic, and in many cases unacceptable. In most suburban areas they will lead to an unacceptable level of overlooking for neighbouring properties. Raised platforms will only be permitted where they do not create an unacceptable level of overlooking for surrounding properties. Concerns have been raised in public comments in the way of overlooking and the potential for losses of privacy.
- 4.2.3 It should be initially noted that the site benefits from the full suite of householder permitted development rights. Case law dictates that where retaining structures

are physically divorced from the respective dwelling, they should be legally classed as outbuildings and assessed under the provisions of Schedule 2, Part 1, Class E of the GPDO. Whilst it is acknowledged that the structure built incorporates a raised platform, at its lowest point it does not rise more than 0.3m above the original ground levels. The structure therefore complies with the relevant requirements of Class E and planning permission is not specially required for that aspect of the proposals.

4.2.4 In addition to the above, the distances involved between the adjacent properties to the rear should be given a significant level of weight in assessing these proposals, which are shown below in Figure Seven. This shows the separation distance between the edge of the rear garden to the application site and the rear elevation and rear boundary to No.19 The Pastures. In addition, there is no direct overlooking towards the rear elevation and rear boundary of No.21 The Pastures, which is circa 23m away. Unlike domestic extensions, there are no specific separation distances for raised platforms. Each case is assessed on its own merits and in relation to the physical site characteristics.

Figure Seven – Plan Showing Distances Between Adjacent Properties to the Rear



4.2.5 Given the topography of the area, a certain level of overlooking already occurs for the properties to the rear on The Pastures from those on The Hedgerows. Increasing the ground levels of the site by circa 1m has ultimately had an immaterial impact on the relationship of the site and the closest properties to the rear. Figures 8 and 9 below illustrates the relationship from the rear boundary of the application site towards Nos 19 and 21 The Pastures. When those factors are considered collectively, the proposed development would be acceptable in relation to residential amenity, in accordance with Policy 8 together with the guidance of the Residential Design Guide SPD.

Figure Eight – Site Photograph taken from rear boundary of No.8 The Hedgerow looking towards No.21 The Pastures:



Figure Nine – Site Photograph taken from the rear boundary of No.8 The Hedgerow looking towards No.19 The Pastures and the side boundary of No.21:



4.3 Wider Considerations

4.3.1 Further concerns have been raised in public comments regarding the structural integrity on the retaining wall. However, such matters are not assessed at the planning stage. In relation to surface water drainage, the nature of the structure would not create any significant levels of runoff. Moreover, the strip of land between the site and the dwellings to the rear on The Pastures would absorb any runoff flowing out of the drainage pipes installed. Finally, concerns have been raised regarding the potential for the development to negatively affect adjacent property prices yet such matters are immaterial to the assessment of planning applications, as per the guidance set out nationally within Planning Practice Guidance.

4.4 Summary

4.4.1 This application involves the retention of a retaining wall and raised platform alongside the installation of railings. 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 Sections 3.4 and 3.5.

4.4.2 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 design and visual amenity, and residential amenity.

4.4.3 The proposed 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:**

5.1 **Delegated authority is given to the Strategic Director of Place to approve planning permission, subject to the following conditions and informative notes;**

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

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

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: Location Plan (1:1250) and 080/09/21/8/@A1 – Revision A.

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

3. Prior to the commencement of any further works on site, samples of any bricks to be used to finish the retaining wall 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 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).

4. Any railings installed as part of the development hereby approved shall not exceed 1m in height above the height of the retaining wall and prior to their installation, plans shall have been submitted confirming their height and design. The development shall thereafter proceed in strict accordance with the approved details, unless otherwise agreed in writing.

REASON: In order to ensure a satisfactory form of development is achieved, in the interests of visual, 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).

6.0 RELEVANT PLANNING HISTORY

- 6.1 10/20/0791 – Erection of first floor bedroom extension to side with single storey extension to rear – Approved, with conditions – October 2020.
- 6.2 10.87/1000 – Residential Development: 69 Houses – Approved, with conditions – September 1987.

7.0 CONSULTATIONS

7.1 Ward Cllrs

7.2 Summary of Public Responses

- No landscaping is proposed along the rear boundary;
- The proposed railings will be higher than adjoining boundary treatments;
- The use of render is not in keeping with the appearance of the existing wall;
- Any new bricks used will not match those of the existing wall;
- Losses of privacy may be caused for adjacent neighbours;
- The use of landscaping would mitigate any potential losses of privacy;
- The works implemented may not be structurally sound;
- Drainage issues may arise for adjacent properties;
- Property prices may be adversely effected.

8.0 CONTACT OFFICER: Christian Barton – Planning Officer

9.0 DATE PREPARED: 11th May 2022

10.0 SUMMARY OF REPRESENTATIONS

Objection – Mr H Ismail, 19 The Pastures, Beardwood, Blackburn, BB2 7QR. Received: 11/01/2022

I live at 19 The Pastures, which is directly behind 8 The Hedgrow, and have full view of this property. I have been observing the work carried out and have some real concerns with this application and the work already completed.

1. Safety

- This new wall was constructed in July 2021 and the work appeared to be rushed by a group of eastern European labourers. Has the wall been built according to a structural engineering specification and calculations ? Are the foundations adequate and been inspected ?
- The existing brick wall has been up for over 30 years, and runs across the whole of the back of The Hedgrow, can this take the additional load of the new wall and the ground-fill?
- There appears to be some damage to the existing wall, the coping stones have been broken and are now uneven.
- I believe the existing wall was built by the developers to stop subsidence, due to the ground sloping down quite steep towards The Pastures, has this been taken into consideration?

2. Drainage

- Has the drainage been considered and installed correctly ? I am concerned how this will impact my land and property being at the bottom and also the neighbouring houses. Has the newly installed drainage been inspected ?

3. Appearance (see photos attached below)

- The appearance of the new rendered wall is not in-keeping with the area or the neighbouring properties at all. It sticks out like a sore thumb and looks completely out of place.
- The proposed plan states '*note: both existing and retaining walls applied with 'K' Rend finish, finished in white*'. Will they be rendering the existing brick wall at the bottom too ? This will look completely out of place.
- Algae has already started to grow and the wall looks messy and untidy (in the space of a few months). The owner will never see this from his property, but from the Pastures, we have to look at this everyday!
- This will have an affect on property value in the area, by adding this type of random and un-sightly wall.
- The neighbouring properties in the Hedgrow have built their retaining walls inside of their boundary and left some space to plant tall trees between the wall and the metal railing, so that the wall is not in view. This should have been the approach taken here to be in-keeping. Tall trees would give the privacy and achieve the natural and in-keeping look.

4. Planning consultation

- I think the properties in The Pastures should also be included in the neighbours informed regarding this matter. In the application only 2 Hedgrow neighbours are listed. The wall is in view from the Pastures and not the Hedgrow.

- The work started around June, it's taken 7 months for this application. Is this type of building work allowed without proper planning approval.

As you can appreciate, I have some serious concerns over this application and have to live in full view of this on a daily basis.

Further Objection – Mr H ismail, 19 The Pastures, Beardwood, Blackburn, BB2 7QR. Received: 08/04/2022.

2020 – before any building work



July 2021:



January 2022:



Further Objection - Mr H ismail, 19 The Pastures, Beardwood, Blackburn, BB2 7QR. Received: 25/04/2022.

I am still not happy with this application to construct the wall on top of the existing wall and then a railing installed on top, this will make it too high and not in-line with the neighbouring properties (no. 6 & 10 and others in the street).

The brick proposed in this application will not match the aged brick on the existing wall and look completely out of place. The wall and railing is too high and not in-line with neighbouring properties.

The neighbouring properties in the Hedgerow have built their retaining walls inside of their boundary and left some space to plant tall trees between the wall and the metal railing, so that the wall is not in view. This should be the recommended approach here to be in-keeping. Tall trees would give the privacy and achieve the natural and in-keeping look.

Objection – Anne & Dave Kirkpatrick, 21 The Pastures, Beardwood, Blackburn, BB2 7QR. Received: 12/01/2022.

We strongly object to the planning application Ref: 10/21/1401. We live adjacent to the development and are writing to ask that Blackburn with Darwen Borough Council refuse this application on the grounds of privacy.

The proposed plans for a raised platform in the rear garden of 8 The Hedgerow will create a vantage point into the habitable rooms and gardens of both ours and our neighbours' properties.

The platform will be a towering eight metres higher than our rear gardens. This will result in a substantial loss of privacy for both us and our neighbours, having a serious impact on our ability to enjoy the peaceful environment of our home and garden. Every time we go out to enjoy our garden, we will be aware that that the applicant could be stood leaning over the railings looking out onto our properties.

The creation of this platform also moves the focus of any entertaining the applicant may conduct from the rear of their house all the way out to the edge of their property, further exacerbating the loss of privacy. The lack of foliage in winter will mean that our privacy will be further compromised. Normally, a tall fence would be used to maintain the privacy of someone's back garden, however, with the platform only having metal railing, and due to the topology of the land, this privacy will be lost.

It can be clearly seen, from a site visit, that the platform will have a commanding outlook over our properties.

The submitted plans do not reflect the original topology when the property was purchased by the current owner. Nor does it reflect the impact on the neighbouring properties.

In accordance with the council's own policies, Balconies, Terraces and Raised Platforms are problematic, therefore this application should be refused.

RES E20: Balconies, Terraces and Raised Platforms

Balconies, terraces and raised platforms will only be permitted where they do not create an unacceptable level of overlooking on surrounding properties.

The proposed finish on the existing wall and retaining wall in white k-render does not represent good design. The current finish is white, and this makes it even more obtrusive, both for the neighbours and the members of the public who regularly use the adjoining public space.

We would also like to highlight safety concerns with the proposal. As the applicant had not sought planning permission before construction, I suspect that no Planning Control has been undertaken.

We would also like to suggest that a survey of the foundations is conducted. The property is on a slope, and I believe the original developer had problems with subsidence during construction.

We invite you to visit our home to verify that these objections are valid

Objection – Mr & Mrs Patel, 6 The Hedgerow, Blackburn. Received: 25/04/2022.

I have received your letter again regarding this planning application and would like to object.

I am not happy with the wall they have made and their new railing being higher than ours, 1.8m, this is too high and will be in view from our house.

The railing should be line with all the other properties in the row. It will look odd and out of place for the area, if this is made higher than the others.

They have already removed the old railings, will they be re-installed? As this weakens our side.

They should be making the wall inside, and leave the existing railing with a gap in middle to plant trees. Same as ourselves and the other neighbours have done when a retaining wall has been made.

Please do not allow this to go ahead.

SUPPLEMENTAL REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/21/1426

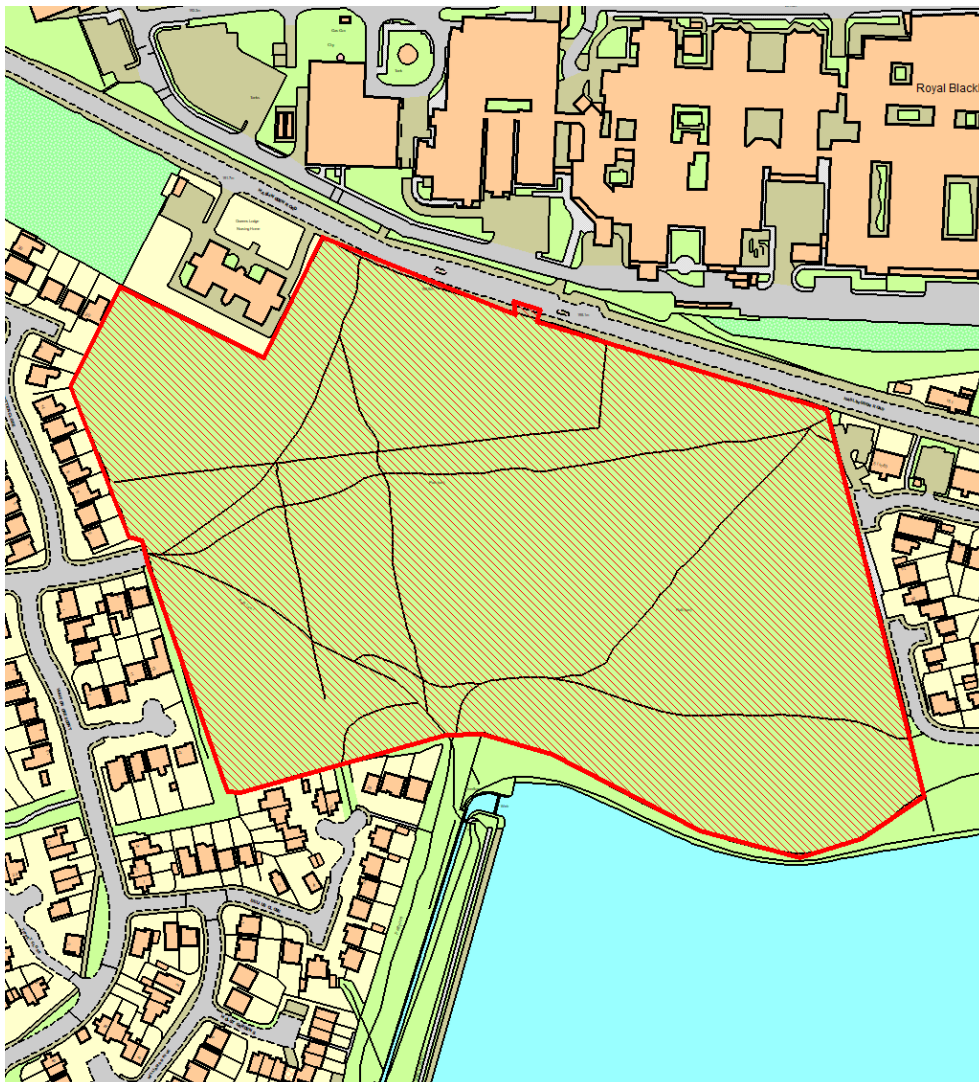
Proposed development: Hybrid planning application comprising - Full permission for the erection of 160 dwellings and 50 affordable, key hospital worker apartments in two blocks together with access roads and landscape treatment (Phase 1); and outline permission for the erection of 100 affordable, key hospital worker apartments in four blocks, with all matters reserved except for access (Phase 2).

Site address:

**Land Bounded by Haslingden Road and Fishmoor Reservoir
Haslingden Road
Blackburn**

Applicant: Keepmoat Homes

**Ward: Blackburn South East Councillor Tony Humphrys
Councillor Vicky McGurk
Councillor James Shorrock**



1.0 SUMMARY OF RECOMMENDATION

- 1.1 APPROVE – Subject to a Section 106 Agreement of £1,219,272, relating to additional secondary school places and highway works towards completion of the South East Major Transport Scheme; and conditions. Full details are set out at paragraph 4.1.**

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 Members resolved to grant planning permission at the 21st April 2022 meeting of the Planning & Highways Committee. Members agreed with the recommendation that the proposal would deliver a high quality housing led development, on a site allocated for such, which widens the choice of family housing in the Borough, in support of the Council's planning strategy for housing growth, as set out in the Core Strategy and Local Plan Part 2. The proposal was also deemed to be satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions and a Section 106 Agreement.
- 2.2 The application has been returned to the Committee in order that a condition can be agreed, in addition to those already agreed, as set out at paragraph 4.1.

3.0 DISCUSSION

- 3.1 Since Committee's resolution to grant planning permission at April's Committee meeting, the formal decision is yet to be issued, pending completion of a Section 111 / 106 Agreement between the Council and the applicant to secure a financial contribution of **£1,219,272**. Since the Committee meeting, dialogue between the LPA, the applicant and United Utilities (UU) has established that the exact location of a water main, owned by UU, and an appropriate easement is yet to be formally agreed. This is contrary to the LPA's understanding at the time of reporting the application to Committee Members.
- 3.2 Since a formal decision notice is yet to be issued, this affords the opportunity to apply the following condition that UU have since recommended, to the full permission element of the subsequent decision – no. 31 in sequence. This is in order to safeguard UU's asset water main from construction activity.

Asset Protection

No development shall commence (including any earthworks) until details of the means of ensuring the water main that is laid within the site boundary is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall include a

survey of the exact location of the water main and outline the potential impacts on the water main from construction activities and the impacts post completion of the development and identify mitigation measures to protect and prevent any damage to the water mains both during construction and post completion of the development. The details shall include a pre and post construction condition survey. Any mitigation measures shall be implemented in full in accordance with the approved details.

Reason: In the interest of public health and to ensure protection of the public water supply, in accordance with Policies 8 and 9 of the Blackburn with Darwen Borough Local Plan Part 2.

- 3.3 Members are advised that the additional condition is both reasonable and necessary, in order to safeguard UU's asset during construction works, and that its imposition does not otherwise affect Committee's resolution to approve the application at the 22nd April 2022 meeting.

3 RECOMMENDATION

4.1 Approve subject to:

- (i) **Delegated authority is given to the Strategic Director of Place to approve planning permission, subject to an agreement under Section 106 of the Town & Country Planning Act 1990, relating to the payment of £1,219,272 including a monitoring fee of 12,072.**

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

- (ii) The following conditions:

Full Permission

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 application received 22nd December 2021 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. The exterior of the buildings hereby approved shall be constructed in strict accordance with the materials specified in the submitted Materials Schedule, received 1st April 2021.

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. The development hereby approved shall be completed in strict accordance with the submitted Material and Boundary Treatment plan, Ref. KMHW.DR.A.3000 Rev J, Boundary Treatment plan, Ref. 4077-BTD and Feature Brick Garden Wall with Piers plan, Ref. 4077-KHNW-FW.

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 commencement of the 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 and to prevent unacceptable levels of water pollution, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

6. Prior to 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. Construction phase of the development hereby approved shall only take place between the hours of 08:00 and 18:00 Monday to Friday, 09:00 to 13:00 on Saturdays and not at all on Sundays or Bank Holidays.

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

9. Construction of the development hereby approved shall be carried out in strict accordance with the submitted Construction Environmental Method Statement, produced by Keepmoat Homes, Ref. 4077/CEMP, dated march 2022. All measures which form part of the approved details shall be adhered to throughout the period of construction.

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.

10. 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.

11. Noise mitigation measures specified in Section 4.0 'Noise Assessment & Mitigation Scheme' (4.4 – 4.12 inc.) of the Hepworth Acoustics Report, No. P21-571-R01v1 (December 2021), shall be implemented in full prior to operational use of the development hereby approved and shall be so retained.

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

12. Prior to commencement of any above ground works hereby approved, and notwithstanding the submitted details, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing provision of an electrical vehicle charging point at each dwelling. The approved scheme shall be implemented prior to first occupation of the development.

REASON: In the interests of air quality management and protection of health, in accordance with Policies 8 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

13. Gas fired domestic heating boilers shall not emit more than 40mgNO_x/kWh.

REASON: In the interests of improving air quality and to protect the health of resident, in accordance with Policy 36 of the Blackburn with Darwen Borough Local Plan Part 2.

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

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

15. Prior to the commencement of any above ground works and notwithstanding the submitted details, 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 shall be in accordance with the hierarchy of drainage options in the national planning practice guidance (or any replacement thereof) and the principles set out in the submitted Flood Risk Assessment and Drainage Strategy

(prepared by Betts Hydro, ref. ER18, October 2019). The drainage schemes shall include:

- (i) A restricted rate of discharge of surface water agreed with the local planning authority;
- (ii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iii) Foul and surface water shall drain on separate systems;
- (iv) Details of how existing surface water flood risk will be managed and mitigated;
- (v) Details of the proposed foul water pumping arrangements; and
- (vi) Details of the attenuation ponds including cross section drawings and volumes.

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 and no surface water shall discharge to the public sewer either directly or indirectly. The approved drainage schemes shall be implemented in full prior to the occupation of the first dwelling, maintained and managed in accordance with the approved details, and retained thereafter for the lifetime of the development.

REASON: To promote sustainable development, to secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policies 9 and 36 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

16. 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.

17. No site clearance or demolition or construction works on site shall be carried out during the bird nesting season (March to August), unless the absence of nesting birds has been confirmed by further survey work or on-site inspections

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

18. Prior to commencement of any site works, an Arboricultural Method Statement, including a Tree Removal Plan as necessary and a Tree, Hedgerow, and Scrub (peripheral to the reservoir) Protection Plan, shall be submitted to and improved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved detail. Specified tree and hedgerow 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.

19. Prior to commencement of any above ground works hereby approved, a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall provide for the following:

- Small mammal / amphibian gaps of 130mm x 130mm in the footing, concrete pad or gravel board of the 1.8m feathered board fencing, notwithstanding the type and position of such referenced at condition no. 4; and
- Bat or bird boxes, or informal hibernacula for common amphibians/reptiles.

The development shall be completed in strict accordance with the approved strategy.

