

Public Document Pack

Planning and Highways Committee

Thursday, 16th March, 2023

6.30 pm

Meeting Room A, Blackburn Town Hall

AGENDA

1. **Welcome and Apologies**
2. **Minutes of the Previous Meeting**
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3. **Declaration of Interest**
Declaration of Interest Form 9
- Material Consideration** 10 - 11
4. **Planning Applications for Determination**
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- 4.1 **Planning Application 22/0991**
Cmt Report 22/0991 13 - 40
- 4.2 **Planning Application 22/1202**
Cmt report 22/1202 41 - 61
5. **Petition supporting an application for full planning permission for the following development: 'Demolition of the Farthings Public House and erection of 12 No. new industrial units (E(g), B2 and B8 Use) with new bin store areas, secure cycle and motorcycle areas, landscaping and new vehicular and pedestrian access – Ref: 10/23/0070, at The Farthings, Rosewood Avenue, Blackburn BB1 9SZ**
Petition supporting an application for full planning permission for the following development: 'Demolition of the Farthings Public House and erection of 12 No. new industrial units (E(g), B2 and B8 Use) with new bin store areas, secure cycle and motorcycle areas, landscaping and new vehicular and pedestrian access – 62 - 67

**Ref: 10/23/0070, at The Farthings, Rosewood Avenue,
Blackburn BB1 9SZ
10-23-0070 petition redacted.pdf**

- 6. Petition supporting an application for full planning permission for the following development: 'Full Planning Application (Retrospective) for Rear dormer (retrospective) (amendments to previously refused application 10/21/1266)', at 10 Brantfell Road Blackburn BB1 8DN**

**Petition Report
Petition Redacted**

68 - 79

Date Published: Wednesday, 08 March 2023
Denise Park, Chief Executive

PLANNING AND HIGHWAYS COMMITTEE

Thursday, 16 February 2023

PRESENT – Councillors, David Smith (Chair), Casey, Khan, Marrow, Baldwin, Liddle, Imtiaz, Mahmood, McCaughran, Floyd (substitute for S Desai) and Hardman (substitute for J Slater).

OFFICERS – Nick Blackledge, Saf Alam, Michael Green & Shannon Gardiner

RESOLUTIONS

68 **Welcome and Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Cllr Samim Desai and was substituted by Cllr Jackie Floyd, Cllr Jacque Slater and was substituted by Cllr Derek Hardman and Cllr Paul Browne and Cllr Akhtar Hussain.

69 **Minutes of the Previous Meeting**

RESOLVED – That the minutes of the previous meeting held on 19th January 2023 be agreed and signed as a correct record.

70 **Declaration of Interest**

RESOLVED – There were no Declarations of Interest received.

71 **Committee Agenda**

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.

71.1 **Planning Application 22/0412**

Applicant – Mr Peter Gilkes

Location and Proposed Development – Land to rear of 1-19 Colenso Road, Blackburn, BB1 8DR.

Proposed residential development for the erection of up to four dwellings.

Decision under Town and Country Planning Acts and Regulations –

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

71.2 Planning Application 22/0920

Speaker – Mr Iqbal (objector)

Applicant – Chocoberry (Blackburn)

Location and proposed Development – Units 1 & 2 Brookhouse Business Centre, Whalley Range, Blackburn, BB1 6BB.

Full Planning Application for Proposed Change of Use from Training Centre to Dessert Shop (Class E) including New Shop Fronts.

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved (3 abstains) subject to the conditions highlighted in the Director's Report.

71.3 Planning Application 22/1002

Speakers – Clare Starbuck (objector)

Neil Slater (Ward Cllr)

Sophie Marshall (Agent)

Applicant – Ms Gillian Lomax

Location and proposed Development – Land adjoining Moorthorpe Cottage, Park Road, Darwen, BB3 2LQ.

Approval of Reserved Matters "appearance, landscaping and scale" pursuant to outline planning application 10/18/1153 "the erection of 9 dwellings".

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved (3 against) subject to the conditions highlighted in the Director's Report.

71.4 Planning Application 22/1004

Speaker – Mr Iqbal (Objector)

Applicant – Miss Sonia Ahmed

Location and proposed Development – Units 7 and 7A Brookhouse Business Centre, Whalley Range, Blackburn, BB1 6BB

Full Planning Application (Retrospective) for Retrospective Application for Change of Use from Sui-Generis to Cafe (Class E) including New Glazing, Rear Extension and External Alteration, including new seating area to the side elevation.

Decision under Town and Country Planning Acts and Regulations –

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

The following additional condition is proposed:

CONDITION: Within 3 months of the date of this permission, a car park management scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to, formal markings of all spaces, and details of access arrangements / restrictions, and enforcement. Within 3 months of the scheme being approved by the Local Planning Authority, the scheme shall be fully implemented in accordance with the approved details, and shall thereafter remain in place in perpetuity.

REASON: To ensure adequate parking for staff and visitors to the former Brookhouse Business Park and to ensure the car park is managed appropriately, in accordance with the requirements of Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

71.5 **Planning Application 22/1006**

Speaker – Helen Kelly (On behalf of applicant)

Applicant – Suez Recycling & Recovery UK Ltd.

Location and proposed Development – Suez Recycling & Recovery Park, Lower Eccleshill Road, Darwen, BB3 0RP

Full Planning Application: Demolition of existing waste management operations, relocation of the Waste Transfer Station and Materials Recycling Facility and erection of Anaerobic Digestion Facility.

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Directors Report and the following amendments to various conditions:

The following amendments to the suite of conditions itemised at paragraph 4.1 of the main report are agreed:

Removal of the following condition – itemised as no. 8 in the main report:

Prior to commencement of the development hereby approved, and notwithstanding the submitted details, a scheme for protecting the surrounding residential and commercial premises from noise, vibration and dust shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and adhered to throughout the period of demolition and construction.

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

The requirements of the condition are instead included in the DCEMP condition, itemised as no. 15 in the main report.

Amendment to condition itemised as no. 17 in the main report:

Replace 'Prior to commencement of development' with Prior to above ground works.

Amendment to condition itemised as no. 19 in the main report:

Replace 'Prior to commencement of development' with Prior to above ground works.

Removal of the following condition – itemised as no. 23 in the main report:

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 20, 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.

Measures required by the condition are instead included in condition 26 (Landscape & Ecological Management Plan).