REASON: To provide appropriate mitigation against ecological impacts arising from drainage, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

20. The development hereby approved shall be implemented in strict accordance with the 'Landscape Masterplan' ref. LDS507-04A 1 & 2, Planting Plan 1 of 3 ref. LDS507-01A, Planting Plan 2 of 3 ref. LDS507-02A, and Planting Plan 3 of 3 ref. LDS507-03A, as prepared by Landscape Design Solutions (NW) Ltd, Dec 2021. Planting shall be carried out during the first available planting season following completion of the development, 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 visual amenity and biodiversity, in accordance with Policies 9, 11 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

21. Notwithstanding landscaping details approved under condition no. 20, a planting scheme, including a planting timetable, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail additional provision of suitable marshy grassland seeding to the sloped edges of and aquatic native species within the approved drainage attenuation ponds. Planting shall be carried out in accordance with the approved scheme, and thereafter retained. Planting dying or becoming diseased, removed, or being seriously damaged within five years of planting shall be replaced by species similar to those originally required to be planted.

REASON: To provide appropriate ecological and biodiversity enhancement measures, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

22. Prior to occupation of the development hereby approved, a Landscape and Environmental 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, subject to details approved under condition nos. 20 and 21, and it shall detail a programme of works including scheduled frequencies of weeding and watering as well as monitoring of habitats for a period of 30 years. The strategy shall be implemented in accordance with the approved detail upon completion of the development.

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.

23. Prior to the commencement of the development hereby approved, a comprehensive Habitat Creation / Biodiversity Enhancement Strategy and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be in accordance with the agreed details

REASON: In order to protect ecology and biodiversity in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

24. Prior to the construction of any of the streets, full engineering, drainage, street lighting and constructional details of the streets shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.

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

25. Prior to the occupation of the development hereby approved, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

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

26. Prior to occupation of the development hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the following off-site highway works:

- Localised widening of the defined site access to provide a bellmouth entrance / exit, including a right turn exit lane; and
- provision of a formalised pedestrian crossing point across Haslingden Road.

The approved scheme shall be implemented prior to occupation of the development.

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

REASON: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with

Policies 10 and 11 of the Blackburn with Darwen Borough Local Plan Part 2.

28. Measures contained within the submitted Travel Plan Framework, produced by CBO Transport ref. CBO-0717-006, Issue 2, dated 10/02/2022, shall be implemented upon occupation of the development hereby approved and be so retained unless otherwise agreed in writing by the Local Planning Authority.

REASON: To provide and promote sustainable transport measures and to minimise traffic flow, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

29. Garages hereby approved shall only be used for the purpose of parking domestic vehicles and / or domestic storage. They shall not be externally altered or converted into habitable room space until and unless planning permission has been granted.

REASON: In order to retain sufficient off street parking spaces, in the interests of highway safety and efficiency, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

30. Prior to occupation of the apartments hereby approved, and notwithstanding the submitted details, a refuse storage scheme shall be submitted to provide for the following bin storage for each apartment:

- A store to accommodate at least 3 x 1100 litre bins for non-recyclable waste, plus a further 5 x 1100 bins for glass, cans, plastic recyclables; and
- Adequate storage areas(s) for bulky waste items such as furniture, mattresses etc.

REASON: In order to secure adequate refuse storage for occupants of the apartments, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

31. No development shall commence (including any earthworks) until details of the means of ensuring the water main that is laid within the site boundary is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall include a survey of the exact location of the water main and outline the potential impacts on the water main from construction activities and the impacts post completion of the development and identify mitigation measures to protect and prevent any damage to the water mains both during construction and post completion of the development. The details shall include a pre and post construction condition survey. Any mitigation measures shall be implemented in full in accordance with the approved details.

Reason: In the interest of public health and to ensure protection of the public water supply, in accordance with Policies 8 and 9 of the Blackburn with Darwen Borough Local Plan Part 2.

Outline Permission

32. Details of the appearance, landscaping, layout and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

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

33. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

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

34. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

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

35. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received 5th January 2021 and drawings numbered: *to be added*.

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

36. Prior to commencement of the 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 and to prevent unacceptable levels of water pollution, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

37. Prior to 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.

38. 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.

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

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

40. Prior to commencement of the development hereby approved, and notwithstanding details approved for Phase 1 of the development under condition 9, 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:

- management of construction traffic;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in demolition and construction;
- 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 noise and vibration;
- measures to control the emission of dust; and
- a scheme for recycling / disposing of construction waste. Not included in submitted CEMP

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

41. 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.

42. Noise mitigation measures specified in Section 4.0 'Noise Assessment & Mitigation Scheme' (4.4 – 4.12 inc.) of the Hepworth Acoustics Report, No. P21-571-R01v1 (December 2021), shall be implemented in full prior to operational use of the development hereby approved and shall be so retained.

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

43. Prior to commencement of any above ground works hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing provision of an electrical vehicle charging points for each dwelling. The approved scheme shall be implemented prior to first occupation of the development.

REASON: In the interests of air quality management and protection of health, in accordance with Policies 8 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

44. Gas fired domestic heating boilers shall not emit more than 40mgNO_x/kWh.

REASON: In the interests of improving air quality and to protect the health of resident, in accordance with Policy 36 of the Blackburn with Darwen Borough Local Plan Part 2.

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

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

46. Prior to the commencement of any above ground works and notwithstanding the submitted details, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to an approved in writing by the Local Planning Authority. The drainage schemes shall be in accordance with the hierarchy of drainage options in the national planning practice guidance (or any replacement thereof) and the principles set out in the submitted Flood Risk Assessment and Drainage Strategy (prepared by Betts Hydro, ref. ER18, October 2019). The drainage schemes shall include:

- (i) A restricted rate of discharge of surface water agreed with the local planning authority;
- (ii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iii) Foul and surface water shall drain on separate systems;

- (iv) Details of how existing surface water flood risk will be managed and mitigated;
- (v) Details of the proposed foul water pumping arrangements; and
- (vi) Details of the attenuation ponds including cross section drawings; and volumes thereof.

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 and no surface water shall discharge to the public sewer either directly or indirectly. The approved drainage schemes shall be implemented in full prior to the occupation of the first dwelling, maintained and managed in accordance with the approved details, and retained thereafter for the lifetime of the development.

REASON: To promote sustainable development, to secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policies 9 and 36 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

- 47.** 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.

- 48.** No site clearance or demolition or construction works on site shall be carried out during the bird nesting season (March to August), unless the absence of nesting birds has been confirmed by further survey work or on-site inspections

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

49. Prior to commencement of any site works, an Arboricultural Method Statement, including a Tree Removal Plan as necessary and Tree / Hedgerow Protection Plan, shall be submitted to an improved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved detail. 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.

50. Prior to occupation of the apartments hereby approved, and notwithstanding the submitted details, a refuse storage scheme shall be submitted to provide for the following bin storage for each apartment:

- A store to accommodate at least 3 x 1100 litre bins for non-recyclable waste, plus a further 5 x 1100 bins for glass, cans, plastic recyclables; and
- Adequate storage areas(s) for bulky waste items such as furniture, mattresses etc.

REASON: In order to secure adequate refuse storage for occupants of the apartments, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

5.0 CONTACT OFFICER: Nick Blackledge – [Principal Planner].

6.0 DATE PREPARED: 13th May 2022

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/22/0067

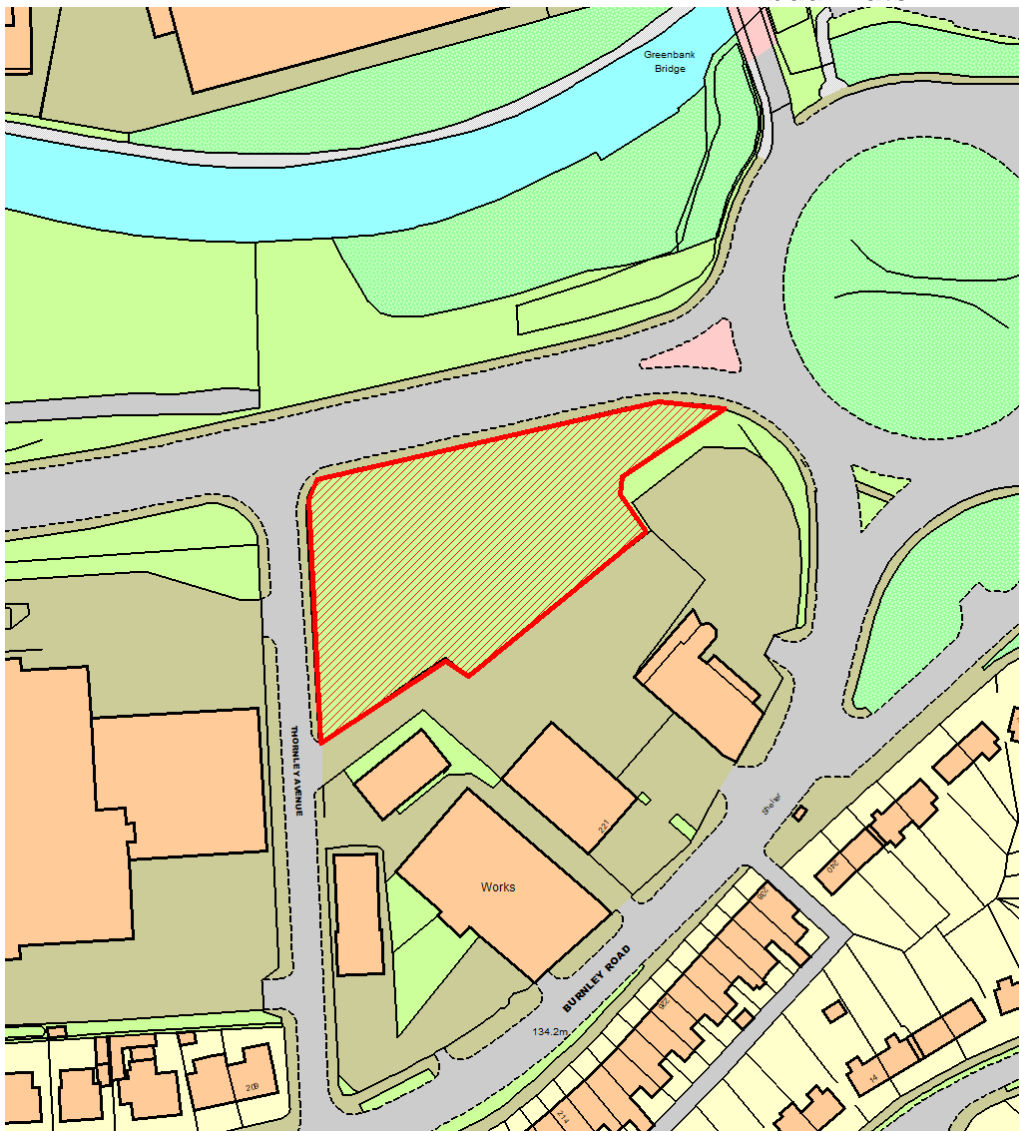
Proposed development: Full Planning Application (Regulation 4) for Construction of industrial units, use class B2, B8, E(g) iii including trade counter

Site address:

**Land on Corner of Carl Fogarty Way and Thornley Avenue
Blackburn**

Applicant: Inceptum2 Management Limited

**Ward: Little Harwood & Whitebirk Councillors: Mustafa Desai
Sonia Khan
Abdul Patel**



1.0 SUMMARY OF RECOMMENDATION

1.1 **APPROVE** subject to the conditions set out within section 4 of this report

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 This application is before the Planning and Highways Committee, in accordance with the Scheme of Delegation, as the proposal falls under Regulation 4 of the Town and Country Planning Regulations 1992

2.2 The proposal accords with the Council's development plan, which supports new commercial developments and associated works within the defined urban boundary, provided they constitute sustainable development and accord with the development plan when taken as a whole.

2.3 The proposal is also satisfactory from a technical point of view, with all issues relative to the assessment having been addressed through the application process, or capable of being controlled or mitigated through appropriately worded planning conditions.

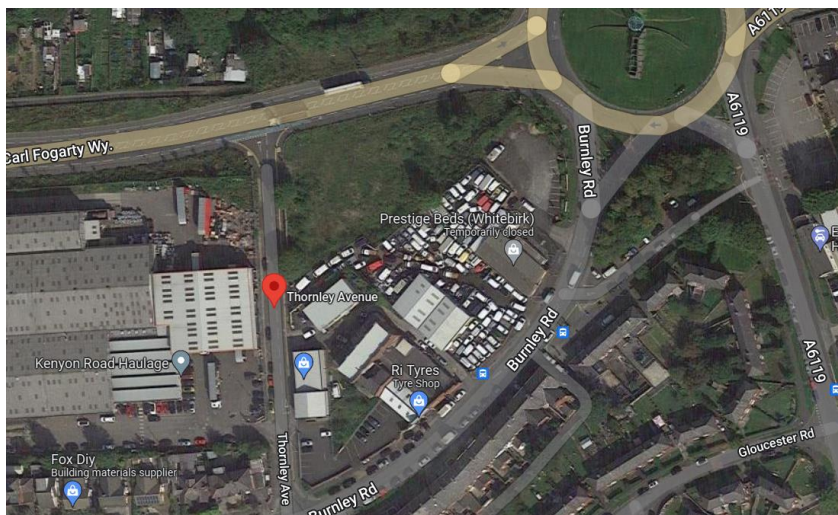
3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site is positioned within the urban boundary in a Primary Employment Area, as defined on the adopted policies map. The site is located to the south of Carl Fogarty Way at the junction of Thornley Avenue. Commercial and industrial uses bound the southern and eastern edge of the site and further to the west.

3.1.2 The site is irregular in shape, with a gross area of 0.32 hectares. Currently free from development, the site is predominantly covered with low grade vegetation. An existing gated vehicular access point links the land to Thornley Avenue.

3.1.3 Satellite image and site photographs:

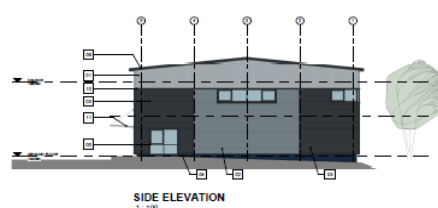
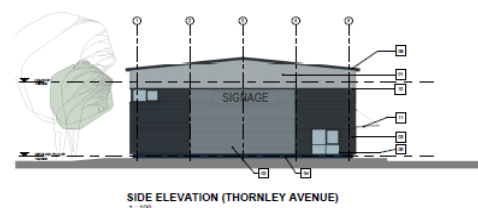
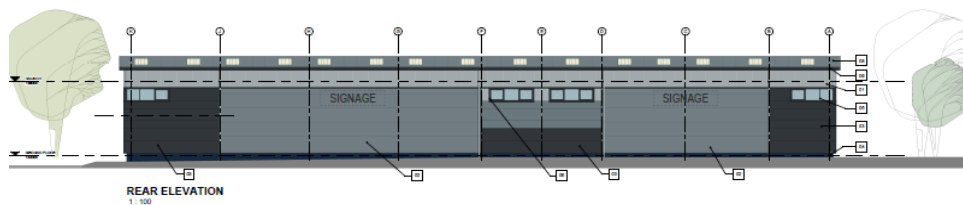
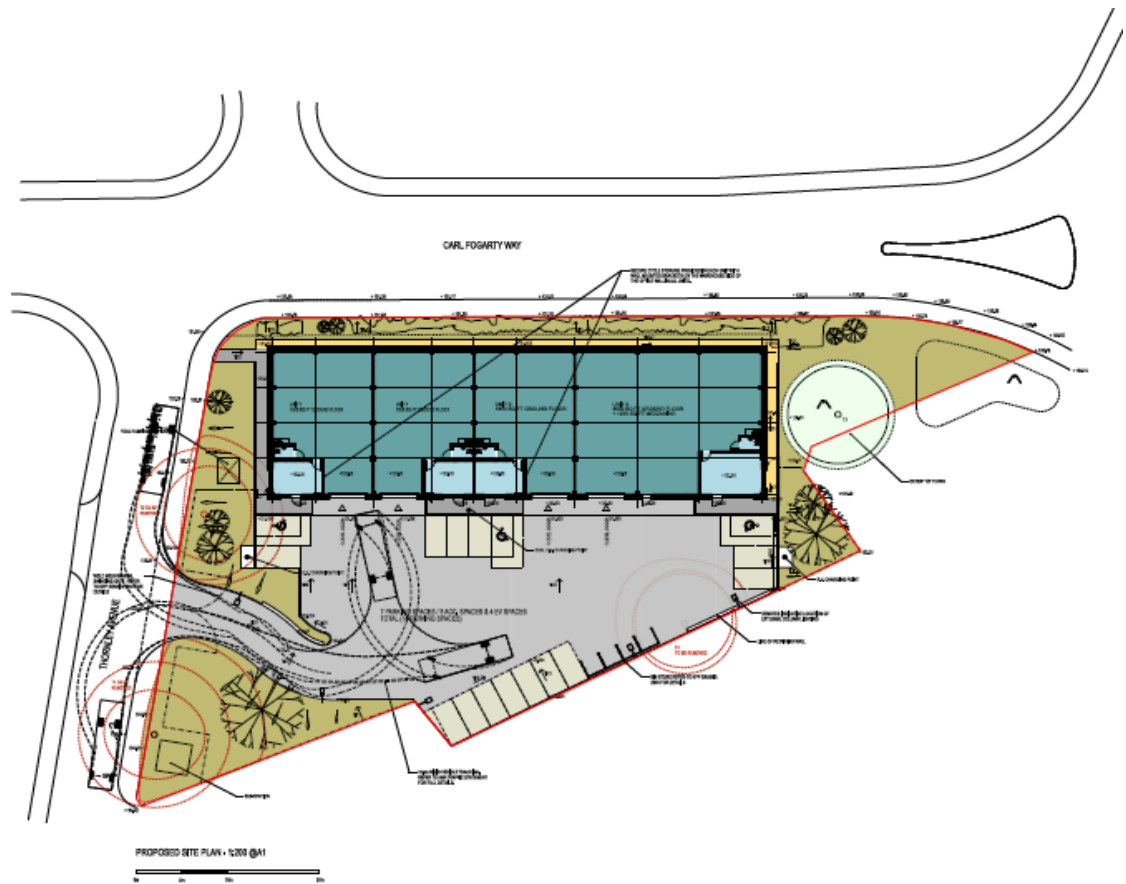




3.2 Proposed Development

- 3.2.1 Full planning approval is sought for the redevelopment of the site to provide for a new two storey building with associated parking, servicing yard and new vehicular access. The new building will accommodate 4no. commercial units with a cumulative floor area of 956m². As a speculative development the proposal seeks a flexible use arrangement supporting use classes B2, B8 and E(g)(iii).
- 3.2.2 The new building measures approximately 55m x 17.5m and is to be constructed with a pitched roof with a maximum ridge height of approximately 8m. The main walling will be a mix of grey coloured composite metal cladding, whilst the roof will be profiled metal roofing sheets. Detailing is to match. The new building will be massed towards the northern edge of the site, effectively shielding the new service yard and parking area from open views from Carl Fogarty Way. The development will be serviced by a replacement vehicular access/egress on to Thornley Avenue, with additional pedestrian links to Carl Fogarty Way. The scheme is complimented by areas of landscaping to the north, west and eastern periphery.

Extract from submitted amended site plan received 29th April 2022:



Extract from submitted proposed elevations drawing received 19th January 2022:

3.3 Development Plan

3.3.1 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.

3.3.2 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;

3.3.3 Core Strategy

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

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

3.4 Other Material Planning Considerations

3.4.1 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 to be of particular relevance to the assessment of the proposal:

- Section 2: Achieving Sustainable Development
- Section 6: Building a Strong, Competitive Economy
- Section 9: Promoting Sustainable Transport
- Section 12: Achieving Well-Designed Places

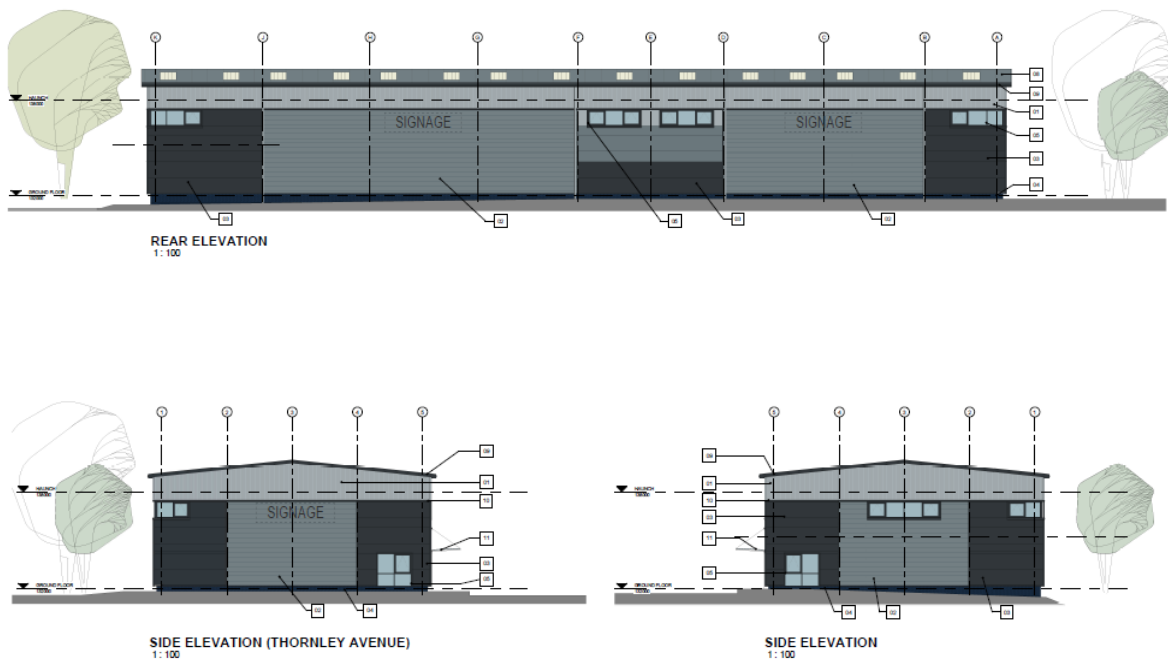
3.5 Assessment

3.5.1 Principle of Development

Policy 1 of the Local Plan and CS1 of the Core Strategy identifies the preferred location for all new development to be within the defined Urban Boundary, which the site is situated within.

- 3.5.2 The site is within a 'Primary Employment Area' as defined on the adopted policies map. Policy 4 indicates in such locations that planning permission will be granted for development falling within use classes B1, B2 and B8, providing there is no conflict with the overall function and developability of the area. Members should note that when allowing for the 2020 amendments to the Use Classes Order, which replaced use class B1 with sections of the newly formed class E(g), the current proposal remains consistent with Policy 4
- 3.5.3 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;
- 3.5.4 Design/Appearance: Policy 11 of the Local Plan is of relevance and requires all new development to present a good standard of design. Development will be expected to demonstrate an 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 immediate setting of the site is characterised by a mix of building styles, building orientation and scale, with few unifying features. The area also has no single prevalent building material with the presence of metal cladding, concrete, brick and render all being noted.
- 3.5.6 The proposal provides for a single commercial building, comprised of 4no. individual units. The building will be massed towards the Carl Fogarty Way frontage, on the northern edge of the site. The new building measures approximately 55m x 17.5m and is to be constructed with a pitched roof with a maximum ridge height of approximately 8m. The main walling will be a mix of grey coloured composite metal cladding, whilst the roof will be profiled metal roofing sheets. Detailing is to match. See images below.





3.5.7 The proposed building is of standard appearance for a modern commercial/industrial premises. The overall scale and massing harmonises with the other large commercial buildings currently adjoining the site and fronting Carl Fogarty Way, aiding assimilation to the area. Furthermore, the use of differing sections of coloured metal cladding serves to help break up its mass and add visual interest. The overall approach is complimented by landscaping to the site's periphery, which helps to soften the impact of the development on the wider street scene.

3.5.8 Subject to the suggested landscaping and materials conditions set out within section 4 of this report, the proposals are considered to comply with the requirements of Local Plan policy 11 and Core Strategy policy CS16

3.5.9 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.

3.5.10 The proposed development provides for warehousing and industrial uses that are consistent with the uses surrounding the site. The closest sensitive uses are the residential premises along Burnley Road, in excess of 100m from the new building.

3.5.11 The Council's Head of Public Protection requested the need for a residential noise amenity impact assessment if the applicant intended to operate between 21:00hrs and 07:00hrs. The applicant has advised that they would be willing to accept a planning condition limiting hours of operation to prevent night time operations in line with those hours. Subsequently, no objection is offered by Public Protection in relation to amenity loss.

3.5.12 The application is supported by a comprehensive land contamination desk study and ground investigation report, which has been reviewed by Public

Protection. The Phase 1 desk study report concludes further intrusive investigation is required based on the presence of made ground on site, and potentially, significant off site sources of ground gas. In particular, it identifies the presence of an historical landfill 63m north of the site, although it is not named in the report. With regards to ground contamination assuming the end-use of the site remains commercial-industrial, the results suggest it does not require any remediation for ground contamination. The reports remain under review and this matter will be further addressed within the update report, as the contamination land officer recommends additional gas monitoring is required, thereby the standard contamination land conditions should be imposed.

3.5.13 Limited construction hours of between 08:00 - 18:00 hours Monday to Friday and 09:00 - 13:00 on Saturdays will also be secured by condition, to guard against excessive disturbance during construction phase of the development.

3.5.14 Subject to the conditions within section 4 of this report and the continued appraisal of the land contamination submission, the proposal is considered to appropriately safeguard public amenity, in accordance with Local Plan policy 8 and the Framework.

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

3.5.16 Ecology:

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The application is supported by a preliminary ecological survey, comprising a data search and desk study, allied to botanical and notable species site surveys.

3.5.17 The suite of ecological reports have been peer reviewed by the Council's ecological consultee, GMEU. In summary, they advise that the development site does not contain any statutory and non-statutory designated sites. It is formed primarily of coarse neutral grassland, a medium value habitat in poor condition, and previously disturbed land.

3.5.18 Whilst the majority of nesting habitat was cleared in early 2021, between the first and second site visits by the ecological consultant, a small number were retained which are now proposed for removal. The Council's tree officer has indicated that those trees being lost are self-seeded and of low value. Furthermore, they are adequately compensated within the submitted landscaping proposals. It is necessary, however, to impose a condition ensuring no tree removal during the bird nesting season unless an absence of nesting birds has been established immediately prior to clearance by a suitably qualified ecologist.

3.5.19 No evidence of any protected species was found, the site being extremely unlikely to be utilised by any such species owing to a lack of suitable habitat and separation from any high value habitats by major roads and urban

development. As such, no further information or measures are required in this regard.

3.5.20 The consultants have calculated utilising the biodiversity metric v3 that there will be a loss of 0.84 biodiversity units, with the upgrading and maintenance of the new habitats within landscaped areas provided as mitigation and compensation. Subject to the suggested conditions within section 4 of this report, compliance with the relevant ecological elements of Local Plan policy 9 and the Framework are achieved.

3.5.21 Flood Risk / Drainage:

The application is supplemented by a flood risk assessment and drainage strategy. The documents advise that the site is within flood zone 2 and is at a very low risk of fluvial flooding and very low risk of pluvial flooding. The report also advises;

- The existing site contains three number flood balancing pipes, whereby the more recent construction of Carl Fogarty Way has isolated the low lying areas of the site and these features provide a pathway from the site for potential flood waters or overland flow. One of these is to be removed and capped where in conflict with the proposed development, with two to be retained.
- The proposed finished floor level of the new commercial units will be set at 132.00m; which is well above in terms of freeboard compared to the critical 1 in 100-year events.
- Due to the main access being at the high end of site (to the west) at an approximate level of 133.67m AOD. It is unlikely that an extreme event will be able to adversely affect this access/egress from site in the scenario of a flood evacuation. The existing depression to be retained in part to the low end of the site (to the east) will have to fill up in the first instance, so a rapid onset flood adversely effecting an evacuation is unlikely.
- Surface water flows from the development will discharge via a new connection to the existing surface water sewer in Thornley Avenue at 5l/s. The Sewer ultimately discharges into the Leeds/Liverpool canal 50m to the North.
- Attenuation stored on site up to the 1 in 100 year + 30% climate change event.
- Foul water is to be treated by a package treatment plant on site before discharging to the surface water sewer by means of a combined lateral along with surface water flows.

3.5.22 The Environment Agency and Lead Local Flood Authority have offered no objection to the proposals, though the latter has requested a pre-commencement condition requiring a surface water drainage scheme be submitted for approval – and consent to discharge to the public sewer be obtained from United Utilities.

3.5.23 United Utilities have also offered no objection to the scheme, subject to a condition requiring;

Prior to the commencement of development, 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). In the event of surface water discharging to the public surface water sewer, the rate of discharge shall be restricted to 5 l/s;*
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;*
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and*
- (v) Foul and surface water shall drain on separate systems.*

3.5.24 The applicant has sought to offset the need for the suggested conditions by submitting further details and an updated drainage strategy at the pre-determination stage. Consultee responses to the latest submission will be presented via the update report.

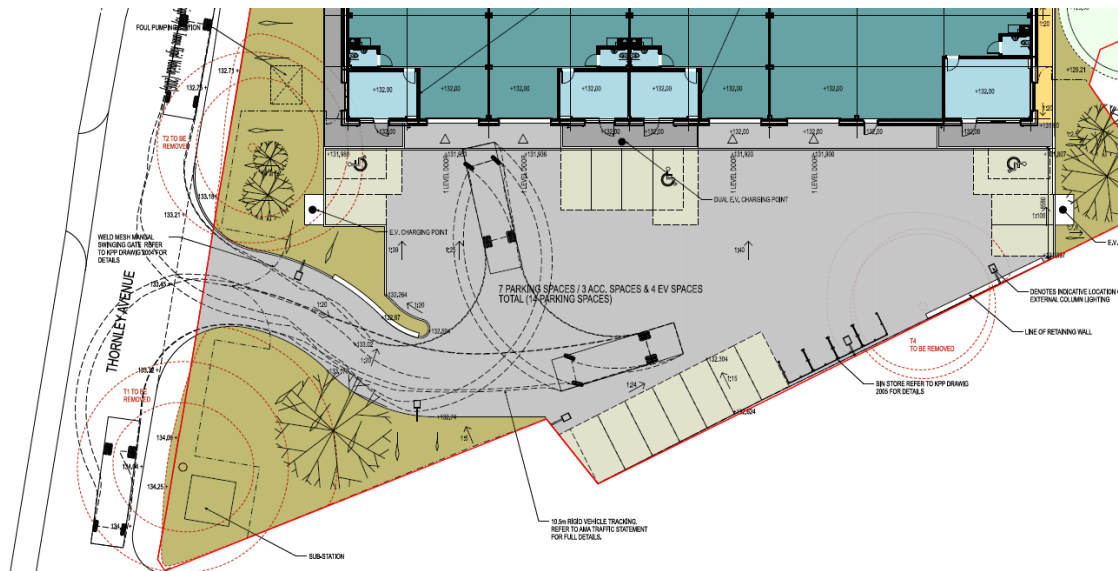
3.5.25 Notwithstanding the above position, the proposal is identified as not being at an unacceptable risk of flooding, nor likely to affect the yield or quality of groundwater or surface water resources. On that basis the proposal is compliant with the relevant elements of Local Plan Policy 9

3.5.26 Highways: 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. The Framework also provides a focus on the promotion of sustainable transport and emphasises that an early assessment of potential impacts on the transport network should be conducted so that mitigation can be considered and opportunities to promote walking, cycling and public transport can be fully explored.

3.5.27 The initial application was supplemented by a transport statement and detailed site layout drawing. The statement advises that the site is located in a sustainable location with a range of facilities and services within a 2km catchment. Further, the site is located close to bus services. These factors are supported by low traffic generation, predicted at around 10 trips during both morning and evening peak hours.

3.5.28 The Council's highway team reviewed the initial submission and raised some concerns with the parking provision, which was limited to 13 spaces. The concern being based on the speculative nature of the application, and the

need to attach the higher parking standard for office uses, in order to consider the worse case scenario with the future use of the site. However, clarification that the proposed uses do not extend to stand alone office use, but ancillary elements is sufficient to allow assessment on the basis of a B2 function. Based on a parking standard of 1 space per 60m² the development generates a need for 16 spaces. The amended site layout received 29th April 2022 now provides for 16 spaces and compliance with parking standards is achieved, with some additional capacity for overspill parking within the site. See image below.



3.5.29 Further comments regarding the size of the servicing yard, pedestrian routes and details of the mechanism for gate access have also been raised and partially addressed through the receipt of the amended layout drawing and the accompanying statement. However, highway colleagues have requested a condition be imposed to;

- Set the access gate one car length in from Thornley Avenue frontage
- Provide for additional safe connected routes for pedestrians from all directions
- Requirement for PTW parking area within car park

3.5.30 Off-site highway works:

In line with Councils emerging local plan policies, a series of infrastructure interventions to support development proposals in the Borough have been identified. This document makes reference to the roundabout at Carl Fogarty Way/Burnley Road requiring enhancements for traffic and also further improvements to aid walking and cycling. Therefore, a contribution through a s111 legal agreement under the 1972 Local Government Act of £12,000, is requested to help deliver these measures. This is because the application site is Council owned, and as such S106 Agreements would not apply.

3.5.31 Subject to the suggested layout condition, a construction methods condition and the off-site highway works contribution, the proposal is considered to

accord with the requirements of Local Plan policy 10, Core Strategy policy CS22 and the Framework

4.0 RECOMMENDATION

4.1 Approve subject to;

(i) Delegated authority is given to the Strategic Director of Place to approve planning permission, subject to an agreement under Section 111 of the Local Government Act 1972, relating to the payment of £12,000 towards off-site highway improvements; Payments are to be made prior to commencement of development, and

(ii) 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 proposals as detailed on drawings:

Amended Site Plan, 2297_2001 revision A, received 29th April 2022
Proposed Elevations, 2297_2003, received 19th January 2022
Landscape Plan, PWP.579.001 revision 02, received 19th January 2022
Fencing and Gates, 2297_2004, received 19th January 2022
Bin Store, 2027_2005, received 19th January 2022.

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

3. The exterior of the dwellings hereby approved shall be constructed in accordance with the material schedule detailed on drawing no. 2297_2003, received 19th January 2022.

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. The development hereby approved shall be implemented in strict accordance with the landscaping scheme detailed on drawing PWP.579.001 revision 02, received 19th January 2022.

Trees and shrubs shall be planted on the site in accordance with the approved details 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 Policies 9, 11 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

5. 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.

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) measures to control the emission of dust and dirt during construction
 - VII) a scheme for recycling/disposing of waste resulting from demolition and construction works

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 8 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

7. The removal of vegetation from the site shall be conducted outside the bird nesting season (March to August) or within 48 hours of a suitably qualified ecologist having confirmed the absence of any nests. If present, any nests must be protected from works until they are no longer in use.

REASON: To safeguard biodiversity interests, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

8. The use of the premises hereby approved shall be limited to between the hours 07:00 to 21:00, daily.

REASON: To ensure that noise from the development does not give rise to a loss of residential amenity to neighbouring residents, in accordance with Policy 8 of the Blackburn with Darwen Local Plan Part 2.

9. Notwithstanding the submitted details, no development shall occur until a revised site layout drawing has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the following;

- Provision of PTW parking
- Relocation of pedestrian access route within the north west corner of the site
- Relocation of vehicular access gate a minimum of one car length in to the site.

The development shall be in accordance with the agreed details and thereafter retained.

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

10. The construction of the development hereby permitted shall only take place between the hours of 07:30 and 18:00 Monday to Friday, 07:30 to 13:00 on Saturdays and not at all on Sundays or Bank Holidays.

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

5.0 PLANNING HISTORY

10/88/2077 – Erection of showroom and new perimeter fence.

6.0 CONSULTATIONS

Public Consultation: 22 neighbouring premises have been consulted individually by letter and a site notice displayed. The public consultation was repeated following receipt of amended details 29th April 2022. One public representation has been received (see section 9).

Highways: No objection following the receipt of amended details 29th April 2022, subject to the use of conditions relating to; construction methods and revised site layout (pedestrian access, PTW parking and relocation of vehicular access gate)

Public Protection: Initial request for a pre-determination residential noise amenity impact assessment, should the development operate between 9pm

and 7am. Confirmation of operating hours outside of that range received from agent and thus request for pre-determination assessment removed.

No objection subject to standard conditions relating to; land contamination, construction hours.

The following reports were submitted with this application:

Phase 1 Detailed Desk Study. Envirotec Site Service Ltd. Ref ESS/BRP4/P1DS. 1/5/19

Blackburn with Darwen Borough Council. Furthergate Plot 4, Blackburn, BB1 3HJ. Ground Investigation Report. Ian Farmer Associates Ltd. Contract 42354B

Phase 1 Desk Study

The Phase 1 concludes further intrusive investigation is required based on the presence of made ground on site and, potentially, significant off site sources of ground gas. In particular it identifies the presence of an historical landfill 63m north of the site, although this is not named in the report. Our records indicate this landfill is known as Greenbank Industrial Estate (K1/10/050) and relatively recent gas monitoring in this area has suggested it is actively gassing. As such I would agree with the conclusions of the report that the site is at high risk from ground gas and requires an appropriate period of gas monitoring. However the report does not go on to recommend gas monitoring periods. We would always encourage applicants to submit a phase 1 and agree a gas monitoring regime prior to commencement wherever possible.

Phase 2 Ground Investigation

Groundwater

Please consult the EA for their comments on these results.

Ground Contamination

Assuming the end-use of the site remains commercial-industrial, these results suggest it does not require any remediation for ground contamination.

Ground Gas

Six ground gas monitoring visits were made over a period of 2 months. It is not clear why this number of gas monitoring readings were taken over this period but it provides a good initial indication of the local gas regime. I'm in agreement with the conclusions of the report that the site is Characteristic Situation 3, based on

readings to date. This is a relatively significant gas regime, however it is possible to design appropriate protection in commercial-industrial buildings. Since the gas monitoring to date suggests the local gas regime is a high risk, I would expect more gas monitoring to be carried out before final gas protection is designed for the end use. Commercial properties in the area, directly on top of the Greenbank Industrial Estate Landfill, have been designed with active gas monitoring and alarms. Using Table 5.5 of CIRIA 635 for a commercial end-use and high gas generation location, at least 12 visits should be carried out over 6 months. This would require an additional 6 visits over 4 months including readings taken at low and falling atmospheric pressure to fully characterise the site. The highest gas concentrations were found in WS06 which is in keeping with the adjacent landfill being the gas source and monitoring should be targeted appropriately.

- Given the limited gas monitoring carried out and aggressive gas regime measured, please forward proposals for additional gas monitoring according to the gas generational potential of the site and appropriate end use.

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. Those providing expert advice to developers should be aware of the future reliance that may be placed on it

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.

Yours faithfully,

David Johnson
Environmental Protection Officer
Pollution Control

The EA has raised no objections to the proposed development see comments below. With regards to the additional gas monitoring, the standard pre-commencement condition should be imposed.

United Utilities: No objection, subject to conditions relating to surface water drainage strategy and details of future management and maintenance to be agreed. Comment on updated drainage submission received 29th April 2022 is pending, and will be reported in the update report.

Local Drainage: No objection subject to a surface water drainage scheme be submitted for approval – and consent to discharge to the public sewer be obtained from United Utilities

Environment Agency: No objection to the development as proposed. Although the site falls within flood zone 2, the proposal is identified as being ‘lower risk’ and no bespoke response is offered, instead referral to standing advice.

The submitted land contamination ground investigation report identifies no contamination in the soils that exceed specified limits for an industrial end use of the site. Therefore, agreement that the “secondary B aquifer and the canal are both adequately protected and development can proceed as proposed”.

GMEU (Ecology): The development site consists primarily of coarse neutral grassland, a medium value habitat in poor condition and previously disturbed land. No evidence of any protected species was found, the site being extremely unlikely to be utilised by any such species owing to a lack of suitable habitat and separation from high value habitats by major roads and urban development.

Arboricultural Officer: The site contains 3 trees that are to be removed to facilitate the development. The trees are self-seeded and of low to moderate quality. Adequate mitigation for their loss is set out within the submitted landscaping proposals. No objection.

Environmental Services (Cleansing): No objection

7.0 CONTACT OFFICER: Martin Kenny, Principal Planner

8.0 DATE PREPARED: 12th May 2022

9.0 SUMMARY OF REPRESENTATIONS

Alan Hill, 205 Burnley Road, Blackburn (comment) – received 11th March 2022:

If the access to this proposed development is directly from Carl Fogarty Way then that will slow down traffic and encourage even more motorists to use Burnley Road as a rat run.

Often drivers are doing speeds of 40 mph or more.

Last July we were asked for our opinions regarding solutions to current parking problems and proposed traffic calming measures. What happened to that survey? What was the outcome? Do you intend to tackle the problems.