Amendment to condition itemised as no. 24 in the main report:

Removal of 'as well as a maintenance programme to be implemented post completion of the development, for a specified period of time'.

Instead the requirement will be included in the LEMP condition, itemised as no. 26 in the main report.

Amendment to condition itemised as no. 26 in the main report:

Removal of:

- Persons responsible for implementing the works.
- Details of initial aftercare and long-term maintenance.
- Details for monitoring and remedial measures.
- Details for disposal of any wastes arising from works

Instead the requirement will be included in the LEMP condition, itemised as no. 26 and the DCEMP, itemised as no. 15 in the main report.

71.6 Planning Application 22/1067

Applicant – Keepmoat Homes (North West 1)

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

Minor Material Amendment for: Removal of condition No. 27 "Off-Site Highways Works" pursuant to planning application 10/21/1426 "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).

Decision under Town and Country Planning Acts and Regulations –

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

71.7 Planning Application 22/1185

Applicant – The Department for Education

Location and proposed Development – Blackburn College, Blakey Moor, Blackburn, BB2 1LH

Variation of Condition 2 pursuant to planning application 10/22/0921 'Temporary siting of modular accommodation for education use during period of works for refurbishment of the Victoria Building' to amend layout and position of the cabins

Decision under Town and Country Planning Acts and Regulations –

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

71.8 Planning Application 22/1195

Applicant – Mrs Jacqueline Slater

Location and proposed Development – 11 Minster Crescent, Darwen, BB3 3PY

Full Planning Application for Proposed side / rear single storey extension following demolition of existing conservatory.

Decision under Town and Country Planning Acts and Regulations –

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

71.9 Planning Application 22/1208

Applicant – The Kay Group (UK) Ltd

Location and proposed Development – Grimshaw Park Service Station, Grimshaw Park, Blackburn, BB2 3AG

Variation/Removal of Condition/Minor Material Amendment for Variation of Condition No.14 "land contamination" pursuant to planning application 10/20/0324 "Demolition and redevelopment of Petrol Filling Station and Head Office" - to enable prior demolition of building.

Decision under Town and Country Planning Acts and Regulations –

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

Other Business

The Chair informed Members that there were 3 appeals that had recently been determined and dismissed by the Planning Inspectorate. On behalf of the Committee the Chair thanked and congratulated the planning team for the performance and hard work.

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 GROWTH & DEVELOPMENT

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 BACKGROUND PAPERS

There is a file for each planning application containing application forms, consultations, representations, Case Officer notes and other supporting information.
Gavin Prescott, 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: 16/03/2023

Application No	Applicant	Site Address	Ward
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10/22/0991	Together Housing Group Caroline Grosvenor Prospect House Wharf Street Blackburn BB1 1JD United Kingdom	Vacant Land corner of Shadsworth Road/Dunoon Drive/Orkney Close Blackburn	Blackburn South East
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Full Planning Application for Erection of 3no. 3 bed, 5 person terraced dwellings with six proposed new car parking spaces, together with 6 car parking spaces provided for the existing residents

RECOMMENDATION: Permits

10/22/1202	Rocplas Distribution Ltd Unit 20 Furthergate Industrial Estate Blackburn BB1 3BS	Land off Carl Fogarty Way Blackburn	Audley & Queens Park
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Full Planning Application (Regulation 4) for Construction of a new mixed use (B8/E) building to provide showroom, warehouse and ancillary office space with formation of new access point from Carl Fogarty Way and associated car parking and landscaping works

RECOMMENDATION: Permits

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/22/0991

Proposed development: Full Planning Application: Erection of 3no. 3 bed, 5 person terraced dwellings with 6 proposed new car parking spaces, together with 4 car parking spaces provided for the existing residents.

Site address:

**Vacant Land corner of Shadsworth Road / Dunoon Drive / Orkney Close
Blackburn**

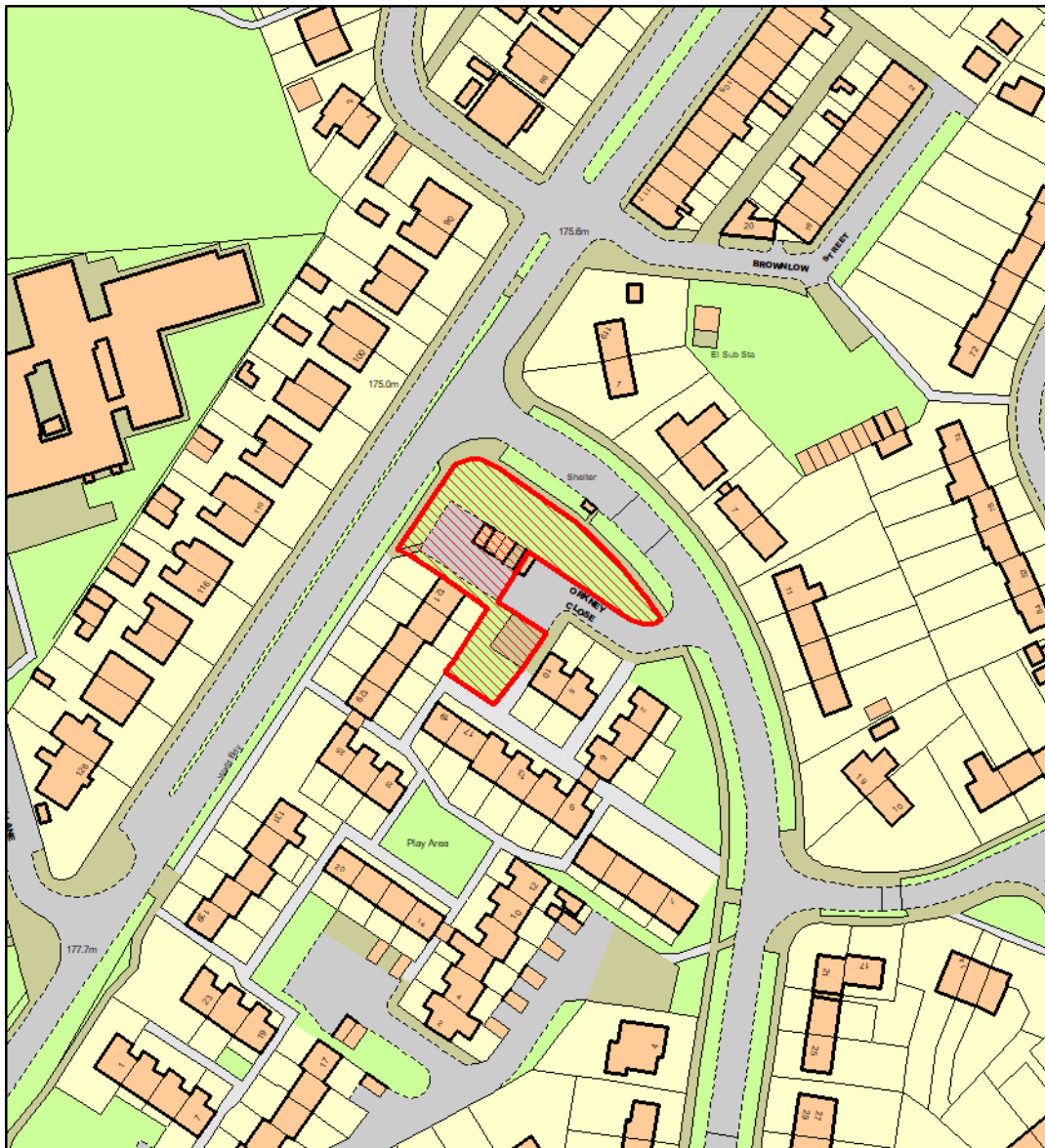
Applicant: Together Housing Group

Ward: Blackburn South East

Councillor Tony Humphrys

Councillor Vicky McGurk

Councillor Jim Shorrocks



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The application is reported to Committee due to the receipt of a 27 signature petition objecting to the proposal, on account of the intention to remove 4 established trees. This is in accordance with the Council's adopted Scheme of Delegated.
- 2.2 The proposal is in the form of a full planning application. Its submission 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.
- 2.3 Detailed assessment of the application finds that the proposed development corresponds with the Council's overarching housing growth strategy, as set out in the Core Strategy and Local Plan Part 2. Delivery of a quality housing development will be secured, at an in-fill plot within the Shadsworth Housing Estate, Blackburn. 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 owned by the applicant – Together Housing – and forms part of the wider Shadsworth Estate. It measures 1081.00 square metres in area.
- 3.1.2 The site represents one of 3 'infill' sites within the estate targeted for additional, demand led affordable housing, as part of a wider place making strategy for the estate, promoting a vision to:
- Unlock challenges and provide residents with a pathway towards a better quality of life.
 - Attract and retain households to be part of a wider, invigorated and more diverse community.
 - Ensure viable long term asset and neighbourhood management and create a wider asset management strategy which supports the place making vision.
- 3.1.3 The 3 sites infill sites are located at: Dunoon Drive / Orkney Close (the site – no. 2), Brodick Road and Brownlow Street. Permission has been granted for 2, 3 bed dwellings at the Brodick Road site (no 3), in January 2023, under delegated officer powers. An application for the Brownlow Street site (no.1)

for 5 dwellings was submitted on the 30th January 2023, and is still being considered. The location of the 3 sites is illustrated below (Design & Access Statement, Loop Systems Ltd, Dec 2022).



3.1.4 For context, Together Housing group own a large proportion of the existing Shadsworth Estate, including over 800 properties.

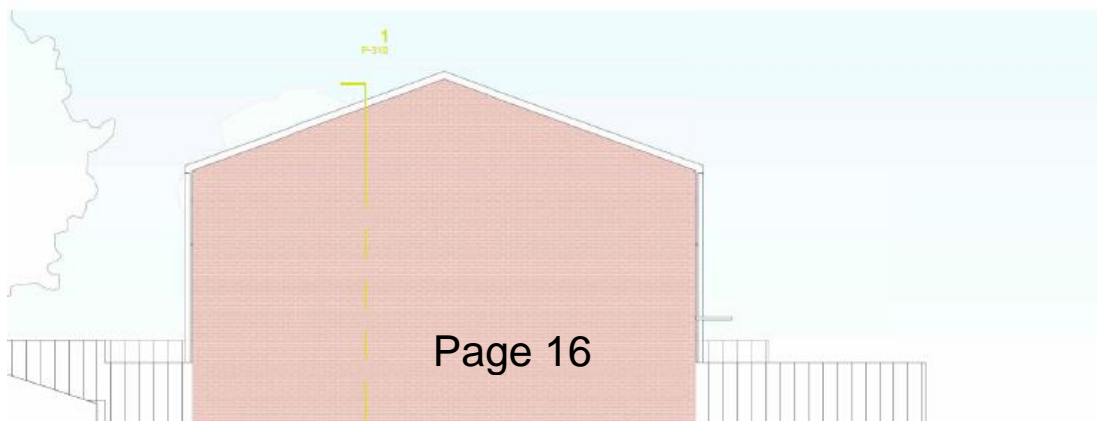
3.1.5 Built in the 1950's, the area is populated with a range of house types including 2 and 3 bedroom homes in semi-detached and terraced typologies. The estate is also home to two storey maisonette flats, a park, a school, and a community and retail hub