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/22/0223

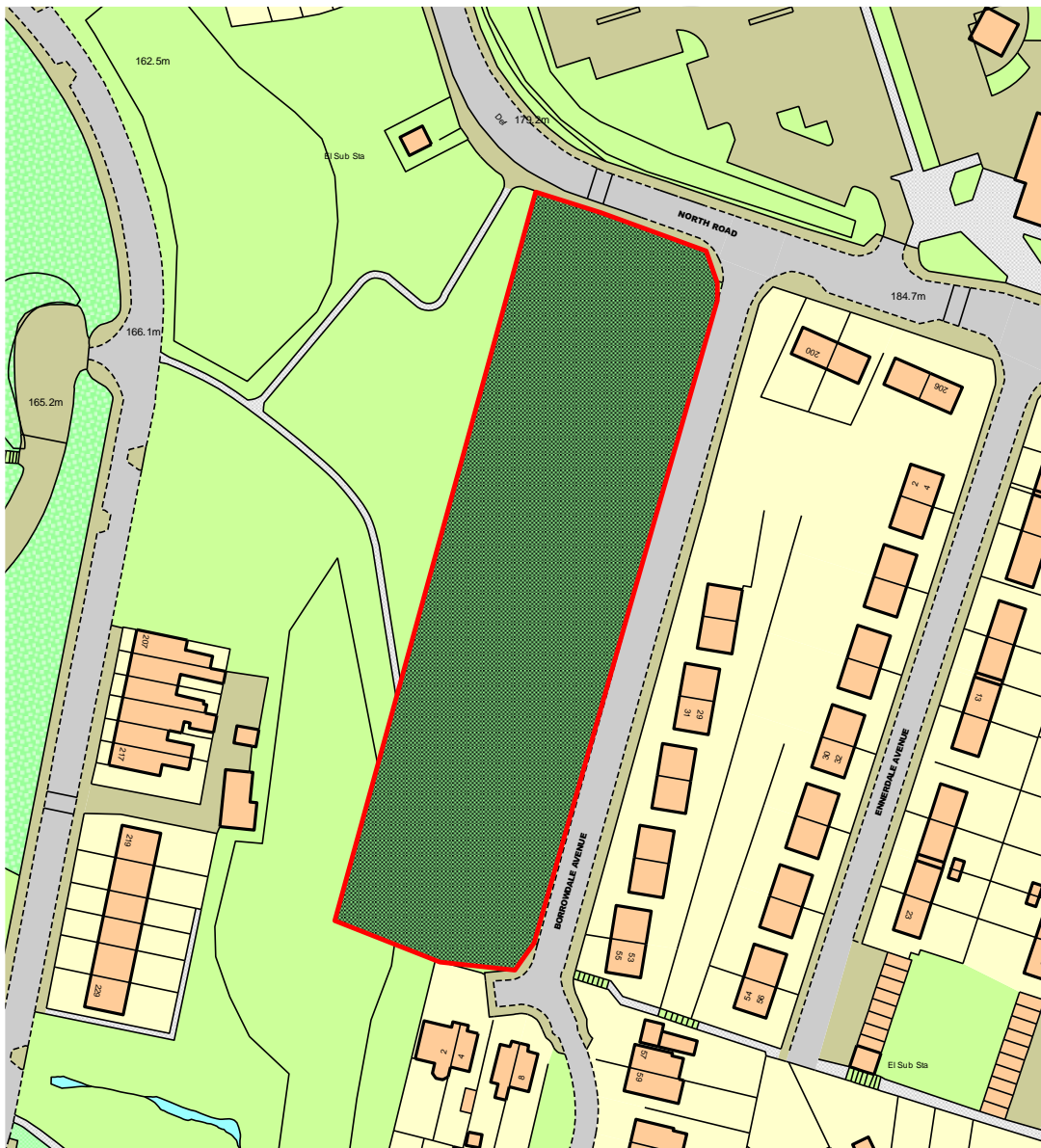
Proposed development: Erection of 13 no. bungalows

Site address: Land at Borrowdale Avenue, Blackburn, BB1 1PZ

Applicant: Cawder Construction

**Wards: Audley & Queens Park
Blackburn South East**

**Councillor Altaf Patel
Councillor Ehsan Raja
Councillor Salim Sidat
Councillor Tony Humphrys
Councillor Jim Shorrock
Councillor Vicky McGurk**



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

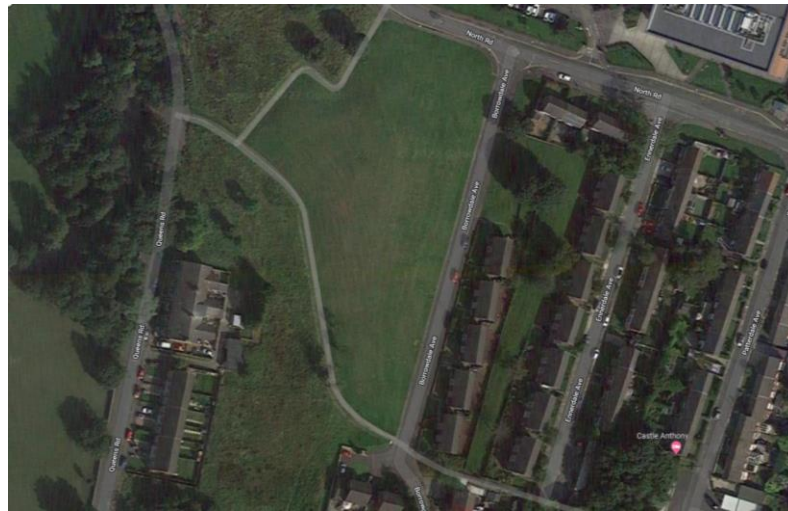
- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Council's scheme of delegation, and given that the site is within Council ownership. A number of public objections have also been received. The objections raised principally concern losses of public open space, the potential for residential amenity impacts to occur and existing problems regarding congestion locally. Concerns in the way of the house types proposed, surface water flooding, potential impacts on wildlife and ground contamination have also been cited in the comments made. A summary of the public comments made is detailed below in Section 7.13.
- 2.2 The proposed development has been publicised through letters to residents and occupants of the nearest 56 adjacent properties, on 16th March 2022. A site notice was also displayed outside of the site, on 11th April 2022.
- 2.3 The Council's development plan supports new residential development and associated works, provided they constitute sustainable development and accord with the development plan when taken as a whole.
- 2.4 The proposals would deliver 13 two-bedroom bungalows within a sustainable location for new housing development. Vehicle access would be gained directly from Borrowdale Avenue with double driveways and garden areas allocated for each dwelling. Land to the west of the dwellings would also remain undeveloped and retained as public open space.
- 2.5 On balance, the proposals would be satisfactory from a technical point of view, with all issues having been addressed during the course of 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 of development
 - Assessing impacts on the Green Infrastructure allocation
 - Ensuring the design, layout and appearance of the dwellings is acceptable
 - Safeguarded the residential amenities of the immediate neighbours
 - Ensuring adverse impacts on the local highway network are avoided
 - Ensuring adequate parking provision is made
 - Finalising the drainage systems to be installed
 - Assessing the potential for ground instabilities and contamination
 - Ensuring ecological net gains are provided on site
 - Minimising the impacts of the development on air quality

3.0 RATIONALE

3.1 Site and Surroundings

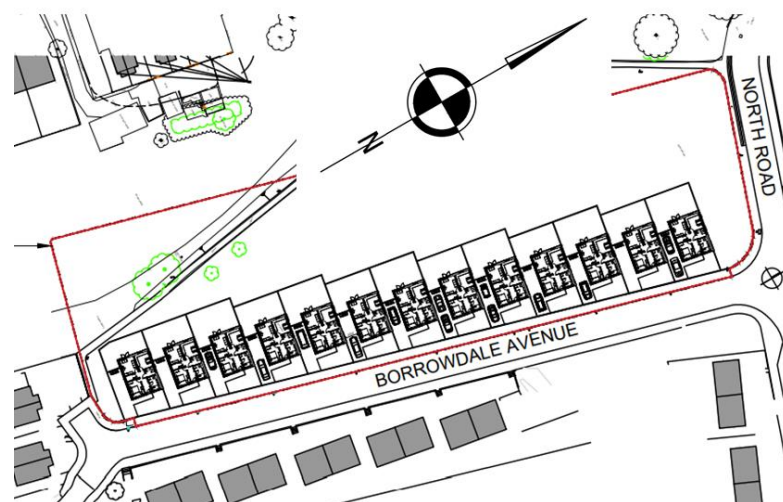
3.1.1 The application site is a plot of undeveloped land located within the defined urban boundary of Blackburn and the Queen's Park area Green Infrastructure allocation. The wider site covers circa an area of circa 2 acres with less than half of the land area proposed for development. Grass currently covers the site and it is interspersed with a small number of amenity trees. A footpath currently spans the south portion, which connects Borrowdale Avenue with Queens Road to the west, and beyond.

Figure One – Satellite image of the site



3.1.2 Relatively modern two-storey dwellings are positioned immediately to the south and east with dwellings of varying styles positioned further afield on Queens Road. More of the Green Infrastructure allocation is positioned immediately to the west with North Road defining the north boundary. A college is positioned beyond to the north.

Figure Two – Location Plan showing the general extent of the site



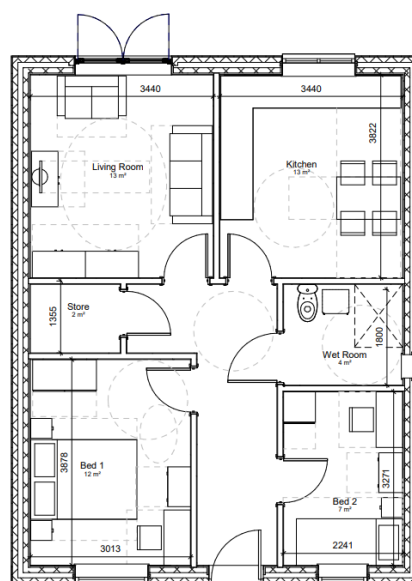
3.1.3 As detailed above, this planning application involves the erection of 13 two-bedroom dwellings. The dwellings would be affordable bungalows and the supporting information states that the accommodation will be provisioned for older people. Each dwelling would be afforded a double driveway, garden areas to the front and rear and bin storage areas at the top of the driveway, as shown below in Figure Three.

Figure Three – Proposed Layout for Plots 1-3



3.1.4 Each dwelling would have a footprint of circa 76 square meters and dual-pitched roofs up to 4.5m in height. The properties would have one double bedroom and one single bedroom together with kitchen areas, living areas and a wet room/shower room.

Figure Four – Proposed Floor Plan



Ground Floor Level
1 : 50

3.1.5 The dwellings would be constructed in a modern style with a varied palette of materials applied to their elevations. Bricks would be externally applied alongside white and grey painted render. Dark grey interlocking tiles would be used as the roofing materials. Any doors and windows installed would have white uPVC frames with a composite front door installed. Tarmac would be used to surface the proposed driveways with dark grey concrete paving slabs used for the footways.

Figure Five – Proposed Elevation Plans



3.2 Case Officer Site Photos



3.3 Development Plan

3.3.1 Core Strategy Part 1 (2011):

- Policy CS5: Locations for New Housing
- Policy CS7: Types of Housing

- Policy CS8: Affordable Housing Requirements

3.3.2 Local Plan Part 2 (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 12: Developer Contributions
- Policy 18: Housing Mix
- Policy 36: Climate Change
- Policy 38: Green Infrastructure
- Policy 40: Integrating Green Infrastructure with New Developments

3.3.3 Residential Design Guide Supplementary Planning Document (SPD) (2012)

3.3.4 Blackburn with Darwen Parking Standards (2014)

4.0 **ASSESSMENT**

4.1 Principle of Development

4.1.1 Within the development plan, there are general requirements to ensure new housing development is proposed in sustainable locations, and in accordance with market conditions. Policy 1 identifies the preferred location for all new development to be within the defined urban areas of Blackburn and Darwen. With specific reference to housing, those requirements are reinforced by Policy CS5 and the site benefits from such a location.

4.1.2 Moreover, services, facilities and regular public transport links are all within walking distance and the site is in a sustainable location for new housing development, thereby complying with the relevant requirements of Policies CS5 and 1.

4.1.3 Policy CS7 encourages the development of a full range of new housing in order to widen the choice available in the local market. An emphasis is placed on family housing yet meeting the needs of people on low incomes is also prioritised, which includes the target occupants for these dwellings. Policy CS8 requires all new residential development to contribute towards the identified need for affordable housing. Moreover, Policy 18 is generally supportive of proposals which provide affordable housing, including housing for older people.

4.1.4 Developments of 10 or more units consisting entirely of affordable housing are only acceptable in policy terms in exceptional circumstances. Older people's accommodation is to be provided as a stand-alone development and Policy 18 specially allows for such forms of residential units. The proposed development

is therefore acceptable in principle, in accordance with the relevant requirements of Policies CS5, CS7, CS8 and 18.

4.1.5 Specific concerns have been raised in public comments regarding the type of housing proposed yet it would ultimately be down to the site managers to ensure any prospective tenants are vetted, and potentially antisocial behaviour is minimised.

4.1.6 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 Green Infrastructure (GI)

4.2.1 As detailed above, the site is positioned within the Queen's Park area GI allocation. Policy 38 states that the Council's overall objective in relation to GI is to develop a more connected network of open spaces. Those requirements are reinforced with a number of specific requirements that are detailed as part of Policy 40.

4.2.2 When assessing development proposals that involve the partial loss of land identified as GI, the relevant requirements of Policy 9 must also be taken into account, which include the following obligations;

- i) The development can be accommodated without the loss of the function of the open space;
- ii) The impact can be mitigated or compensated for through the direct provision of new or improved green infrastructure elsewhere, or through the provision of a financial contribution to enable this to occur, or;
- iii) The need for or benefits arising from the development demonstrably outweigh the harm caused, and the harm has been mitigated or compensated for so far as is reasonable.

4.2.3 When assessing impacts on the function of the GI allocation, its extensive size must be taken into account. Concerns have been raised in public comments regarding the partial loss of open space and the potential loss of a footway. However, the individual allocation includes swathes of land that surround Queens Park and these development proposals would only occupy a small part of it. Moreover, as is shown above in Figure Three, the footway that connects Borrowdale Avenue with Queens Road to the west would not be effected in any way. The overall function of the GI allocation would therefore be acceptably preserved, in accordance with requirement i).

4.2.4 In relation to requirement ii), a condition is recommended to agree the scope of a supplementary landscaping scheme for the entire site, including the remaining land to the west of the dwellings. Although the condition is primarily recommended to provide ecological enhancement measures in order to secure biological net gains, which is covered in a greater level of detail in subsequent

sections of this report, its outcome would also assist with the relevant requirements of obligation ii).

4.2.5 Moreover, a financial contribution of £18,000 has been agreed by the developer, which will be secured via a Section 111 Agreement under the 1972 Local Government Act. This is because the application site is Council owned, and as such, Section 106 Agreement would not apply. Those requirements are covered in a greater level of detail in subsequent sections of this report. Although the figure proposed is marginally below that requested by BwD Strategic Planning, the amount is deemed to be acceptable in the broader context of these affordable housing proposals. When those factors are considered collectively, the proposed development would be acceptable in relation to GI, in accordance with Policies 12, 38 and 40, together with the relevant requirements of Policy 9.

4.3 Design and Visual Amenity

4.3.1 The site is positioned within an urban area that has a relatively varied streetscene. That said, the dwellings along Borrowdale Avenue are broadly consistent in their style and any development proposals at this site must visually correlate with those buildings to a certain extent. In general terms, Policy 11 requires all development proposals to represent a good standard of design through demonstrating an understanding of the site's wider context and making a positive contribution to visual amenity. With regards to residential developments, those requirements are reiterated by the guidance contained within the Residential Design Guide SPD. The style and form of architecture must be influenced by the surroundings with designs complementing existing architectural features in the locality.

4.4 The surrounding dwellings are predominantly arranged in linear formations with their frontages facing towards their respective service roads. The layout shown on the submitted plans would broadly align with the urban grain of the surrounding area. In addition, the garden areas proposed are of an acceptable layout and proportion when related to the size of the host dwelling.

4.5 In relation to building heights, the Residential Design Guide SPD states that the building heights of new residential developments must relate to the form and proportion of the surrounding buildings and reflect the relative importance of the street. The surrounding buildings are two-stories in height and bungalows are proposed here. In such circumstances, the Residential Design Guide SPD does allow for a variation in heights in certain circumstances where this serves a purpose in the overall development concept.

4.6 When the fact that the proposed dwellings would be occupied by older people is considered alongside the relatively varied streetscene of the locality, the proposed bungalows would be acceptable in visual design terms. A minimal amount of openings are proposed for the side elevations yet their overall architectural style is acceptable given their affordable nature. The proposals are thus appropriate with reference to aspect, form and scale.

4.6.1 External construction materials are proposed that would appropriately harmonise with those of the adjacent dwellings on Borrowdale Avenue. A condition is recommended to control the quality and finish of those materials in order to ensure a satisfactory form of development is achieved. In addition, a condition is recommended to agree the scope of a hard and soft landscaping scheme in order to ensure the development positively integrates with its surroundings. A further condition is recommended to prevent certain forms of development being implemented under the provisions of permitted development. Such a condition is necessary in order to safeguard the character of the proposed dwellings alongside that of the wider locality generally.

4.6.2 Subject to compliance with those conditions, the proposed development would be acceptable in relation to design and visual amenity, in accordance with Policy 11 and the guidance of the Design SPD.

4.7 Residential Amenity

4.7.1 As detailed above, dwellings immediately surround to two sides and safeguarding the amenities of those neighbours is an important planning consideration. 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.

4.7.2 Impacts in the way of noise, vibration, odour, light, dust, other pollution or nuisance, privacy/overlooking, and the relationship between buildings are all material considerations within Policy 8. In addition, the Design SPD details a number of standards and minimum separation distances to prevent any adverse impacts in that respect. Concerns have been raised in public comments given the potential for disruptions during the construction phase, losses of outlook and impacts on private views. It should be initially noted that losses of private views are not material planning considerations.

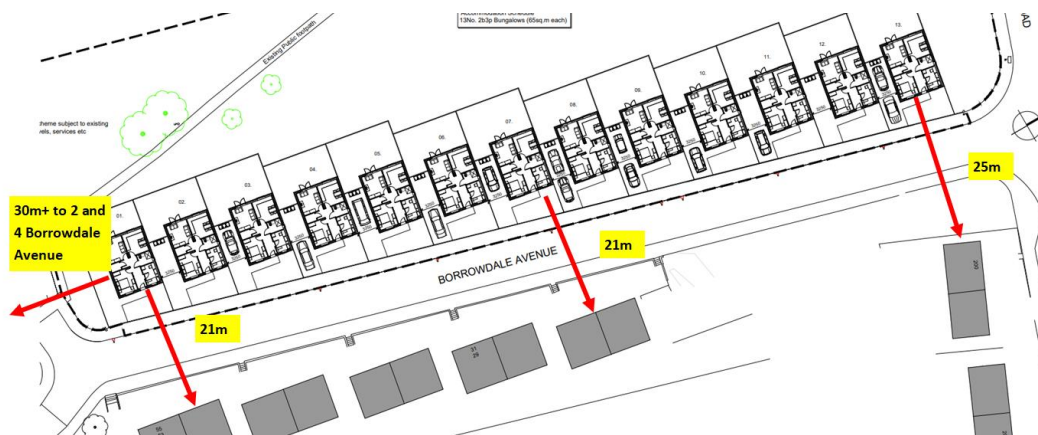
4.7.3 With reference to noise, the proposed dwellings would not cause an adverse level of noise disturbance for neighbours given the nature of the end use. Equally, there are no adjacent land uses that could potentially compromise the aural amenities of future occupants. A condition is recommended to control the logistics of the construction phase, as per the comments from BwD Public Protection. Further conditions are recommended to control and monitor any necessary pile-driving operations and external lighting sources, where relevant.

4.7.4 The separation distances involved between the existing and proposed dwellings are shown below in Figure Six. The distances involved are adequate to prevent the massing of the proposed dwellings appearing overbearing or adversely compromising the outlook of the immediate neighbours. The single-storey nature of the proposed dwellings would also assist with that arrangement.

4.7.5 Moreover, the distances involved would ensure the domestic privacy of the immediate neighbours is adequately safeguarded. A further condition is

recommended to prevent certain forms of development being implemented under the provisions of permitted development. Such a condition is necessary in order to safeguard the amenities of future occupants given the staggered and relatively constrained arrangement of the proposed dwellings.

Figure Six – Plan Showing Separation Distances Involved



4.7.6 Subject to compliance with the aforementioned conditions, the proposed development would be acceptable in relation to residential amenity, in accordance with the relevant requirements of Policy 8 together with the guidance of the Residential Design Guide SPD.

4.8 Highways and Parking

4.8.1 As detailed above, the site is currently undeveloped and each dwelling would be accessed via its own independent driveway. An overarching requirement for all development proposals to not prejudice road safety or the safe, efficient and convenient movement of all highway users is contained within Policy 10. Parking should also be provided in accordance with the BwD Parking Standards and two-bedroom dwellings must have at least two off-street vehicle parking spaces.

4.8.2 Concerns have been raised in public comments on various highways and parking grounds. It should be initially noted that the majority of the comments made in that respect relate to educational sites locally and the traffic associated with those uses. Such activity is limited to certain times in the day and elevated levels of traffic are commonplace in the context of large educational sites, such as high schools and colleges. The limited scale of the proposals would ultimately not contribute to existing congestion issues locally to an adverse extent and the comments provided by BwD Transport Planning accord with those findings.

4.8.3 BwD Highways have reviewed the merits of the proposals alongside the submitted Transport Statement. No material objections have been raised yet a number of shortcomings have been identified in the information presented. A condition is recommended to agree the scope of any required works of highways improvements. The red edge of the application site boundary extends to the carriageway edge Borrowdale Avenue and the scope of those works are likely to be limited to the formation of a footway (and associated infrastructure)

alongside dropped kerbs accessing the driveways. Compliance with the attached condition would adequately control those requirements.

4.8.4 With reference to visibility splays, the submitted Transport Assessment acknowledges that not all of the dwellings can achieve the optimum standards, as defined within the Manual for Streets. That said, the properties most effected by those limitations are either situated close to the junction with North Road or the end of the cul-de-sac where vehicles are unlikely to be travelling at high speeds. The visibility splays presented are therefore acceptable for these proposals. A further condition is recommended to prevent obstructions forming within the visibility splays and subject to compliance with that condition, an adequate level of visibility would be provided for motorists egressing the proposed driveways.