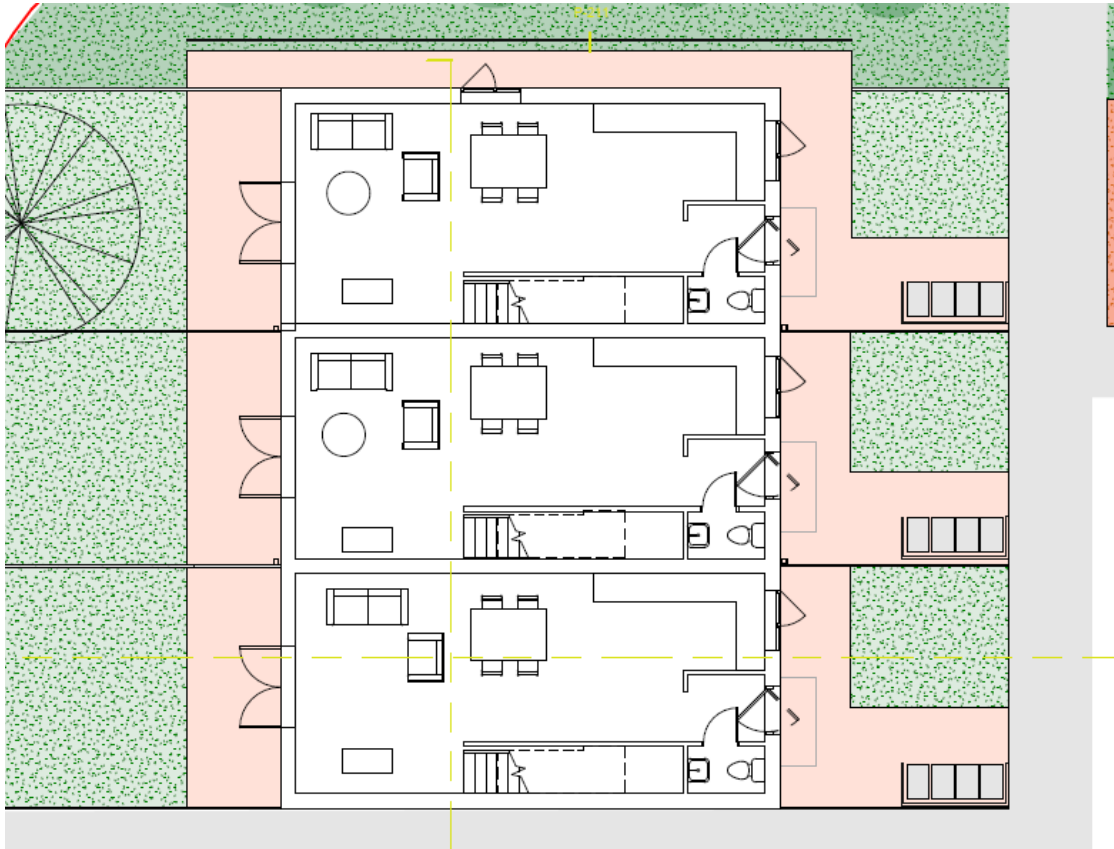
3.1.6 The site is located at the junction of Shadsworth Road / Dunoon Drive / Orkney Close, Blackburn, at the north west edge of the estate. It is partially previously developed land – ie. surfaced highway and partial soft landscaping – ie. tree planted grass verge. It not allocated for any specific purpose in the Local Plan.

3.2 Proposed Development

3.2.1 Full planning permission is sought for the erection of 3no. 3 bed, 5 person terraced dwellings, as 'affordable homes' (managed by the applicant) with six

proposed new car parking spaces, together with 6 car parking spaces provided for the existing residents. Full details are set out in the submitted drawings and Design & Access Statement. The proposed site plan and house types are illustrated as follows: (Design & Access Statement, Loop Systems Ltd, Dec 2022).





Site Photos taken 23rd November 2022:





Site Photos taken 5th December 2022:





Development Plan

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

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

3.3.3 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS5 – Locations for New Housing
- CS6 – Housing Targets
- CS7 – Types of Housing
- CS8 – Affordable Housing Requirement
- CS15 – Ecological Assets
- CS16 – Form and Design of New Development

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 18 – Housing Mix
- Policy 36 – Climate Change
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development

3.4 Other Material Planning Considerations

3.4.1 BwD Residential Design Guide Supplementary Planning Document (2015)

This document provides targeted advice to ensure high quality new homes. It aims to ensure that new development reflects the individual and collective character of areas of the Borough and promotes high standards of design. The document also seeks to ensure a good relationship between existing and proposed development in terms of protecting and enhancing amenity.

3.4.2 Air Quality Planning Advisory Note

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

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

3.4.4 National Planning Policy Guidance (NPPG).

3.5 Assessment

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

- Principle of the development;
- Amenity impact;
- Environmental impact;
- Accessibility and Transport; and
- Design / Character & Appearance.

3.5.2 Principle

Core Strategy Policy CS1 explains that the overall planning strategy for the Borough is one of '*Targeted Growth*' and identifies a need for '*a limited number of small scale urban extensions*'

3.5.3 Policy CS5 explains that the preferred location for new housing, where market conditions permit its delivery, will be the inner urban areas of Blackburn and Darwen.

3.5.4 Policy CS7 encourages the development of a full range of new housing over the life of the Core Strategy in order to widen the choice available in the local market.

3.5.5 Policy 18 requires detached and semi-detached house types to be the principal element of housing mix on any site capable of accommodating such housing.

- 3.5.6 As a proposal for family house types that widen the choice in the housing market, within the urban boundary, it is broadly consistent with the strategic objectives of the Core Strategy.
- 3.5.7 Orkney Close in general and in particular the section fronting Shadsworth Road, is defined by its terraced street pattern. In this context, proposed town houses, in a row of three, is considered the most appropriate type for the (in-fill) site.
- 3.5.8 Moreover, the homes would be for affordable provision and, as such, are supported by the Councils' Strategic Housing and Development Manager, as a tenure type that is evidently in demand within the locale.
- 3.5.9 The principle of the development is, therefore, found to be acceptable, in accordance with the provisions of the Local Plan and The Framework's presumption in favour of sustainable development, which should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified; subject to assessment of the following matters:
- 3.5.10 Amenity
Policy 8, supported by the Residential Design Guide SPD, requires a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; with reference to pollution or nuisance, privacy / overlooking, and the relationship between buildings.
- 3.5.11 Separation between proposed and existing dwellings is in accordance with the Council's adopted minimum standards. Mutually acceptable levels of amenity will, therefore, be secured, with regards to sunlight / daylight admissions, privacy and general relationship between buildings.
- 3.5.12 The Council's Public Protection consultee has made the following recommendations:
- Submission of a Noise Impact Assessment (NIA) to determine likely impacts of traffic noise, prior to determination of the application; and the following (summary) conditions:
 - standard contaminated land;
 - provision of electric vehicle charging points;
 - noise and vibration monitoring of pile driving (if applicable); and
 - limited construction hours.
- 3.5.13 Submission of a NIA is considered unnecessary and unreasonable, given the pre-existing street pattern along Shadsworth Road. Instead, standard noise mitigation can be secured via a condition, requiring submission of a noise attenuation / glazing scheme.
- 3.5.14 Conditions should be applied as recommended, with the exception of electric vehicle charging points, which is unnecessary, as provision is now mandated under the current Building Regulations regime.

- 3.5.15 Dwellings broadly accord with the minimum internal floor space prescribed by the Nationally Described Space Standards.
- 3.5.16 Adequate amenity space is provided to service the needs of future householders.
- 3.5.17 The site falls within the defined Development High Risk Area, as a result of historic coal mining activity. Accordingly, a Coal Mining Risk Assessment has been submitted with the application and reviewed by The Coal Authority, who offer no objection, subject to conditions to secure a scheme of intrusive site investigations and validation of any necessary remediation works.
- 3.5.18 Accordingly, the development is found to make a positive contribution and to appropriately safeguard amenity levels, in accordance with the requirements of Policy 8, The Residential Design Guide SPD and The Framework.
- 3.5.19 Environment
Policy 9 requires that development will not have an unacceptable impact on environmental assets or interests, including but limited to climate change (including flood risk), green infrastructure, habitats, species, water quality and resources, trees and the efficient use of land.
- 3.5.20 With reference to drainage, no objection is offered by the Council (as Lead Local Flood Authority) or United Utilities, subject to submission, via condition, of a foul and surface water drainage scheme, taking account of the drainage hierarchy.
- 3.5.21 An Arboricultural Impact Assessment (AIA) / Tree Survey has been submitted with the application, confirming the intention to remove four trees. An amended layout has since being agreed with the applicant, which goes some way to addressing public concern expressed over loss of trees. Trees identified as T03 and T04 are now to be retained, as recommended by the Council's Arboricultural consultee, whilst trees T05 and T07 will be removed (see Figure 1 below). Loss of the two trees is necessary to accommodate the development. Their loss is considered to be outweighed by the provision of additional demand led affordable housing to the area, as well as the economic benefits arising from development of the infill sites for housing, in the context of the overall place making aspirations for the estate, subject to replacement tree planting within the immediate locale, if necessary off-site, within an area of communal open space within the applicants ownership. Replacement shall be at a rate of two new trees for every one removed. A detailed scheme shall be secured via condition, as will adherence to the submitted AIA, including specified excavation methodology, the design of proposed surfacing and protection of retained trees during construction phase.



Figure 1: Revised amended site plan showing retention of trees T03 and T04 – received 1st March 2023.

3.5.22 Tree removal will be limited to outside of the bird nesting season, secured via condition.

3.5.23 A site wide landscaping scheme, including replacement tree planting at the stated ratio above, and a biodiversity net gain strategy shall also be secured via condition, in the interest of assimilating the development into the natural environment and to secure an uplift in biodiversity. Measures in addition to planting shall include provision of bat and bird boxes and hedgehog passes in boundary fences.

3.5.24 Accordingly, on balance, the environmental impact of the development is found to be acceptable, in accordance with the requirements Policies CS13, 9 and 40, and The Framework.

3.5.25 Highways / Accessibility and Transport

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

3.5.265 garages have recently been demolished at the site. The proposal includes 6 defined parking spaces for the proposed dwellings and an additional 4 for existing dwellings; dimensions of which are broadly in accordance with the Council's benchmark standard (2.4m x 5m). The

proposal will result in a formalised parking area for residents of the immediate locale which is considered to achieve an overall benefit. Parking for proposed dwellings, although not in-curtilage, is otherwise in accordance with the Council's 2 spaces for each 3 bed dwelling. Moreover, the spaces are laid out in courtyard form, adjacent to rather than within the carriageway, thereby avoiding direct conflict with highway users.

3.5.27 The proposal, in part, involves development of adopted highway (within the ownership of the applicant). The Council's Highways consultee asserts the need for the applicant to apply for a formal closure of the highway, through the Government office of the North East prior to undertaking any works. The cost will be borne by the applicant. An informative in this regard shall be applied to the decision notice.

3.5.28 Construction phase disruption will be minimised by the application of a Construction & Environmental Management Plan (CEMP), secured via condition.

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

3.5.30 Design / Character & Appearance

Policy 11, supported by the Residential Design Guide SPD, requires a good standard of design that is 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.

3.5.31 A Design and Access Statement is submitted with application. This sets out key design principles of the development, following analysis of the surroundings, including specific character traits of existing built form, in response to policy and general design requirements.

3.5.32 Proposed dwellings are proportionate to plot sizes, offering adequate outdoor amenity space, as well as proportionate in scale when considered against the wider context.

3.5.33 Proposed external materials of red brick and grey tiled roofs and fenestration reinforce the defining characteristics of the locale. Full details, including precise brick types, will be secured via condition, as will boundary treatments.

3.5.34 The proposed layout demonstrates a positive relationship between buildings and to the general street scape. As previously noted, a detailed landscaping scheme will ensure an appropriately assimilated development.

3.5.35 Overall, the design of the development is found to be in accordance with the requirements of Policy 11, The Residential Design Guide SPD and The Framework.

3.5.36 Summary

This report assess the full planning application for the erection of 3no. dwellings and car parking spaces. 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, on balance, meets the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, Supplementary Planning Documents and the National Planning Policy Framework.

4.0 RECOMMENDATION

4.1 Approve subject to:

Delegated authority is given to the Strategic Director of 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 form received 19th October 2022 and with the following (amended) drawings:

Location Plan LOOP-338.5.2-E-001-A;
Existing Site Plan LOOP-338.5.2-E-100-A;
Existing Elevations A LOOP-338.5.2-E-210-A;
Existing Elevations B LOOP-338.5.2-E-211-A;;
Amended Proposed Site Plan LOOP-338.5.2-P-100-B;
Amended Proposed Ground Floors LOOP-338.5.2-P-110-B;

Amended Proposed Upper Floors LOOP-338.5.2-P-111-B;
Amended Proposed Elevations A LOOP-338.5.2-P-210-B;
Amended Proposed Elevations B LOOP-338.5.2-P-211-B; and
Amended Proposed Section LOOP-338.5.2-P-310-B;

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

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

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

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

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

5. Prior to the commencement of development hereby approved, the developer must submit to the Local Planning Authority for written approval:

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

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

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

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

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

REASON: To protect the health of future occupiers of the site; in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2 (December 2015).

8. Prior to commencement of the development hereby approved, foundation methodology shall be established. Should construction works involve pile foundations, prior to the commencement of those works, a programme for the monitoring of noise & vibration generated during construction shall be submitted to and approved by the Local Planning Authority. 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 and / or vibration disturbance at adjacent residential premises, in the interest of ensuring acceptable levels of amenity; in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

9. Prior to the commencement of the development hereby approved, a scheme detailing the specification of the glazing and ventilation serving habitable rooms shall be submitted to and approved in writing by the Local Planning Authority. Glazing and ventilation shall be installed in strict accordance with the approved detail and shall be so retained for the duration of the approved use.