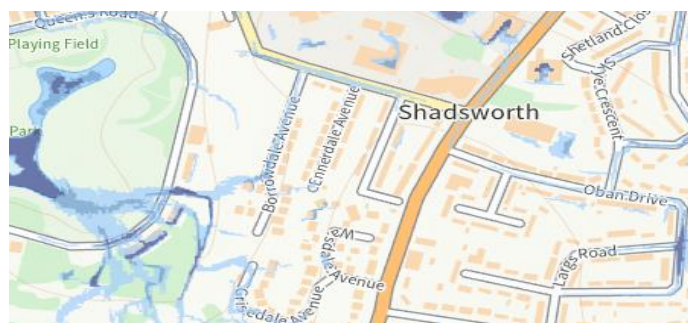
4.8.5 With reference to parking provision, two bays would be provided in tandem formation for each dwelling, in compliance with the BwD Parking Standards. Having scaled from the plans provided, the driveways would be of acceptable dimensions. A condition is advised to ensure the parking areas are constructed in support of the development. The provision of covered cycle storage is not necessary for this development when the intended occupants for these dwellings are taken into account.

4.8.6 When those factors are considered collectively, and subject to compliance with the aforementioned conditions, the proposed development would be acceptable in relation to highways and parking, in accordance with Policy 10 together with the BwD Parking Standards.

4.9 Flooding and Drainage

4.9.1 Owing to the topography locally, the site is not at any form of risk from fluvial flooding by watercourses. The carriageway of Borrowdale Avenue is at a low risk from pluvial flooding from surface waters yet the site itself falls outside of identified risk zone. Policy 9 contains general requirements regarding flood mitigation and the provision of adequate drainage systems. Concerns have been raised in public comments on flooding grounds. BwD Drainage have reviewed the proposals and the submitted drainage strategy. No objections have been raised yet shortcomings have been identified in the information presented. A condition is therefore recommended to further control the foul and surface water drainage systems to be installed.

Figure Seven – Surface Water Flooding Map



4.9.2 United Utilities have also reviewed the merits of the proposals and information has been requested by them prior to determination as a preference. Those requests have been forwarded to the Agent yet no supplementary details have been forthcoming. That said, conditions have been advised by United Utilities as a fallback option and the requirements of those conditions mirror the requests made by BwD Drainage.

4.9.3 It is recommended that versions of both of those conditions are added in order to achieve sustainable development and minimise the risk of surface water flooding. Subject to compliance with those conditions, the proposed development would be acceptable in relation to flooding and drainage, in accordance with the relevant requirements of Policy 9.

4.10 Land Stability and Contamination

4.10.1 With reference to potentially unstable and contaminated land, further requirements within Policy 8 state that all development proposals should secure effective remediation. This is to ensure a safe environment can be provided for any future occupants and to ensure contamination is not displaced. Concerns have been raised in public comments given the potential for the land to be unstable due to coal mine workings. Ground contamination has also been cited as a concern.

4.10.2 It should be initially noted that the site falls within a low-risk area for former coal mining workings. An informative note will be added to any approvals issued regarding the legal obligations of following the standing advice of the Coal Authority. No further assessments are therefore required in that respect.

4.10.3 With reference to the potential presence of ground contamination, BwD Public Protection have reviewed the merits of the proposals and no objections have been raised. The site is positioned above a former quarry so ground contamination must be accurately assessed.

Figure Eight – Plan Showing Historic Quarry Workings



4.10.4 In response to those requirements, BwD Public Protection have advised that the three standard land contamination conditions should be added to any approvals issued, which are recommended. Subject to such matters being satisfactory addressed through conditions, the proposed development would be acceptable in relation to land stability and contamination, in accordance with the relevant requirements of Policy 8.

4.11 Ecological Net Gains

4.11.1 As detailed above, the site is currently covered by grass with a few trees of low quality also found. Such vegetation generally provides a low level of ecological value. Further requirements within Policy 9 state that all development proposals should explore opportunities to provide ecological enhancements. Those requirements are now of an elevated level of importance given the statutory introduction of the Environment Act in 2021, which is now a material consideration for all relevant development proposals. BwD Strategic Planning have requested an assessment of net gains prior to determination alongside an uplift of 10% on site.

4.11.2 Again, those requests have been forwarded to the Agent yet no supplementary details have been forthcoming. That said, given the low ecological value of the site, a bespoke requirement is detailed within the recommended landscaping condition regarding the provision of ecological enhancement measures. The addition of more trees/shrubs on site complete with artificial nesting/roosting habitats would provide adequate mitigation in that respect when the current condition of the site is taken into account.

4.11.3 Subject to compliance with that condition, the proposed development would be acceptable in relation to ecological net gains, in accordance with the relevant requirements of Policy 9.

4.12 Climate Change and Air Quality

4.12.1 Policy 36 requires all development proposals to demonstrate how they have been designed to minimise contributions to carbon emissions and climate change. In response to those requirements, a condition has been advised by BwD Public Protection to ensure air quality mitigation measures are applied in the form of installing an electric vehicle charge point and efficient gas boiler, which is recommended to be added. 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.

4.13 Wider Considerations

4.13.1 Further concerns have been raised in public comments regarding the potential for the development proposals to negatively affect property prices locally. However, such matters are immaterial to the assessment of planning application, as per the national requirements of Planning Practice Guidance. Fire safety is also covered at the Building Regulations stage.

4.14 Planning Gain/Section 106 Financial Contributions

4.14.1 A financial contribution of £18,000 is secured, following an agreement in principle between the Council and the Agent during the course of the application. A copy of the Planning Obligation Statement has been forwarded to Agent for signing. A signed copy will then be forwarded to the BwD legal team for authorisation. The amount suggested by the Agent has been agreed by BwD Strategic Planning and the monies will be used for the creation and/or enhancement of off-site open space provision. Committee are requested to grant planning permission, subject to agreement of those matters.

4.15 Summary

4.15.1 This application involves the erection of 13 two-bedroom affordable bungalows with associated parking and garden areas. 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 3.3.

4.15.2 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 GI, design and visual amenity, residential amenity, highways and parking, flooding and drainage, land stability and contamination, and climate change and air quality.

4.15.3 The proposed 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:

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

An agreement under Section 111 of the Local Government Act 1972, relating to the payment of £18,000.

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 (L[00] 01), L(1-) 01, L(1-) 02, L(2-) 01, L(2-) 02, L(2-) 03 and 2B3P.

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

3. No development 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;
 - c) Details of ecological enhancement measures;
 - d) Details confirming the types and extents of any areas of hardstanding to be applied, and;
 - e) Details confirming the heights, types, and positions of any new boundary treatments, including fencing and gates;

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 landscape quality, and to comply with the requirements of Policies 3, 11 and 41 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 exact type of all the external materials to be used in the construction of the development hereby approved, complete with details confirming the exact type of doors and windows to be installed, 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 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. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), and following the issuing of this decision, no

development as specified in Classes, A, B, E and F of Part 1 of Schedule 2 of that Order, shall be carried out on any part of the site, without express planning permission first being obtained from the Local Planning Authority.

REASON: In order to prevent further outbuildings being erected within the site, in the interests of visual amenity, and to comply with the requirements of Policy 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

6. 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 strictly adhered to throughout the construction phase, and it shall provide for, but not be exclusively limited to the following;
 - a) The parking of vehicles of site operatives and visitors;
 - b) Details of the sizes and types of vehicles to be visiting the site;
 - c) The loading and unloading of plant and construction materials;
 - d) The storage of plant and construction materials;
 - e) Details of construction working hours;
 - f) Measures to control noise and vibrations from construction works, where relevant;
 - g) Measures to control dust from construction works, where relevant;
 - h) A scheme for the recycling/disposing of waste, and;
 - i) Details of the type, position and height of any required external lighting.

The development shall thereafter proceed in strict accordance with all of the measures detailed within the submitted 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 minimising disruptions on the local highway network, 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).

7. Should any pile-driving works be required to construct the dwellings hereby approved, no development shall commence on site unless and until, a programme for the monitoring of noise and vibration generated during construction works has been 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. At each location, noise and vibration levels shall not exceed the specified levels in the approved programme, unless otherwise approved in writing.

REASON: In order to minimise disruptions for neighbours from the construction phase, 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. 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, including highways lighting columns, 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 minimising harm to local bat populations, 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).

9. No development shall commence on site unless and until, a scheme detailing any required works of highways improvements has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the approved scheme and none of the dwellings hereby approved shall be occupied until the approved measures have been provided in their entirety, unless otherwise agreed in writing.

REASON: In order to finalise the proposed access details and any required works of highways improvements, 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. Visibility splays around the new access point hereby approved 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 Borrowdale Avenue.

REASON: In order to optimise visibility for motorists egressing 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).

11. None of the dwellings hereby approved shall be occupied unless and until, the driveways as detailed on the approved plan 'L(1-) 01' have been constructed and completed in their entirety. The driveways provided shall thereafter remain in perpetuity with the development and be permanently available for the parking of vehicles associated with the occupants of the dwelling.

REASON: In order to ensure vehicle parking is provided in support of 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).

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 submitted scheme shall include but not be exclusively limited to the following;
- a) Separate systems for the disposal of foul and surface water;
 - b) A detailed drainage strategy, which demonstrates that the post-development surface water discharge rate to any soakaway, watercourse or sewer does not exceed the pre-development (greenfield) rate. The drainage strategy shall include details of the peak surface water runoff for a 1 in 1 year rainfall event and a 1 in 100 year (+40% climate change allowance) rainfall event, and shall demonstrate that the peak post-development runoff rate does not exceed the peak pre-development greenfield runoff rate for the same event;
 - c) Details of Sustainable Drainage Systems, where relevant;
 - d) Details of any necessary flow attenuation measures;
 - e) Details of measures to be taken to prevent the flooding and pollution of any receiving groundwater and/or surface waters (including watercourses) and any off-site works required to ensure adequate discharge of surface water without causing flooding or pollution;
 - f) Flood water exceedance routes, both on and off site;
 - g) Means of access for maintenance and easements (where applicable), and;
 - h) A timetable for implementation, including any phasing works.

The submitted scheme shall be prepared fully in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In addition, the development hereby approved shall not be brought into use unless and until the agreed scheme has been implemented in its entirety.

REASON: To promote sustainable development, to manage the risk of flooding and pollution, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

13. None of the dwellings hereby approved shall be occupied unless and until, a sustainable drainage management and maintenance plan for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include but not be exclusively limited to the following;
- 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: In order to ensure that management arrangements are in place for the sustainable drainage systems installed, to manage the risk of flooding and pollution during the lifetime of the development, 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. 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).

15. 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).

16. 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).

17. None of the dwellings hereby approved shall be occupied unless and until, the following air quality mitigation measures have been provided in their entirety, unless otherwise agreed in writing by the Local Planning Authority;
- a) There shall be one electric vehicle charging point at each dwelling with a garage or other off-road parking. An appropriate charging point will have a Type 2 connector and a minimum rating of 3.7kW 16A. External points will be weatherproof and have an internal switch to disconnect electrical power, and;
 - b) Gas fired domestic heating boilers shall not emit more than 40mg NO_x/kWh

REASON: In order to minimise carbon emissions from the development, in the interests of addressing 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).

6.0 PLANNING HISTORY

- 6.1 No relevant planning history.

7.0 CONSULTATIONS

- 7.1 BwD Strategic Planning – Section 106 agreements;

(Highways) Any site access works would be delivered via S278 works (secured by a suitable planning condition). Therefore there would be no highways contribution requested within the s106 agreement.

(Green Infrastructure/Public Open Space) The policy requirement is for £1,406 per unit to be provided as a contribution towards off-site public open space – a total of £18,278.

(Education) A future shortage of primary school places has been identified in the SE Blackburn area. A developer contribution is however not sought in this instance, as the proposed bungalows are not family dwellings.

(Monitoring Fee) A monitoring fee of 1% would be added to the s106 contributions. If the S106 requirements cause concern in terms of development viability, the applicant must provide a viability appraisal which illustrates why all or part of the requested commuted sums cannot be achieved. The submitted viability appraisal would need to be independently reviewed at a cost of £1,860 for a scheme of this size (to be funded by the applicant and commissioned by the Council). This advice is provided on the assumption that the new dwellings are affordable in perpetuity.

(Biodiversity Net Gain) An assessment of biodiversity impact should be undertaken and submitted with the planning application, demonstrating at least 10% net gain. If this cannot be achieved on site, an appropriate commuted sum contribution towards appropriate off-site biodiversity net gain would be necessary.

7.2 BwD Public Protection – No objections. Should this application be approved, conditions should be imposed to control the risks associated with ground contamination, air quality mitigation measures, sources of external lightning, the logistics of the construction phase, and noise and vibrations associated with pile driving works, where relevant. Informative notes should also be added regarding legal obligations in the way of ground contamination, light pollution and construction noise.

7.3 BwD Highways – In principle, we are supportive of the scheme, there are however a number of outstanding matters that require further consideration. Please request a response and additional information required.

(Access/Layout) Each property will have individual drives, and be accessed off Borrowdale Avenue. These will properly constructed vehicular crossings. Contact to be made with the Local Highway Authority for consent and construction. All drives should adhere to the sightlines as set out in the Transport Statement. They should also comply with the pedestrian sightlines which are: 2.4m (from back of footway) x 3.3m left and right splay (at no more than 600mm above road level). Frontage boundary treatment should not affect visibility splays.

There is no existing footway to the frontage of the site this is to be provided within the site and presented for adoption. (this should all associated works, and should include street lighting, gullies etc.) Please condition.

(Transport Assessment) The document has been reviewed – this is deemed acceptable.

(Parking) The scheme proposes to deliver 13 2 bed properties. The requirements for parking are in accordance with the councils approved adopted standards, which requires: 2 bed – 2 car spaces and 2 secure cycle spaces per dwelling. The car parking supporting the dwelling houses is being contained within the curtilage of each property. Each car space on the drive should be 5.5m in length. Please confirm.

(Other) A Construction method plan has been received, however no statement has been provided with a narrative - please request information or condition for submission. Footways around the periphery of the site, are to be made good, up to modern adoptable standards, this include street lighting, lining and any associated works.

- 7.4 BwD Transport Planning – This application does not meet the threshold for a full travel plan and the proposed development would not have any major vehicle trip impact.
- 7.5 BwD Drainage – No objections. Should this application be approved, a condition should be imposed to control foul and surface water drainage provisions. Such a condition is necessary in order to ensure that the development is not at risk of flooding and does not increase flood risk elsewhere.
- 7.6 BwD Arboricultural Advisor – There are no trees of any merit that are likely to be affected by the proposals, therefore I have no objection. A sustainable landscaping scheme would be beneficial to the site and also be in accordance with Council Policy.
- 7.7 BwD Housing Growth – The Housing Growth Team welcomes the proposal, as there is a considerable demand for bungalows within the borough. Development of these properties for affordable rent will meet some of that demand. The principle of residential dwelling responds to the aspiration and need of residents in the borough and is in line with the Council's growth strategy. The Housing growth team support the application subject to proposals meeting planning policy requirements.
- 7.8 BwD Property Services – No objections.
- 7.9 BwD Cleansing – No objections.
- 7.10 United Utilities – We request that the applicant submits a plan outlining the proposed levels (including finished floor levels and ground levels) shown in metres above Ordnance Datum and an indicative foul and surface water

drainage strategy (including cover and invert levels). It is our recommendation this information is submitted for our review prior to determination so that any risk of sewer surcharge can be further assessed.

The applicant should note that it may be necessary to raise finished floor and ground levels and / or include mitigation measures to manage the risk of sewer surcharge. Also noting that this is a Full application, we request that the applicant provides a detailed drainage plan, and that United Utilities has the opportunity to review and comment on this plan prior to determination of this application.

Alternatively, appropriate conditions should be imposed regarding the submission of details of a sustainable surface water drainage scheme and a foul water drainage scheme. A further condition should be added regarding the submission of a sustainable drainage management and maintenance plan for the lifetime of the development.

7.11 Ward Cllrs – No objections.

7.12 Lancashire Fire and Rescue – Recommendations must be included if this application passes to another party prior to Building Regulation submission.

7.13 Summary of Public Responses

- Social housing is proposed, which may change the area's social character
- Losses of public open space would occur
- Footpaths may be obstructed
- The dwellings may not be maintained well
- Outlook may be adversely effected
- Private views would be obstructed
- Disruptions may be caused from the construction phase
- Traffic is a problem in the area
- The proposals may exacerbate those issues
- The proposed driveways are too narrow
- The site is prone to flooding
- Local wildlife may be adversely effected
- The site may be contaminated
- Coal mine workings are beneath the site
- Property prices may be effected locally

8.0 CONTACT OFFICER: Christian Barton – Planning Officer

9.0 DATE PREPARED: 12th May 2022

10.0 SUMMARY OF REPRESENTATIONS

Objection – June Thomas, 69 Borrowdale Avenue, Blackburn, BB1 1PZ. Received: 05/04/2022.

- *This land has been investigated before to build on and found unsuitable but apparently no record of this . Why! There is an oily residue seeping further back onto the path , has this been considered ?
 - * Property prices would be reduced and I am a very concerned owner .
 - *it is a beautiful green space with benefits for wildlife deer , birds etc *Traffic is extremely chaotic at this area as witnessed by local councillor Salim Patel when we met on another concern.
 - *The local senior school is a major area of concern for Health&Safety .
 - * It's been an area of concern for a long time the manner in which cars park for school purposes and nothing has been done about it . Travelling along North Rd is very treacherous and I have often found my access to get to my property restricted even though only trying to get home/ leave for appointments.
 - * The proposed no 13 would be extremely close to the junction , the current traffic guidance i.e. mini roundabout is continuously ignored by drivers . In wintry weather the access onto North Rd is extremely difficult as Borrowdale Avenue is not treated by council .
 - * The current tenants in Together Housing are only able to park on carriage way so access for emergency vehicles completely comprised, current yellow line restrictions are ignored and even with parking spaces provided there will be no room for visitors to park safely .
 - *The site map shows that the path leading down too Queens Rd would be affected . This is a busy path with school children ,workers , dog walkers and general public. I know as I regularly litter pick this area.
 - * The outlook for houses no's 2-8 would be severely compromised compared to what they have now , 1 house is even called Outlook House which would certainly change .
 - * The dwellings are for over 55yr and I feel their driveways would be difficult to manoeuvre with the local traffic/ residents .
- I hope these points of concern will be taken into consideration regarding the above application and I'm sure there may be others not listed .
-

Objection – Clair & Chris Seed, 2 Borrowdale Avenue, Blackburn, BB1 1PZ. Received: 06/04/2022.

We have concerns in respect that we understood that the land was not suitable for development and a point in purchase was peace, quiet, open view of Blackburn which we feel is a valuable environment as once it's gone it's gone and there are not many left which Covid has emphasized is a commodity.

With mining works beneath and the constant wet/spongy conditions previous applications have always failed with previous building on the opposite side of the avenue being knocked down due to the unsuitable land. The depth of piling that would be required due to the variability of the land would be extremely stressful to residents and the noise could possibly give rise to compensation claims as the building would be incredibly close to existing properties.

Social housing does impact residents in private housing in a number of detrimental ways as well as the financial implications which we think will be detrimental.

The existing volume of traffic from the school and vocational college plus the building traffic over the building period plus the long term volume of cars and traffic and parking spaces will impact greatly access to our properties.

Our property in particular will be greatly impacted view wise from the build of these properties and it will completely obliterate our outlook and replace it with a side view of a row which is worse than a front aspect. The current rental properties have a poor exterior space maintenance record, both gardens and rubbish and these properties will not help.

Objection – Daniel Broughton, 59 Borrowdale Avenue, Blackburn, BB1 1PZ. Received: 07/04/2022.

We would like to object to the plans made for the proposed building of 13 bungalows on Borrowdale Avenue.

The planning for properties to be built on this land has been previously declined mainly through the efforts of our neighbour Kay Livingston at number 2. We live at 59.

The land itself is a safe haven for our children in the immediate vicinity or surrounding area to play on. It has long been a road where families have moved specifically due to the very low volume of traffic leading to a safe environment for our children to express themselves without being faced with any dangers from drivers, people only come onto the estate that need to be there.

Furthermore, the land itself is liable to flooding and even in the hottest of summers was very marshy. I believe that the previous surveys have decided that the land is not fit to be built on. Anecdotally one of our neighbours has had to go to considerable expense as the footings for the build very significant. I believe that this in itself is sufficient reason to not waste monies in the proposed build. The flood water currently runs off down the path and into the park and on rainy days this can be substantial almost akin to a small stream, though the plans have suggested where the water goes, the building of these properties will add to the issues of flooding.

Has the land been surveyed for the mines that run underneath? Hence the staining of the paths leading towards the park.

Feel that no consideration has been given to the current residents for noise, dirt, inconvenience, loss of house value?

What are the proposed builders planning on to compensate the current residents for these losses?

This is not NIMBYism as if they have to be built then fine and Together Housing as one the largest social landlords provide a good service to the local community. My partner and I were looking to move as house prices have risen considerable for this area, Since the plans have been released one property has been on sale for some time mainly when asking the vendor due to the planning application. If theses the case then we would have to sell for less than market value to move.