REASON: To secure a satisfactory level of amenity for future occupants, in accordance with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2

10. 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
- v) wheel washing facilities, including a method statement outlining how the developer intends to use and manage the facility. The approved wheel wash shall be put in place at all vehicle access points onto the public highway when work commences and shall remain in operation throughout the period of development;
- vi) measures to control the emission of dust and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from 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.

11. No development shall commence until;

- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

REASON: To ensure a safe form of development in response to historic coal activity at the site, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

12. Prior to the first occupation of the development a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

REASON: To ensure a safe form of development in response to historic coal activity at the site, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

13. Prior to occupation of the development hereby approved, and notwithstanding the submitted details, a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of native tree and shrub planting on site, in order to compensate for lost trees, local habitat and biodiversity. Replacement trees should be provided at a minimum ratio of two trees for every one removed, including, if necessary, off-site on land within the applicants ownership. Trees shall be large standard sizes. Hard surfaces shall be implemented in accordance with the agreed details. Planting of trees and shrubs shall be implemented during the first available planting season after completion of the development. Trees and shrubs dying or becoming diseased, removed or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and / or shrubs.

REASON: To ensure appropriate soft landscaping of the site, in the interests of visual amenity and ecology, in accordance with Policies 9 and 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

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

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

15. 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.

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

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

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

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policies 9 and 36 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

17. No site clearance 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 survey work or on-site inspections undertaken by a suitably qualified person(s).

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

18. The development hereby approved shall be constructed in strict accordance with the submitted Arboricultural Impact Assessment (ref. Arbtech AIA 01, Aug 2022) and the Arboricultural Survey (5th Aug 2022), including implementation of specified proposed surfacing; excavation methodology; and tree protection measures for the duration 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 the development hereby approved, a scheme for Biodiversity Enhancement Measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for bat & boxes attached to or within the fabric of dwellings and hedgehog passes in boundary fences. 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.

REASON: In order to promote and protect ecology and biodiversity, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2 and the National Planning policy Framework.

20. Prior to occupation of the dwellings hereby approved, the parking bays indicated on the submitted Proposed Site Plan, numbered P-100 - B, shall be implemented and made available for use.

REASON: In order to ensure appropriate parking provision to serve existing and proposed dwellings, in the interests of highway safety and efficiency, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

5.0 PLANNING HISTORY

5.1 No planning history exists for the site.

6.0 CONSULTATIONS

6.1 BwD Public Protection

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

Condition - Residential Noise Amenity Assessment

Prior to commencement of the proposed development, an assessment shall be submitted to the Local Planning Authority (LPA) that determines the likely impacts of traffic noise upon future residents of the development. Where appropriate the assessment must identify mitigating measures to alleviate those impacts. Reference should be made to the National Planning Policy Framework and Noise Policy Statement for England. Written approval of the assessment must be obtained from the LPA and all agreed mitigating measures installed prior to commencement of the approved use and thereafter retained for the duration of this use.

Reason: To ensure an acceptable standard of residential amenity.

NB: Ventilation Scheme

The Environmental Protection Service cannot assess or validate the suitability of habitable room ventilation system(s) proposed for this development.

Air Quality: Standard Mitigation

Condition

The following mitigation measures shall be implemented prior to the commencement of the approved use:

- A dedicated electric vehicle charging point shall be provided for at least 1 parking bay. It shall have weatherproof external points with an internal switch to disconnect electrical power. All other parking spaces will be provided with passive wiring to allow future charging point connection with a minimum rating of 3.7kW 16A.
- Gas fired domestic heating boilers shall not emit more than 40mg NO_x/kWh

REASON: In accordance with Paragraph 110a and 112e 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 EVs, over the next 20 years. The government has committed to end the sale of new petrol and diesel cars and vans by 2030.

CONTAMINATED LAND CONDITIONS

Condition 1

Prior to the commencement of construction works on site, the developer must submit to the Local Planning Authority (LPA) for written approval:

- i. A comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Detailed proposals for subsequent site investigation based on the CSM shall be included as appropriate; the developer will be advised whether any further site assessment is required.
- ii. If required by the LPA, the findings of the approved site investigation work, including an appropriate assessment of risks to both human health and the wider environment, arising from contaminants in, on or under the land (including ground gas) will be submitted. Where unacceptable risks are identified an updated CSM, remedial options appraisal and detailed remediation scheme shall be presented for approval. No deviation shall be made from this scheme without the written express agreement of the LPA.

Condition 2

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

REASON: To ensure that the site has been made 'suitable for use', and as such, does not pose a risk to future users of the site or the wider environment.

Condition 3

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

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

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.

Noise & Vibration Control

Condition

Should pile driving 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.

6.2 Bwd Drainage (Lead Local Flood Authority)

LLFA Position:

We have no objections to the proposals.

6.3 BwD Arboricultural Officer

Assessment:

I have viewed the site and considered the development layout with regard to the AIA.

The Layout requires the removal of two mature Cheery trees T07 T08 and three early mature Norway Maples T03 T04 T05.

The Cherries are not long lived trees and the Maples have a potential useful life of 40 years plus.

T08 Cherry is shown to be retained in the rear garden of one of the housing.

Indicative landscaping is shown to the gable end of the new end house. The available space between the house and footpath is insufficient to accommodate medium to large species trees. But would be suitable for larger shrubs and possibly a small tree. Therefore any new tree planting could be incorporated on the land in the vicinity of the parking bays. It appears this strip of land could accommodate two replacement trees.

Conclusions.

The development layout would result in a notable loss of tree cover with limited suitable, available land for compensatory planting.

It would be desirable to retain one of the Maples T03 T04 with a new planted between the car parking bay and the road junction of Orkney Close and Dunoon Drive. However this would require the loss of one or more parking bays.

With the retention of the one of the Maples, the inclusion of three replacement trees would substantially compensate for the loss of visual amenity.

Consideration could be given to given to some tree planting of site to meet any requirements for net loss.

Replacement trees would need to large standards sizes to avoid the risk of damage from vandalism.

6.4 BwD Highways

Parking

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

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

The proposal is for 3 3bed properties. They would each require 2 car parking spaces. A total of 10 spaces are being provided within the red edge of the site.