Please can some consideration be given to people already rising here.

On looking at the details online, there is no indication of when meetings will take place, the frustrates anyone who is looking to object in person to this application. Also most of the documents are the same so to a lay person it looks as if its just been placed there to confuse.

This is written without prejudice and a response would be favourable.

REPORT OF THE STRATEGIC DIRECTOR

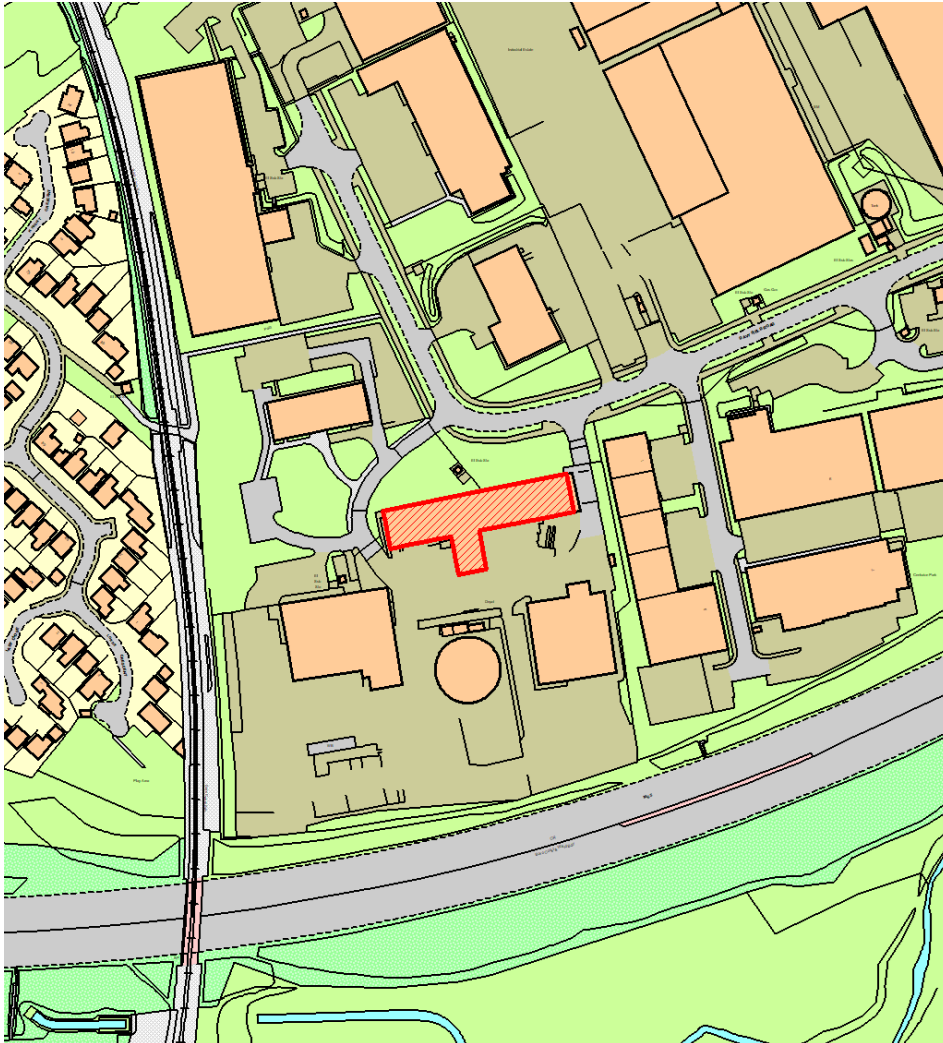
Plan No: 10/22/0354

Proposed development: Prior Approval - Solar Panels Non-domestic Buildings for Installation of Solar Photo Voltaic (SPV) arrays to roof areas as highlighted within the supporting documentation as part of the Public Sector Decarbonisation Scheme (PSDS)

**Site address:
Davy Field Stores
Davy Field Road
Blackburn
BB1 2LX**

Applicant: Blackburn With Darwen Borough Council

**Ward: Blackburn South & Lower Darwen Councillors: Denise Gee
Jacqueline Slater
John Slater**



1.0 SUMMARY OF RECOMMENDATION

1.1.1 PRIOR APPROVAL IS NOT REQUIRED

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1.1 Blackburn with Darwen Borough Council is seeking prior approval for the installation of a roof mounted solar pv system under Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015. The application site is a Council owned building, which is the established Day Field Road Stores / Depot.

2.1.2 The only planning matters that the Authority are to consider in the determination as to whether prior approval is required are the design or external appearance of the development, including the impact of glare on occupiers of neighbouring land. No other matters are material and cannot be considered as part of this application for prior approval.

2.1.3 The reasons for installing the solar PV arrays are as part of the Public Sector Decarbonisation Scheme. The proposal will reduce the building's reliance on grid electricity to save money and to reduce emissions of carbon dioxide. Subsequently, the implementation of such renewable energy schemes will help contribute towards the Council's Climate Emergency Declaration to be carbon neutral by 2030.

2.1.4 The assessment of this application within sub-section 3.5 concludes the proposal is Permitted Development given compliance with the relevant requirements of Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

2.1.5 The plans have been reviewed and following a site visit it is considered the proposal is acceptable on both a design/visual perspective and in regards to amenity impact with reference to potential glare following installation of the solar panels. On that basis, the prior approval of the LPA is not required, and proposal accords with Part 14, Class J of the GPDO.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site relates to an existing industrial site used by the Council as a service depot. The proposal building is situated on the southern side of Davy Field Road, within the Blackburn Urban Boundary. The site is within a primary employment area, as defined by the Local Plan Part 2 (2015) Policies Map. The building is constructed in metal cladding with a brick base.

3.1.2 The surrounding area is largely characterised by industrial and commercial units with residential dwellings sited approximately 120m away to the west.

3.1.3 The below images were taken on my site visit which show the host building and the view south towards the other adjacent buildings in the premises.

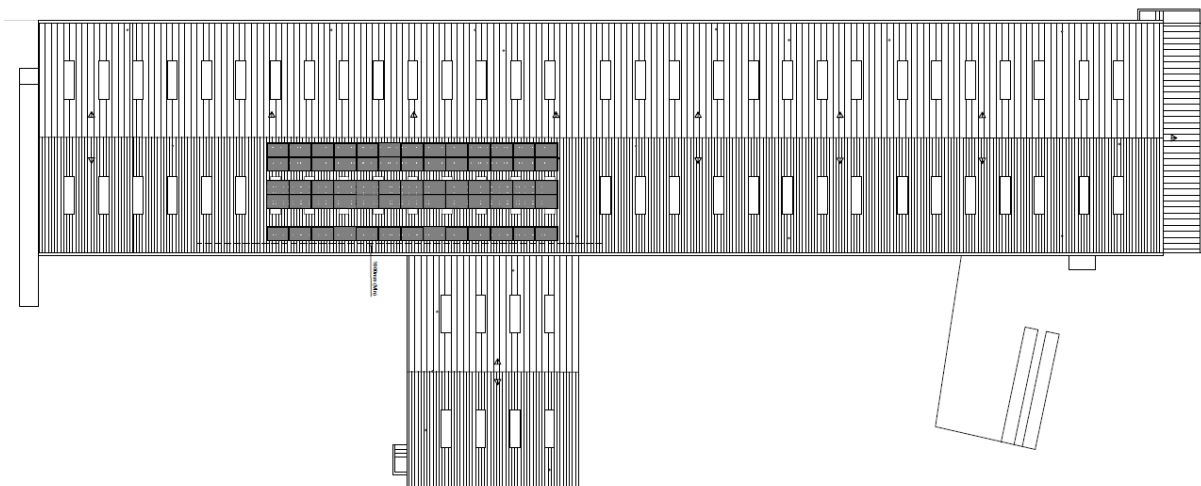


Figure 1: Case Officer Site Photos

3.2 Proposed Development

3.2.1 A prior notification application is submitted by the Council as the applicant for the proposed installation of a 19.8kW Solar PV array to the roof plane of the building.

3.2.2 A Technical data sheet accompanies the application which demonstrates the proposed solar panels to be used are the Trina Solar Vertex S Backsheet Monocrystalline Module type. The solar panels will be installed on the dual pitched roof plane on the front elevation of the building. They will be set a sufficient distance below the ridge and back from the eaves. The proposed roof plan and front elevation drawings of the building are shown below;



Roof Plan 1:200

Figure 2: Proposed Roof Plan

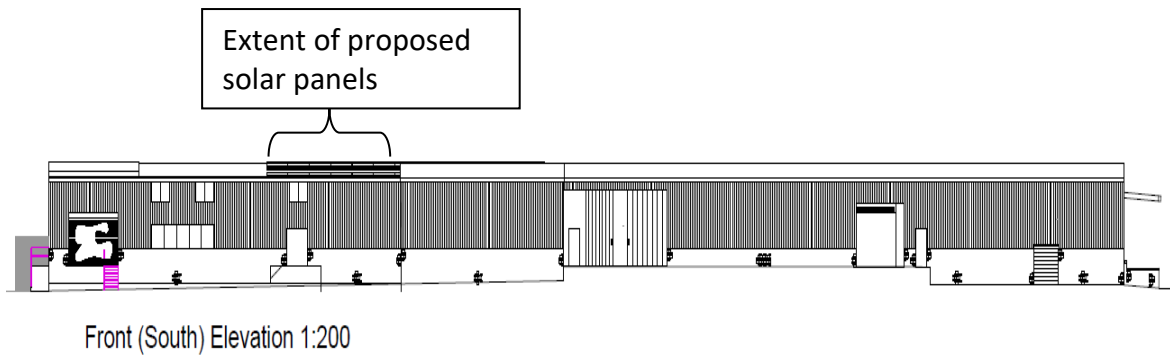


Figure 3: Proposed Front Elevation

3.2.3 Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 relates to 'Installation or alteration of solar equipment on nondomestic properties' and part J(c) permits the installation of other solar PV equipment on the roof of a building.

3.2.4 In determining the application, the Local Planning Authority must make a judgement on the criteria set out in Class J.4 (2) of Part 14 of the GPDO which states that:

'Class J(c) development is permitted subject to the condition that before beginning the development the developer must apply to the local planning authority for a determination as to whether prior approval of the authority will be required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land'.

3.3 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 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;

3.3.3 Core Strategy (2011)

Policy CS1: A Targeted Growth Strategy

Policy CS13: Environmental Strategy

Policy CS16: Form and Design of New Development

3.3.4 Local Plan Part 2: Site Allocations and Development Management Policies Document (2015)

Policy 1. The Urban Boundary

Policy 2. The Inner Urban Area

Policy 7: Sustainable Development

Policy 8: Development and People

Policy 9: Development and the Environment

Policy 11: Design

Policy 36: Climate Change

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (NPPF)

3.4.2 National Planning Practice Guidance (NPPG)

3.4.3 Class J, Part 14 of the Town and Country Planning (General Permitted Development Order 2015 (as amended)

3.5 Assessment

3.5.1 The proposal is assessed against the limitations of Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 in order to establish if it is compliant as Permitted Development. If compliant further assessment is given towards the need to minimise the effect on the external appearance of the building and the amenity of the area; in particular the impact of glare on occupiers of neighbouring land, so far as is practicable.

3.5.2 **Schedule 2 Part 14 Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015.**

Permitted development

J. The installation, alteration or replacement of –

- (a) Microgeneration solar thermal equipment on a building;**
- (b) Microgeneration solar PV equipment on a building; or**
- (c) Other solar PV equipment on the roof of a building,**

Other than a dwellinghouse of a block of flats

3.5.3 **J.1 Development is not permitted by Class J if:**

3.5.4 ***(a) The solar PV equipment or solar thermal equipment would be installed on a pitched roof and would NOT protrude more than 0.2 metres beyond the plane of the roof slope when measured from the perpendicular with the external surface of the roof slope;***

3.5.5 The solar PVs would be installed on a pitched roof, however they would not protrude more than 0.2 metres beyond the plane of the roof slope. The proposal therefore accords with J.1(a).

3.5.6 ***(b) The solar PV equipment or solar thermal equipment would be installed on a flat roof, where the highest part of the solar PV equipment would be higher than 1m above the highest part of the roof (excluding any chimney);***

3.5.7 Not applicable. The panels would not be installed on a flat roof. The proposal therefore accords with J.1(b).

- 3.5.8 **(c) *The solar PV equipment or solar thermal equipment would be installed on a roof and within 1 metre of the external edge of that roof;***
- 3.5.9 The solar panels would not be installed within 1 metres of the edge of the roof. The proposal therefore accords with J.1(c).
- 3.5.10 **(d) *In the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a roof slope which fronts a highway***
- 3.5.11 The site is not located on article 2(3) land, and therefore accords with J.1(d).
- 3.5.12 **(e) *The solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument; or.***
- 3.5.13 The site is not a scheduled monument, and therefore accords with J.1(e).
- 3.5.14 **(f) *The solar PV equipment or solar thermal equipment would be installed on a listed building or on a building within the curtilage of a Listed Building.***
- 3.5.15 The site is not a listed building, nor is it sited in the curtilage of a listed building. The proposal therefore accords with J.1(f).
- 3.5.16 **J.2 Development is not permitted by Class J(a) or (b) if—**
- 3.5.17 **(a) *The solar PV equipment or solar thermal equipment would be installed on a wall and would protrude more than 0.2 metres beyond the plane of the wall when measured from the perpendicular with the external surface of the wall;***
- 3.5.18 **(b) *The solar PV equipment or solar thermal equipment would be installed on a wall and within 1 metre of a junction of that wall with another wall or with the roof of the building; or***
- 3.5.19 **(c) *In the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a wall which fronts a highway.***
- 3.5.20 The panels would be located on the roof plane of the building, and thus not an external wall. The proposal therefore accords with J.2 (a), (b) and (c).
- 3.5.21 **J.3 Development is not permitted by Class J(c) if the capacity of the solar PV equipment installed (together with any solar PV equipment installed under class J(b)) to generate electricity exceeds 1 megawatt.**
- 3.5.22 The application is accompanied with a technical data sheet that indicates each panel will generate 390-405W. The agent has confirmed the maximum combined output to be 19.8kW, as such the proposal would not exceed the above threshold. The proposal therefore accords with J.3.

3.5.23 Taking all of the above into consideration, the proposal is compliant with the aforementioned limitations and is, therefore, established as permitted development and acceptable in principle.

3.5.24 **J.4 (1): Class J development is permitted subject to the following conditions;**

3.5.25 **(a) The solar PV equipment or solar thermal equipment must, so far as practicable, be sited so as to minimize its effect on the external appearance of the building and the amenity of the area; and**

3.5.26 The proposed siting of the solar panels will not be detrimental to the external appearance of the building and the amenity of the area. Further discussion on these matters will follow in sub-paragraphs 3.5.30-3.5.32. The proposal therefore accords with J.4.(1, a).

3.5.27 **(b) The solar PV equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.**

3.5.28 It is advised that this condition be added as an informative to the Decision Notice. Subject to compliance with that informative, the proposal would accord with J.4.(1, b).

3.5.29 **J.4(2): Whether prior approval of the authority will be required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land.**

3.5.30 The proposed solar panels are to be sited on the front (south) elevation of the building. As such, views would only be afforded within the existing compounds of the depot, and thus not visible from the public realm. Furthermore, the scale of the solar panels will only cover approximately one quarter of the existing roof space and will therefore not appear as a disproportionate or incongruous addition. On that basis, the proposed development accords with Policies CS16 and 11 which seek to achieve a good standard of design whilst demonstrating an understanding of the wider context and make a positive contribution to the local area.

3.5.31 Turning to impact upon amenity, specifically in reference to glare, the nearest sensitive residential dwellings are over 120m away to the west. As such, owing to ample separation distance, the proposal will not pose any threat to surrounding amenity. Any potential glare impacts caused by the solar panels will be confined to within the grounds of the application site, and therefore no concerns arise in this regard.

3.5.32 Additionally, solar panels are designed to absorb a high level of light, and use of dark materials mitigates much of the glare impact. As such, the proposal is considered to be acceptable from an amenity perspective, in line with the requirements of Policy 8 of the Local Plan Part 2 (2015).

3.5.33 Based on the above, the proposed solar PV equipment would accord with the conditions set out in Class J.1 a-f, J.2 a-c, and J.3 of Part 14. In addition, the

LPA considers that prior approval is not required for the proposals as set out within the submission in accordance with Class J.4 of Part 14 of the General Permitted Development Order 2015.

3.5.34 Other Matters

3.5.35 Air Quality and Climate Change

3.5.36 In regards to air quality and climate change, Policy CS13, point 3(i) and Local Plan Part 2, point 2 of Policy 9 seek to minimise the impacts of development upon climate change.

3.5.37 Furthermore, Policy 36 of the LPP2 states 'all development must demonstrate how it has been designed to minimise its contribution to carbon emissions and climate change, both directly from the development and indirectly arising from factors such as travel to and from the development'.

3.5.38 The application site is not within a designated Air Quality Management Area. Solar Panels as a renewable energy source will cut the dependence on fossil fuel energy, and thus its introduction is considered to make a positive impact on air quality. The proposal therefore accords with Policies CS13 and 9 / 36 of the Local Plan Part 2 (2015).

3.5.39 CONCLUSION

3.5.40 The Council is seeking prior approval for the installation of a roof mounted solar pv system under Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015. As the proposals accord with the criteria set out under Class J, the only planning matters that the Authority are able to consider in the determination as to whether prior approval is required are the design or external appearance of the development, and amenity impact arising from the glare on occupiers of neighbouring land. No other matters are material and thus cannot be considered as part of this application for prior approval.

3.5.41 The proposal is Permitted Development as it conforms to the requirements of Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Officers are of the opinion that the scheme complies with parts J.1, J.3 and J.4 in this instance. It is therefore considered that prior approval is not required.

4.0 RECOMMENDATION

4.1.1 PRIOR APPROVAL IS NOT REQUIRED

4.1.2 The proposal is subject to the following condition;

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

Drawing No. DSB-CAP-00-ZZ-DR-BS-1002: Proposed Plan & Elevations; and Product detail: Vertex S, Trina solar PRODUCT: TSM-DE09.08 BACKSHEET MONOCRYSTALLINE MODULE PRODUCT RANGE: 390-405W - Received 19th April 2022

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

4.1.3 The below informative has also been added;

4.1.4 The solar PV equipment or solar thermal equipment should be removed as soon as reasonably practicable when no longer needed.

5.0 PLANNING HISTORY

5.1.1 There is no relevant planning history associated with this site which is considered directly relevant to the determination of this case.

6.0 CONSULTATIONS

6.1.1 In accordance with Condition J.4(6) of Class J, the Council, the Local Planning Authority, has given notice of the proposed development by Site Notice on 28th April 2022.

6.1.2 No representations have been received as a result of this Site Notice.

7.0 CONTACT OFFICER: Jamie Edwards, Planning Officer

8.0 DATE PREPARED: 12 May 2022

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/22/0355

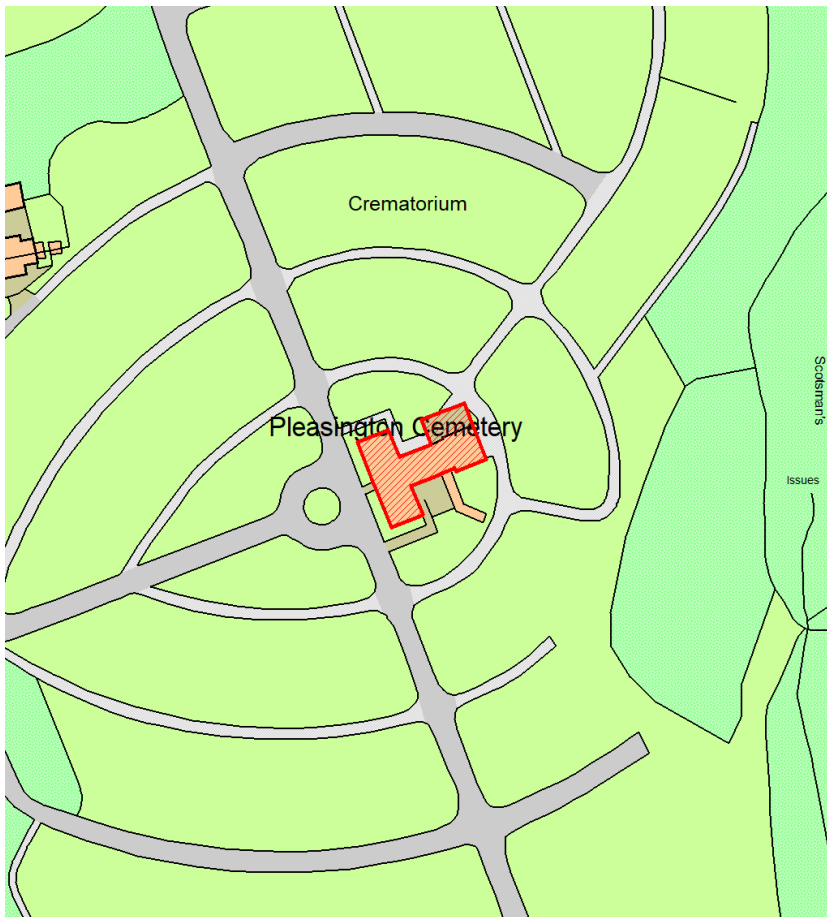
Proposed development: Prior Approval - Solar Panels Non-domestic Buildings for Installation of Solar Photo Voltaic (SPV) arrays to roof areas as highlighted within the supporting documentation as part of the Public Sector Decarbonisation Scheme (PSDS)

**Site address:
Pleasington Cemetery & Crematorium
Tower Road
Blackburn
BB2 5LE**

Applicant: Blackburn With Darwen Borough Council

Ward: Livesey With Pleasington

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



1.0 SUMMARY OF RECOMMENDATION

1.1.1 PRIOR APPROVAL IS NOT REQUIRED

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1.1 Blackburn with Darwen Borough Council is seeking prior approval for the installation of a roof mounted solar pv system under Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015. The application site relates to Pleasington Cemetery and Crematorium.