The remaining spaces are being provided in replacement of the 5 garages that were removed from the site.

There is no mention within the application, on how the parking will be managed; thought should be given to dedicating the required spaces to the new dwellings.

ACCESS & LAYOUT

There is an existing access into the site from Orkney Close

There is existing adopted highway that runs through the site, which will be built upon. Before, this can proceed; formal closure of the highway is required through Government office of the North East The closure may require stats diversion, which the applicant would be required to cover the cost of.

The D & A statement accompanying the application suggests a technical note has been submitted in support of the application, however none has been received

No details of boundary treatment have been provided, please request further information (or condition accordingly) to ensure sightlines at the junction of Dunoon Drive/Shadsworth Road are not hindered by boundary treatment ie rear fencing to the new properties.

No details of swept path to support refuse vehicles turning in the remaining highway has been offered. This should be demonstrated and provided for assessment

6.5 BwD Strategic Housing

The proposal to build Four 3 bed houses form part of the Together Housing Groups' proposals to carry out regeneration projects in the Shadsworth Housing Estate

The homes would be for affordable provision and as such would be supported by the Housing Growth team.

Subject to the proposal meeting Planning policies and Building Control regulations

6.6 BwD Cleansing

No objection.

6.7 The Coal Authority

The Coal Authority Recommendation to the LPA

Please see below our recommendation for planning condition wording, although we appreciate that you may wish to make some amendments to the choice of words.

1.No development shall commence until;

a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. Prior to the first occupation of the development a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

The Coal Authority has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

6.8 United Utilities

DRAINAGE

We request the following drainage condition is attached to any subsequent approval:

CONDITION

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);*
- (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.*

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

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

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

6.9 Public consultation

40 letters were posted to the local community on 31st October 2022. Site notices were also displayed. In response, a single representation of objection was received, in the form of a 27 signature petition - see Summary of Representations (Section 9.0).

7.0 **CONTACT OFFICER: Nick Blackledge – [Principle Planner].**

8.0 **DATE PREPARED: 3rd March 2023.**

9.0 SUMMARY OF REPRESENTATIONS:

Objection to Planning of Houses and Destruction of Trees

on

Shadsworth Rd - Danoon Drive

We occupants of Shadsworth Rd and Dunoon Drive oppose the destruction of the well established Trees and land in order to squeeze 6 houses on the Land.

Name	Address	Post Code	Signature
Jeanette Pugh	106 Shadsworth Rd	BB1 2HP	[Redacted]
DAVID PUGH	106 SHADSWORTH RD	BB1 2HP	[Redacted]
Anne Marie Harvatt	108 Shadsworth Rd	BB1 2HP	[Redacted]
CALLUM BOYLE	108 SHADSWORTH RD	BB1 2HP	[Redacted]
Ellie Charnley	"	"	[Redacted]
Holly Boyle	108 Shadsworth Rd	BB1 2HP	[Redacted]
MARGARET HINDLE	100 SHADSWORTH RD	BB1 2HP	[Redacted]
THOMAS HINDLE	100 Shadsworth Rd	BB1 2HP	[Redacted]
Jake Entwistle	43 DUNOON DRIVE	BB1 2JY	[Redacted]
Victor Entwistle	43 DUNOON DRIVE	BB1 2JY	[Redacted]
E. Duchworth	33 MALLANTRAE ROAD	BB1 2HS	[Redacted]
G. BERRY	14 FARMHOUSE RD	BB1 2BS	[Redacted]
M. Pugh	5 Dunoon Drive	BB1 2JW	[Redacted]
B. Pugh	9 Dunoon Drive	BB1 2JW	[Redacted]
Kelly Ainsworth	17 Orkney Close	BB1 2JR	[Redacted]
Shelby Bonsor	123 Shadsworth Road	BB1 2HP	[Redacted]
David Yrig	98 Shadsworth Road	BB1 2HP	[Redacted]
Jessica Eisten	2 Skye Cres	BB1 2JH	[Redacted]
JAY CARRINGTON	2 Skye Cres	BB1 2JH	[Redacted]

Objection to Planning of Houses and Destruction of Trees

on

Shadsworth Rd - Danoon Drive

We occupants of Shadsworth Rd and Dunoon Drive oppose the destruction of the well established Trees and land in order to squeeze 6 houses on the Land.

Name	Address	Post Code	Signature
S. Pollock	3 DUNOON DRIVE	BB1 2JW	
J. D.	27 DUNOON DRIVE	BB1 2JW	
D. GORNER	17 DEAR KID	BB1 2EP	
C. Bray	6 Delph Close	BB1 2BL	
M. Winkipull	8 SKYE CRESENT	BB1 2JN	
J. Smith	15 FARMHOUSE	BB1 2BS	
I. MACK	22 HASTINGS CLOSE		
A. Bortlett	26 Rendle Drive	BB2 3DS	

Objection to Planning of Houses and Destruction of Trees

on

Shadsworth Rd - Danoon Drive

We occupants of Shadsworth Rd and Dunoon Drive oppose the destruction of the well established Trees and land in order to squeeze 6 houses on the Land.


Name	Address	Post Code	Signature
Jasno Hall	1144 SHADSWORTH RD	BB1 2JN	
Sharon Cook	20 Brownlow Street	BB1 2JW	
Susan Cook	20 Brownlow Street	BB1 2JW	
Andrea Meredith	117 Shadsworth road	BB1 2JW	
Simon Gibb	4 Skotland Close	BB1 2JP	
Paul Crumpler	6 Danoon Drive	BB1 2JJ	
Judith Wallace	102 SHADSWORTH RD	BB1 2HP	
J. WALLACE	102 SHADSWORTH RD	BB1 2HP	

Objection to Planning of Houses and Destruction of Trees

on

Shadsworth Rd - Danoon Drive

We occupants of Shadsworth Rd and Dunoon Drive oppose the destruction of the well established Trees and land in order to squeeze 6 houses on the Land.

Name	Address	Post Code	
Lynda Woods	24 Park Lee Road	BB230X	

Objection 1 – David Wallace, 102 Shadsworth Road, Blackburn, Received 02.01.2023

Dear Mr Blackledge

I wish to respond to the planning of houses on the corner of Shadsworth Road/Dunoon drive junction.