2.1.2 The only planning matters that the Authority are to consider in the determination as to whether prior approval is required are the design or external appearance of the development, including the impact of glare on occupiers of neighbouring land. No other matters are material and cannot be considered as part of this application for prior approval.

2.1.3 The reasons for installing the solar PV arrays are as part of the Public Sector Decarbonisation Scheme. The proposal will reduce the building's reliance on grid electricity to save money and to reduce emissions of carbon dioxide. Subsequently, the implementation of such renewable energy schemes will help contribute towards the Council's Climate Emergency Declaration to be carbon neutral by 2030.

2.1.4 The assessment of this application within sub-section 3.5 concludes the proposal is Permitted Development given compliance with the relevant requirements of Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

2.1.5 The plans have been reviewed and following a site visit it is considered the proposal is acceptable on both a design/visual perspective and in regards to amenity impact with reference to potential glare following installation of the solar panels due to the panels being sited on the top of the flat roof aspect. On that basis, the prior approval of the LPA is not required, and proposal accords with Part 14, Class J of the GPDO.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application relates to the existing Pleasington Crematorium building, which lies within the allocated green belt designation. The existing building incorporates a two-storey chapel building with a single storey flat roof area to the front elevation.

3.1.2 The below images were taken on my site visit which show the front and side elevations of the host building.

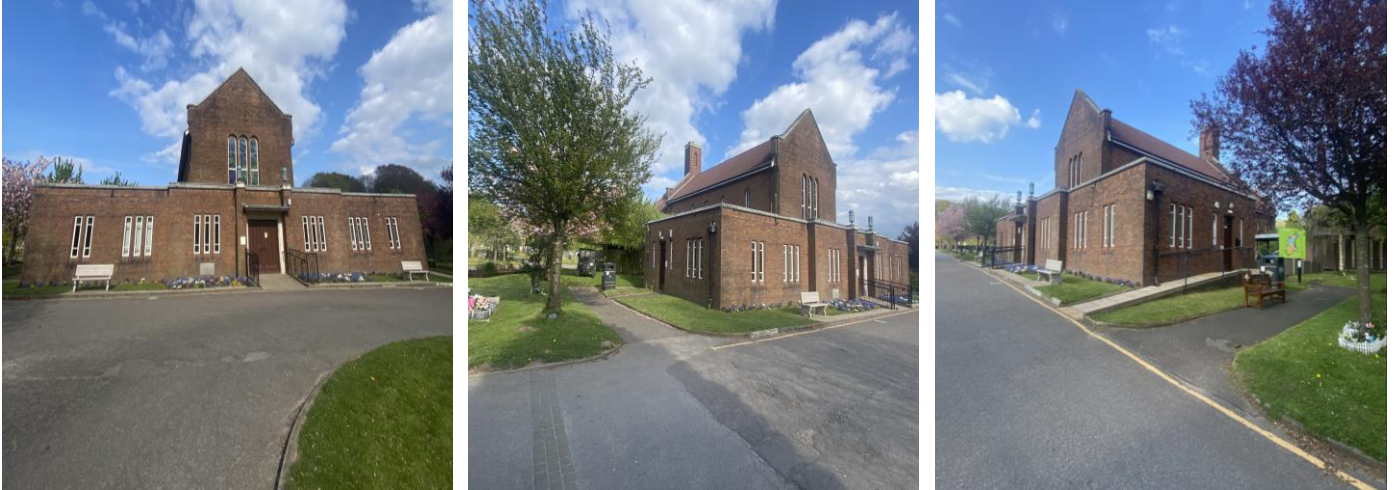


Figure 1: Case Officer Site Photos

3.2 Proposed Development

3.2.1 A prior notification application is submitted by the Council as the applicant for the proposed installation of a 19.8kW Solar PV array to the roof plane of the building.

3.2.2 A Technical data sheet accompanies the application which demonstrates the proposed solar panels to be used are the Trina Solar Vertex S Backsheet Monocrystalline Module type. The solar panels will be installed on the flat roof aspect of the building. The proposed roof plan and elevations of the building are shown below;

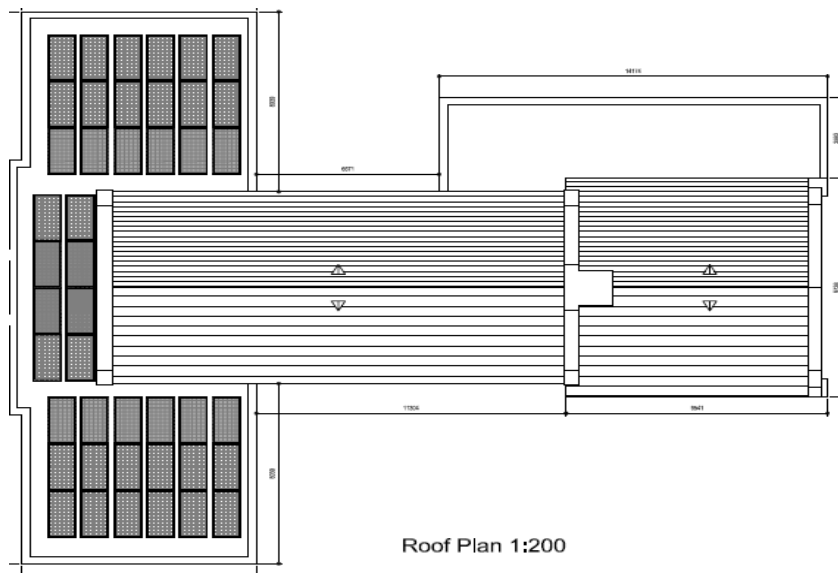


Figure 2: Proposed Roof Plan



Figure 3: Proposed Elevations

3.2.3 Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 relates to 'Installation or alteration of solar equipment on nondomestic properties' and part J(c) permits the installation of other solar PV equipment on the roof of a building.

3.2.4 In determining the application, the Local Planning Authority must make a judgement on the criteria set out in Class J.4 (2) of Part 14 of the GPDO which states that:

'Class J(c) development is permitted subject to the condition that before beginning the development the developer must apply to the local planning authority for a determination as to whether prior approval of the authority will be required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land'.

3.3 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 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;

3.3.3 Core Strategy (2011)

Policy CS1: A Targeted Growth Strategy

Policy CS13: Environmental Strategy

Policy CS16: Form and Design of New Development

3.3.4 Local Plan Part 2: Site Allocations and Development Management Policies Document (2015)

- Policy 1. The Urban Boundary
- Policy 2. The Inner Urban Area
- Policy 7: Sustainable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 11: Design
- Policy 36: Climate Change

3.4 Other Material Planning Considerations

- 3.4.1 National Planning Policy Framework (NPPF)
- 3.4.2 National Planning Practice Guidance (NPPG)
- 3.4.3 Class J, Part 14 of the Town and Country Planning (General Permitted Development Order 2015 (as amended)

3.5 Assessment

- 3.5.1 The proposal is assessed against the limitations of Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 in order to establish if it is compliant as Permitted Development. If compliant further assessment is given towards the need to minimise the effect on the external appearance of the building and the amenity of the area; in particular the impact of glare on occupiers of neighbouring land, so far as is practicable.
- 3.5.2 **Schedule 2 Part 14 Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015.**

Permitted development

- J. The installation, alteration or replacement of –**
- (a) Microgeneration solar thermal equipment on a building;**
 - (b) Microgeneration solar PV equipment on a building; or**
 - (c) Other solar PV equipment on the roof of a building,**

Other than a dwellinghouse of a block of flats

- 3.5.3 **J.1 Development is not permitted by Class J if:**
- 3.5.4 ***(a) The solar PV equipment or solar thermal equipment would be installed on a pitched roof and would NOT protrude more than 0.2 metres beyond the plane of the roof slope when measured from the perpendicular with the external surface of the roof slope;***
- 3.5.5 Not applicable. The solar PVs would be installed on a flat roof. The proposal therefore accords with J.1(a).

- 3.5.6 ***(b) The solar PV equipment or solar thermal equipment would be installed on a flat roof, where the highest part of the solar PV equipment would be higher than 1m above the highest part of the roof (excluding any chimney);***
- 3.5.7 The panels will be installed on a flat roof, however they would not be higher than 1m above the highest part of the roof. The proposal therefore accords with J.1(b).
- 3.5.8 ***(c) The solar PV equipment or solar thermal equipment would be installed on a roof and within 1 metre of the external edge of that roof;***
- 3.5.9 The solar panels would not be installed within 1 metres of the edge of the roof. The proposal therefore accords with J.1(c).
- 3.5.10 ***(d) In the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a roof slope which fronts a highway***
- 3.5.11 The site is not located on article 2(3) land, and therefore accords with J.1(d).
- 3.5.12 ***(e) The solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument; or.***
- 3.5.13 The site is not a scheduled monument, and therefore accords with J.1(e).
- 3.5.14 ***(f) The solar PV equipment or solar thermal equipment would be installed on a listed building or on a building within the curtilage of a Listed Building.***
- 3.5.15 The site is not a listed building, nor is it sited in the curtilage of a listed building. The proposal therefore accords with J.1(f).
- 3.5.16 **J.2 Development is not permitted by Class J(a) or (b) if—**
- 3.5.17 ***(a) The solar PV equipment or solar thermal equipment would be installed on a wall and would protrude more than 0.2 metres beyond the plane of the wall when measured from the perpendicular with the external surface of the wall;***
- 3.5.18 ***(b) The solar PV equipment or solar thermal equipment would be installed on a wall and within 1 metre of a junction of that wall with another wall or with the roof of the building; or***
- 3.5.19 ***(c) In the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a wall which fronts a highway.***
- 3.5.20 Not applicable. The panels would not be installed on the external wall of the building. The proposal therefore accords with J.2 (a), (b) and (c).

- 3.5.21 ***J.3 Development is not permitted by Class J(c) if the capacity of the solar PV equipment installed (together with any solar PV equipment installed under class J(b)) to generate electricity exceeds 1 megawatt.***
- 3.5.22 The application is accompanied with a technical data sheet that indicates each panel will generate 390-405W. The agent has confirmed the maximum combined output to be 19.8kW, as such the proposal would not exceed the above threshold. The proposal therefore accords with J.3.
- 3.5.23 Taking all of the above into consideration, the proposal is compliant with the aforementioned limitations and is, therefore, established as permitted development and acceptable in principle.
- 3.5.24 ***J.4 (1): Class J development is permitted subject to the following conditions;***
- 3.5.25 ***(a) The solar PV equipment or solar thermal equipment must, so far as practicable, be sited so as to minimize its effect on the external appearance of the building and the amenity of the area; and***
- 3.5.26 The proposed siting of the solar panels will not be detrimental to the external appearance of the building and the amenity of the area. Further discussion on these matters will follow in sub-paragraphs 3.5.30-3.5.32. The proposal therefore accords with J.4.(1, a).
- 3.5.27 ***(b) The solar PV equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.***
- 3.5.28 It is advised that this condition be added as an informative to the Decision Notice. Subject to compliance with that informative, the proposal would accord with J.4.(1, b).
- 3.5.29 ***J.4(2): Whether prior approval of the authority will be required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land.***
- 3.5.30 The host building features a flat roof aspect to the front with a parapet wall around the perimeter. As such, the solar panels which are to be positioned on the flat roof will subsequently not be able to be viewed from public vantage points given screening from the surrounding parapet wall. For these reasons, it is considered that the proposal would not be harmful to the visual amenities of the host building or its setting.
- 3.5.31 In relation to impact on glare on occupiers of neighbouring land, the proposal site is within an isolated location, and thus away from nearby buildings. Also, due to the siting of the solar panels on a flat roof it is not considered such glare impacts would arise.
- 3.5.32 Additionally, solar panels are designed to absorb a high level of light, and use of dark materials mitigates much of the glare impact. As such, the proposal is considered to be acceptable from an amenity perspective, in line with the requirements of Policy 8 of the Local Plan Part 2 (2015).

3.5.33 Based on the above, the proposed solar PV equipment would accord with the conditions set out in Class J.1 a-f, J.2 a-c, and J.3 of Part 14. In addition, the LPA considers that prior approval is not required for the proposals as set out within the submission in accordance with Class J.4 of Part 14 of the General Permitted Development Order 2015.

3.5.34 Other Matters

3.5.35 Air Quality and Climate Change

3.5.36 In regards to air quality and climate change, Policy CS13, point 3(i) and Local Plan Part 2, point 2 of Policy 9 seek to minimise the impacts of development upon climate change.

3.5.37 Furthermore, Policy 36 of the LPP2 states 'all development must demonstrate how it has been designed to minimise its contribution to carbon emissions and climate change, both directly from the development and indirectly arising from factors such as travel to and from the development'.

3.5.38 The application site is not within a designated Air Quality Management Area. Solar Panels as a renewable energy source will cut the dependence on fossil fuel energy, and thus its introduction is considered to make a positive impact on air quality. The proposal therefore accords with Policies CS13 and 9 / 36 of the Local Plan Part 2 (2015).

CONCLUSION

The Council is seeking prior approval for the installation of a roof mounted solar pv system under Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015. As the proposals accord with the criteria set out under Class J, the only planning matters that the Authority are able to consider in the determination as to whether prior approval is required are the design or external appearance of the development, and amenity impact arising from the glare on occupiers of neighbouring land. No other matters are material and thus cannot be considered as part of this application for prior approval.

The proposal is Permitted Development as it conforms to the requirements of Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Officers are of the opinion that the scheme complies with parts J.1, J.3 and J.4 in this instance. It is therefore considered that prior approval is not required.

4.0 RECOMMENDATION

4.1.1 PRIOR APPROVAL IS NOT REQUIRED

The proposal is subject to the following condition;

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

Drawing No. PLE-CAP-00-ZZ-DR-BS-1002: Proposed Plan & Elevations; and Product detail: Vertex S, Trina solar PRODUCT: TSM-DE09.08 BACKSHEET MONOCRYSTALLINE MODULE PRODUCT RANGE: 390-405W - Received 20th April 2022

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

The below informative has also been added;

The solar PV equipment or solar thermal equipment should be removed as soon as reasonably practicable when no longer needed.

5.0 PLANNING HISTORY

There is no relevant planning history associated with this site which is considered directly relevant to the determination of this case.

6.0 CONSULTATIONS

In accordance with Condition J.4(6) of Class J, the Council, the Local Planning Authority, has given notice of the proposed development by Site Notice.

No representations have been received as a result of this Site Notice.

7.0 CONTACT OFFICER: Jamie Edwards, Planning Officer

8.0 DATE PREPARED: 12 May 2022

PLACE (GROWTH & DEVELOPMENT) DEPARTMENT

ORIGINATING SECTION: PLANNING (DEVELOPMENT
MANAGEMENT)

REPORT TO PLANNING & HIGHWAYS COMMITTEE - 26th May 2022

TITLE: Confirmation of Tree Preservation Order – 15
Lammack Road Blackburn (C12)

WARDS: Billinge and Beardwood

1.0 PURPOSE OF THE REPORT

- 1.1 To request that the Committee endorse the actions of the Council's Arboricultural Officer/Planning Manager (Development Management) in making and serving the 15 Lammack Road Blackburn Tree Preservation Order 2022.
- 1.2 To request that the Committee confirm 15 Lammack Road Blackburn Tree Preservation Order (C12) without modification.

2.0 RECOMMENDATION

- 2.1 That the actions of the Arboricultural Officer and Planning Manager (Development Management) in making and serving the 15 Lammack Road Blackburn Tree Preservation Order 2022 be endorsed.
- 2.2 That the 15 Lammack Road Blackburn 2022 Tree Preservation Order (C12) is confirmed without modification.

3.0 BACKGROUND & RATIONALE

- 3.1 On 29th October 2021, the local planning authority received a formal full planning application (ref: 10/21/1223) to remove the wall at the front of the property in order to create a new access and car parking space in the front garden of No.15 Lammack Road, Blackburn. The proposals were to impact upon three existing mature trees on the eastern boundary of the application site. During the assessment of this enquiry, the Council's Arboricultural Officer, considered the trees in question, were worthy of protection – see Image 1.



Image 1: Image showing position of Lime trees..

3.2. The Arboricultural Officer subsequently carried out a Tree Evaluation Method for Preservation Orders (TEMPO), which was undertaken on the 13th January 2022. The assessment gave the tree a high score as illustrated in image 2, which fully warrants a TPO. Members are advised that the planning application for the new access and car parking space at No.15 Lammack Road, is still under consideration, and a site meeting is scheduled for the 12th May, with the applicant, and the Council's Arboricultural and Highways Officer, to discuss revisions that would satisfy both concerns relating to the impact on the protected trees, and highway safety.

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 13/1/2022		Surveyor: R JONES	
Tree details	1, 2 & 3	Tree/Group No:	Species: Tilia sp
TPO Ref (if applicable):		Location: 15 Cammrack Rd	
Owner (if known):	LIME		

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

5) Good	Highly suitable	Score & Notes 3
3) Fair/satisfactory	Suitable	
1) Poor	Unlikely to be suitable	
0) Dead/dying/dangerous*	Unsuitable	
* Relates to existing context and is intended to apply to severe irremediable defects only		

b) Retention span (in years) & suitability for TPO

5) 100+	Highly suitable	Score & Notes 2
4) 40-100	Very suitable	
2) 20-40	Suitable	
1) 10-20	Just suitable	
0) <10*	Unsuitable	
*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality		

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

5) Very large trees with some visibility, or prominent large trees	Highly suitable	Score & Notes 4
4) Large trees, or medium trees clearly visible to the public	Suitable	
3) Medium trees, or large trees with limited view only	Suitable	
2) Young, small, or medium/large trees visible only with difficulty	Barely suitable	
1) Trees not visible to the public, regardless of size	Probably unsuitable	

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

5) Principal components of formal arboricultural features, or veteran trees	Score & Notes 1
4) Tree groups, or principal members of groups important for their cohesion	
3) Trees with identifiable historic, commemorative or habitat importance	
2) Trees of particularly good form, especially if rare or unusual	
1) Trees with none of the above additional redeeming features (inc. those of indifferent form)	
-1) Trees with poor form or which are generally unsuitable for their location	

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

5) Immediate threat to tree inc. s.211 Notice	Score & Notes 5
3) Foreseeable threat to tree	
2) Perceived threat to tree	
1) Precautionary only	

Part 3: Decision guide

Any 0	Do not apply TPO	Add Scores for Total: 15	Decision: TPO.
1-6	TPO indefensible		
7-11	Does not merit TPO		
12-15	TPO defensible		
16+	Definitely merits TPO		

Image 2: TEMPO Assessment 13th January 2022.

3.3 A copy of the TPO and Schedule is attached to this report.

- 3.4 The trees are situated on the eastern boundary of the property and are all mature in age. A high visual amenity for the area, the trees are approximately 13m in height and average a 'Diameter at Breast Height' of 400mm and a Crown Spread of approximately 8m. The trees are a typical size and age for planting in this area and an integral part of the character of this part of Lammack Road.
- 3.5. The current property owners, where the trees are located, and the ward councillors were informed of the proposed TPO on the 26th January 2022.
- 3.6 An objection was received from the trees' owner, Mr Mahmood, stating a number of issues including: blocked drains, impact upon a gas pipe, trees removed at No.17, and confusion as to the original TPO. Although not formal, an objection in the form of an email from the residents at No.13 Lammack Road was also received on the 10th February 2022, where they simply said; "*You will not make this TPO because the leaves make the path slippery*". A summary of the representations received are detailed below in section 6, appendix 1.
- 3.7 In terms of the objections, drains and pipes are not a material consideration when looking to protect trees. All modern drains and pipes are made of a plastic non penetrable material and are usually not compromised by tree roots. With regards to the issues at the neighbouring property No.17, all these issues are being addressed through the appropriate enforcement channels, together with the proposed development approved under application reference 10/21/0885. Members are also advised this is not a material consideration for this site, the subject of the TPO. The confusion with the TPO, as referenced, is relating to the fact that the trees are already subject to a TPO dated 1991, where the tree species were listed as Elm and not Lime. This is the reason for re-making the order.
- 3.7 The trees are of considerable amenity value and are under threat of removal if the planning proposals, submitted at the time under application reference 10/21/1223, were approved. The emergency Tree Preservation Order was made on the 26th January 2022, and the Council has six months in which to confirm this order. As such, the deadline for confirmation is 26th July 2022, and if the TPO is not confirmed by this date the trees would potentially not be protected due to the issue with the 1991 Order.

4.0 **CONTACT OFFICER:** Gavin Prescott, Planning Manager
(Development Management)/Roland Jones,
Arboricultural Officer

5.0 **DATE PREPARED:** 3rd May 2022

6.0 APPENDIX 1 – SUMMARY OF REPRESENTATIONS

Objection – Mr Ashid Mahmood, 15 Lammack Road, Blackburn. Received 16.02.2022

Mr Ashid Mahmood

15 Lammack Road

Blackburn

BB1 8JW

Ref:G&D/P/GJP/TPO/C12 16th February 2022

To whom it concerns,

I am writing to you as the owner of 15 Lammack road following the provisional TPO sent to me on the 28th Jan 2022.

Firstly, I would like to address the statement on the letter which stated that the order has been made ‘following concerns received by the local community that the trees in questions are likely to be felled’. As respectable members of the Lammack community I have always followed the guidelines and worked with the local council and my surrounding neighbours prior to any work being carried out on my trees. I am confident these issues have not been raised by the local residents.

I am extremely concerned about the process the council has followed regarding this TPO.

I am objecting to the provisional TPO due to the following reasons:

Please see image 1 below: which illustrates I have a drainage system from the dwelling running past the tree roots and over the recent years I have had several blockages due to the roots.



Image 1 – Manhole adjacent to the tree roots leading to the dwelling.



Image 2- Illustrates my main gas line entering the external wall onto the property and past the tree roots to the dwelling which has been replaced on Dec 28th 2021, due to a gas leak at the entry of the property. I was advised by my gas company that the soil and roots pushing towards the main gas pipe have caused this.

I also object due to the following reasons:

As you are aware my planning for vehicular access ref: 10/21/1223 was submitted in Dec 2021 and that this TPO concerns have only emerged due to my development plans, as I wanted to work with my local council.

The council have now only re-classified the correct species after I submitted my planning, and on the date of my planning decision date 28/01/2022 the TPO letter arrived which is very concerning.

The Lime trees on my original TPO were ‘not afforded protection’ and my tree survey 10/20/1130 clearly identifies this. This was also confirmed by Roland Jones. I have clear communication confirming this.

I feel that this is a deliberate barrier, unjust and unfair. The council were well aware of the incorrect species back in Nov 2020. The council had enough time to change the TPO back then.

My planning application was only submitted after taking advice from the planning officer Jamie Edwards in Sept 2020 with regards to the development at no 17 Lammack road for vehicular access. As per conversation and site visit by Jamie, I was advised I would not have any issues as and when I decided to put in an application. Several properties on Lammack road already have driveways. I sought the same opportunity as No 17 Lammack road.

I feel that this TPO is a unnecessary barrier on my planning application due to the recent decisions that have been made at No 17 Lammack road with regards to visual amenity.

My development opportunity has been obstructed and I am concerned, especially as I sought to work with the council throughout this development.

On the original report (10/20/0881) for 17 Lammack road, it concluded that T3 and T4 (TPO trees would be retained.) However, on their re-submission report 1/09/2021 it was concluded that to 'facilitate the development these TPO trees would have to be felled' and the visual amenity would not be affected as the tree officer supported the new landscaping scheme submitted to cover the 'interests of visual amenity for the surrounding area.'

The following image shows the trees at No 17 before they were felled and the after effect.

The neighbours (No 17) trees were a similar species and same age and these were granted consent to fell without the need of a tree report.



T3 and T4 retained. T3 and T4 felled

It is clearly evident from these pictures the visual amenity has changed considerably. I am concerned that due to recent decisions for No 17, I am being penalised and not being treated equally. Since this development, No 19 Lammack road has also been given the same consent for vehicular access.

Please see image below:

I feel the current trees can be removed as there are no visual merits in retaining them. Coming down Lammack road as the image shows there are number of trees which hold more visual amenity to the surrounding areas. The trees on my property are set

back and only appear in the immediate approach to my property. These trees can be removed and can be replanted elsewhere within the site curtilage. The same replanting opportunity that has been given to No 17.(Point 14 of Policy 9)

Set back image trees on 15 Lammack Rd



Immediate approach to our property



Approach from top of Lammack Rd

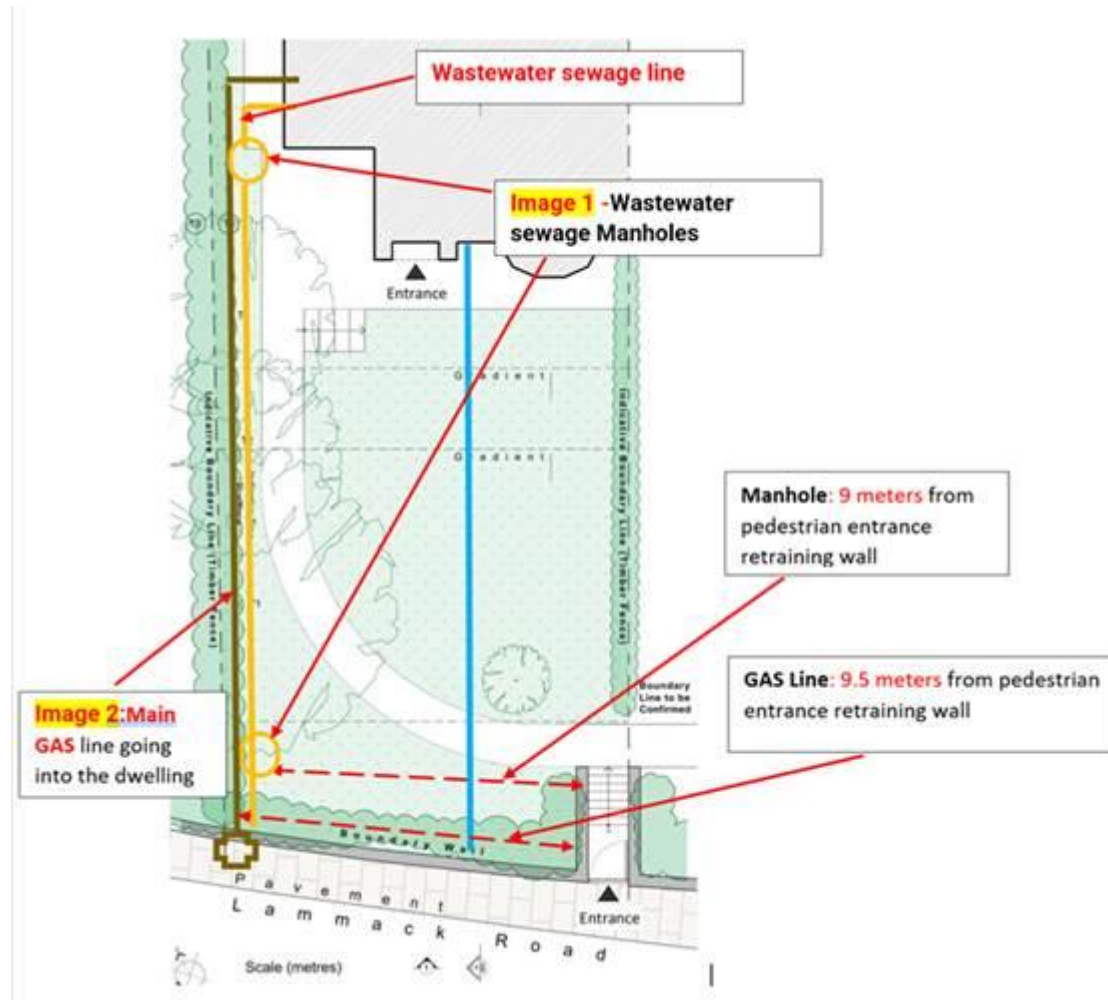


I feel the actions so far from the council are not justified and I am apprehensive about the inconsistencies for 2 developments that are clearly identical. It is clearly evident that the visual amenity will still be maintained by our proposed development than to No 17 development.

For these reasons, I feel that the TPO cannot be justified and this has purely been applied on amenity. I would like to reiterate that throughout I wanted to work with the council and would like to continue to do so but be treated fairly and equally, and be given the same development opportunity.

I await your response and hope to find some kind of a solution before this goes in front of the planning committee

Please see below the plan on the full utilities coming into 15 Lammack road.



Kind Regards

A.Mahmood

**Further Objection – Mr Ashid Mahmood, 15 Lammack Road, Blackburn.
Received 09.03.2022**

Hi Roland,

Thank you for your reply below. However, I would like to address a few key points.

I am aware of the TPO 1991 Old35G2 which covered No 15 and No 17 Lammack road. However, the communication prior to my planning regarding Lime trees on our property that I have from the local authority clearly states 'lime trees are not protected', hence the reason I put my planning in and why this was communicated to Jamie in January 2022 by myself via email.

As my previous email stated, my planning application was submitted after a site visit and telephone call conversation with the planning officer who advised I would not have any issues with my planning as no 17 had been given the same planning consent.

Following issues have still not been clarified.

As you are no doubt aware the 'proposed TPO' is being updated purely as I submitted my planning. However, the TPO sent to me on the 28/01/2022, you stated that the order has been raised 'following concerns received by the local community that the trees in question are likely to be felled' and due to 'visual amenity.' The pictures I sent below clearly show my trees are set back and these trees can be removed as there are no visual merits in retaining them.

As per email below, which I am sure you are also aware that No 17 had '4 protected trees' at the front of their property, T1, T2, T3 and T4. I am aware that T1 and T2 were given consent to fell due to health and safety, dated Sept 2020 prior to the development planning being submitted. T3 and T4 as stated on Jamie's report dated 18/11/2020, were to be 'retained.'

The resubmission report dated 1/09/21 also stated T3 and T4 were to be retained. However, 'to facilitate the development the trees would now have to be felled'. The tree officer supported 4 replacement trees to be replanted.

These trees T3 and T4 were significant to the 'visual amenity' but now the visual amenity has changed considerably as shown in the pictures in my previous email.

T3 and T4 were given consent to fell without the need of a tree report, whereas we were told to submit a tree report. These inconsistencies are very concerning.

No 17 could have had their development stopped at any time as the resubmission was only re sent to the council after development had started. At no point did they have to submit a tree report. But yet allowed to 'fell 2 TPO' trees because of the development.

Firstly, It is vitally important to note, how can 2 developments which are identical, one be allowed to fell TPO trees and my development facing several obstacles due to trees.

The council have been willing to work with No 17 development but hesitant with ours. This stance raises concern that the council are being selective.

It is clearly evident that No 17 throughout their development have been granted several changes without any challenges from the council, from 1 car to 2 car parking spaces, wall height amendments and allowed to fell TPO trees. Whereas I have faced several challenges from day 1 of my planning.

I am sure you will agree I have raised some valid concerns which have not been addressed yet.

I am willing to replant any trees that are affected by my development just like No 17 have.

I would like to reiterate that I sought the same development opportunity as my neighbours. Lammack road is a very busy road and several accidents and hazards are visible on this road which make it difficult for our young children to cross safely.

My development would be beneficial to this area also as there are numerous driveways on Lammack road, and as policy 11 states 'the introduction of off street parking within the curtilage is considered complimentary to the host property and wider locality'.

I am very apprehensive why my planning application has been halted and feel the council is not willing to work with me and find a solution.

I await your response before my application goes in front of the planning committee.

Regards

A Mahmood

Objection – Mr Hassan Patel, 13 Lammack Road, Blackburn. Received 07.02.22

Hi Please note I am not happy that you have put a TPO on the 3 trees as you have marked in your plan

Please can you remove the TPO immediately as this is giving me and my family problems last Friday 04/02 at 6.00pm I slipped on my drive and badly hurt my left knee because there is a lot of sapp and leaf's fallen from the trees and has become very slippery this has become a major hazard also previously I have had my both cars damaged due to branches landing on the roof

My next door neighbour from 15 Lammack is prepared to remove the trees as they are putting in a drive at his cost which I am happy for him to do so please can you remove the TPO, so they can proceed with the works required.

Kind Regards
Hassan Patel

Comments - Councillor Jackie Floyd. Received 27.01.22

Thank you Gavin

I sense with Climate emergency and all the greenery in our ward this won't be the first of these reviews. It's important to get the details correct.

TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999
As amended by the Town and Country Planning (Trees)(Amendment)(England)
Regulations 2012

Town and Country Planning Act 1990
15 Lammack Road Blackburn, Tree Preservation Order 2022

The Blackburn with Darwen Borough Council, in exercise of the powers conferred on them by Sections 198, 201 and 203 of the Town and Country Planning Act 1990 hereby make the following Order –

Citation

1. This Order may be cited as the: 15 Lammack Road Blackburn Tree Preservation Order (TPO) 2022

Interpretation

2. In this Order “the authority” means the Blackburn with Darwen Borough Council and unless the context otherwise requires, any reference in this Order to a numbered section is a reference to the section so numbered in the Town & Country Planning Act 1990.

Application of Section 201

3. The authority hereby direct that Section 201 (provisional tree preservation orders) shall to this Order and, accordingly, this Order shall take effect provisionally on the 26th January 2022.

Prohibited acts in relation to trees

4. Without prejudice to subsections (6) and (7) of Section 198 (power to make tree preservation orders) or subsection (1) of Section 200 (tree preservation order: Forestry Commissioners), and subject to Article 5, no person shall -

(a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destructions of,

Any tree specified in Schedule 1 to this Order or compromised in a group of trees or in a woodland so specified, except with the consent of the authority and, where such consent is given subject to conditions, in accordance with those conditions.

Exemptions

5 – (1) Nothing in Article 4 shall prevent -

(a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary –

Under paragraph (3) as it applied to the assessment of compensation where a felling licence is refused under Section 10 (application for felling licence and decision of Commissioners thereon) of that Act as if for any reference to a felling licence there were substituted a

reference to a consent required under this Order and for the reference to the Commissioners there were substituted a reference to the authority.

(6) In this article -

“development value” means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and “owner”) has the meaning given to it by Section 34 of the Forestry Act 1967.

Dated: 26th January 2022.

A handwritten signature in black ink, appearing to read 'Mr A Kelly', is written over a horizontal line. The signature is cursive and somewhat stylized.

Signed
Strategic Director of Place
Authorised Officer

SCHEDULE 1

SPECIFICATION OF TREES

**LOCATION: 15 Lammack Road, Blackburn Tree
Preservation Order 2022**

Trees Specified Individually

(encircled in black on the plans)

Reference On Map	Description	Situation
T1, 2 & 3	Lime	Front Garden 15 Lammack Road

Trees specified by reference to an area

(within a dotted black line on the plans)

Reference On map	Description	Situation
	None	

Groups of Trees

(within a broken line on the plan)

Reference on map	Description	Situation
	None	

Woodlands

(within a continuous black line on the plans)

Reference on map	Description	Situation
	None	



FOUR LANE ENDS

**Blackburn with Darwen Borough Council
Town & Country Planning Act 1990**

Title: 15 Lammack Road Tree Preservation Order 2022

Scale: 1:1250
Date: 26 January 2022

Authorised Signature

Neil Kelly

ORIGINATING DIVISION: HIGHWAYS AND TRANSPORTATION

REPORT TO: BLACKBURN WITH DARWEN BOROUGH COUNCIL
PLANNING AND HIGHWAYS COMMITTEE

DATE: 26th May 2022

TITLE: REQUEST TO STOP UP HIGHWAY AT DAVY FIELD ROAD,
ROMAN ROAD INDUSTRIAL ESTATE, BLACKBURN, BB1
2LU, UNDER SECTION 116 OF THE HIGHWAYS ACT 1980

WARD: Blackburn South and Lower Darwen

COUNCILLORS: Denise Gee
Jaqueline Slater
John Slater

1.0 PURPOSE OF THE REPORT

The purpose of the report is to inform Members of the receipt of a request by the Highways Team for the Council to progress an Order for the Stopping Up of a small section of highway which leads off Davy Field Road as outlined in red on the attached plan. This is used as a private car park and belongs to Accrol Papers and we ask Members to authorise the Deputy Director of Legal & Governance to apply to the Magistrates' Court for the necessary Order.

2.0 BACKGROUND AND DETAILS

Land which included adopted highway land was sold by the Council to Phoenix Court Blackburn Limited on 11th July 2017 to allow for Accrol Papers to be further developed with an alternative through road and ancillary car parking for their business, utilising this section of highway. It was intended for the new landowner to take forward a stopping up order under Section 247 of the Town and Country Planning Act 1990 (as amended) in concert with the build works. To the best of the Council's knowledge issues arose relating to this closure process and their application was stalled. As the development was completed without the highway being stopped up under Section 247, the Department of Transport formed the view that this legislation no longer applied and they therefore discontinued the application.

The Council has now been approached by the new property owners of the site to formally close the highway under Section 116 of the Highways Act 1980 as this section of land falls within the car park boundary of the site.

It is reasonable to take the view that as this section of land has no role as public highways and has not done so for a number of years already, it therefore qualifies to be Stopped Up under the terms of Section 116 of the Highways Act 1980 on the grounds that it is unnecessary.

3.0 PROCEDURE

The power to make a Stopping Up Order under the Highways Act is vested in the Magistrates' Court, and only the Highway Authority for the road to be stopped up may make the application, although it has the discretion to apply its powers on the request of third parties as is the case here (Section 117 of Highways Act

1980). Section 116 allows the Magistrates' to make this order if they are satisfied that the Highway is no longer "necessary" or it "can be diverted so as to make it nearer or more commodious to the public", In this instance the applicable reasoning for the proposed closure is on the grounds of lack of necessity. The Court will require evidence that the road is unnecessary and that notices and consultations with all affected and interested parties, in accordance with the requirements of the Act, have been made, and that there are no outstanding objections to the making of the Order.

4.0 IMPLICATIONS

Customer	None
Financial	The costs of implementing the change will be met by the applicant. Any future cost on the Council as the Highway Authority for maintaining these streets following their closure will cease.
Anti-poverty	None
Crime and Disorder	None

5.0 CONSULTATION

The Council's highway officers have no objection to the proposed Stopping Up of this section of highway

No public or external consultation has been carried out by the Council in respect of the proposed Stopping Up at this stage. However, should the Committee approve the Stopping Up, before making the Order, the Council would carry out consultation as required by S 116 of the Highways Act 1980. This would involve consulting statutory undertakers, posting site notices and publishing the proposed Orders in the local newspaper and London Gazette. A 28 days consultation period would allow interested parties to respond.

6.0 RECOMMENDATION

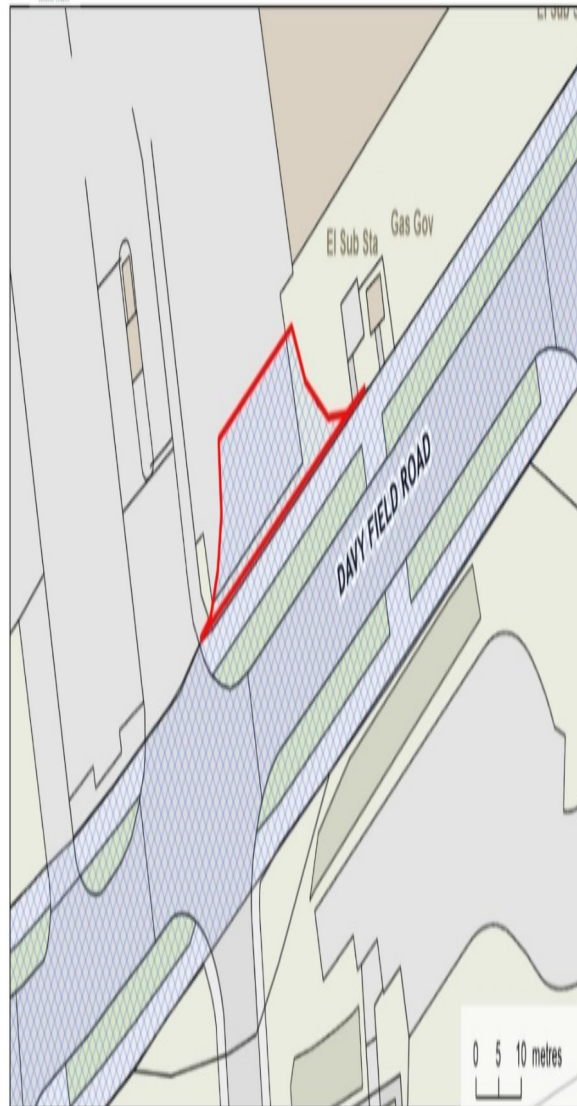
It is recommended that Committee authorise the Deputy Director of Legal & Governance to progress with the closure of that part of the highway listed above and if the Department believes there is a good chance that the application will be successful, to apply to the Magistrates' Court for the necessary Order.

- | | |
|-------------------------------|------------------------|
| 6.0 BACKGROUND PAPERS: | Plan
Streetview Map |
| 7.0 CONTACT OFFICERS: | Karen Timperley |
| 8.0 DATE PREPARED: | 3rd May 2022 |





Davy Field Road, Blackburn



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