This land has 5 well established trees which have been here for a number of years, with many birds visited. Yes I know you will plant new trees but how long will it take be established or destroyed? Also this land is is not big enough for 3 houses let alone 6 with all the parking slots proposal.

Many of the neighbours here disagree with this proposal but are not used to the process of how to complain.

It is a bad time to object due to the time of year and postal strikes so could I propose that I have 1 week to raise a petition to object this plan?

Should you wish to contact me or call me please do.

Kind regards

David Wallace

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/22/1202

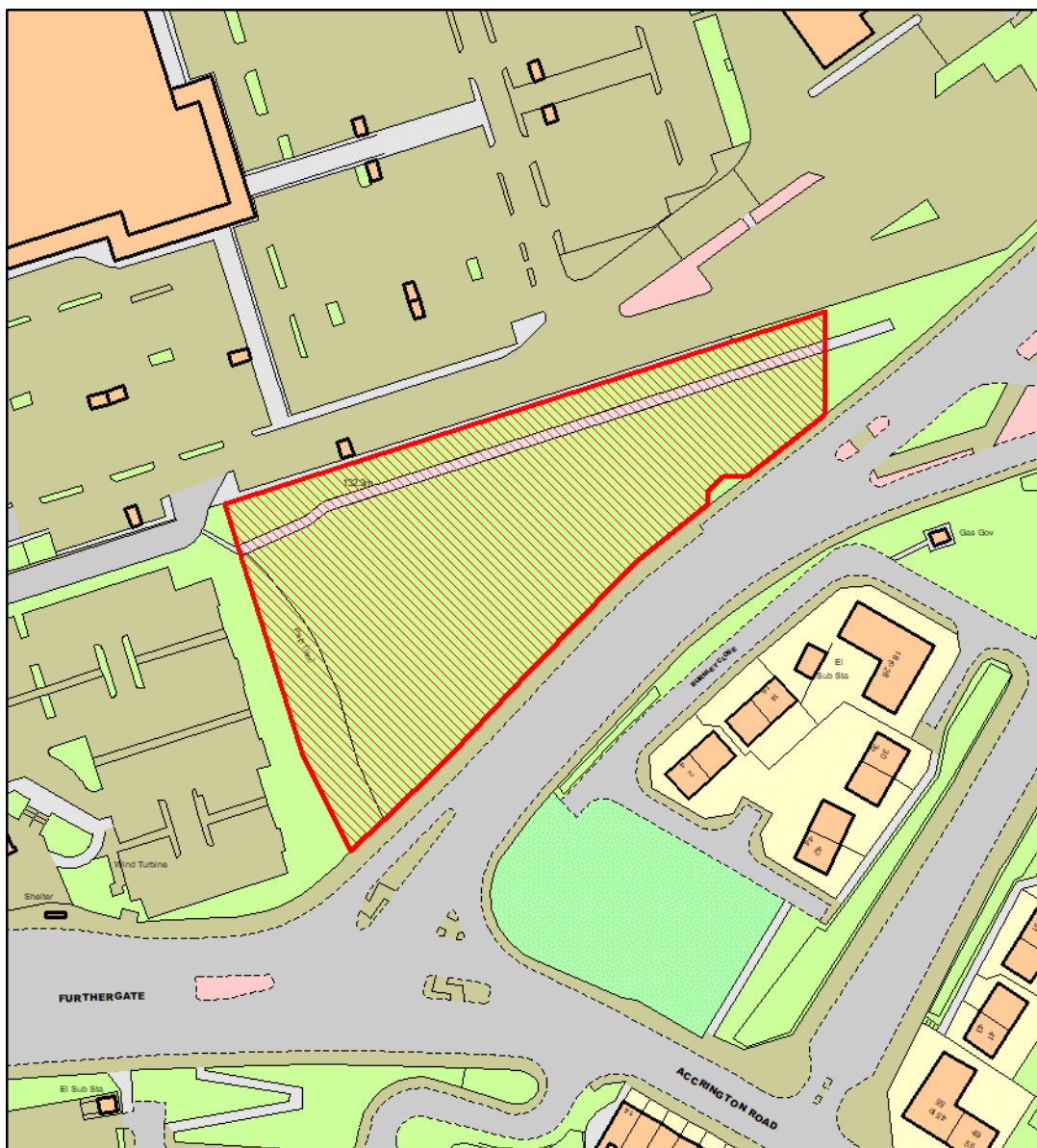
Proposed Development: Construction of a new mixed use (B8/E) building to provide showroom, warehouse and ancillary office space with formation of new access point from Carl Fogarty Way and associated car parking and landscaping works

Site Address: Land off Carl Fogarty Way, Blackburn

Applicant: Rocplas Distribution Ltd

Ward: Audley and Queens Park

**Councillor Altaf Ibrahim Patel
Councillor Ehsan Raja
Councillor Salim Sidat MBE**



1.0 SUMMARY OF RECOMMENDATION

- 1.1 The proposed development is recommended to be granted planning permission, subject to the conditions and informative note detailed below in Section 5.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Council's Constitution, and given that the application site is within the ownership of the Council. No public comments have been received for the application so far. Should any comments be made ahead of the committee meeting they will be presented as part of an update report.
- 2.2 The proposed development has been publicised through letters to residents and occupants of the nearest 22 adjacent properties on 21st December 2022. In addition, a site notice was displayed outside of the site on 11th January 2023.
- 2.3 The Council's development plan supports new commercial 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 a three-storey mixed-use commercial building with a flat roof and glazed frontage. Office space (Use Class E[g]), a showroom (Use Class E[a]) and warehousing (Use Class B8) would all be provided within. A new vehicle and pedestrian access point would be formed from Carl Fogarty Way into a carpark and logistics area. Soft landscaping would also be provided around the site.
- 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 assessed in determining this application are as follows;
- Establishing the principle for development
 - Design and assessing visual amenity impacts
 - Assessing the potential for residential amenity impacts
 - Assessing the potential for highways impacts
 - Ensuring the site has adequate parking to service the development
 - Assessing the potential for flood risk
 - Foul and surface water drainage considerations
 - Assessing tree loss and the need for replacements
 - Ensuring ecological harm is appropriately minimised
 - Assessing the potential for land contamination
 - Recording any presence of archaeological remains
 - Minimising the proposals impacts on climate change and air quality
 - Ensuring the potential for crime is appropriately minimised

3.0 RATIONALE

3.1 Site and Surroundings

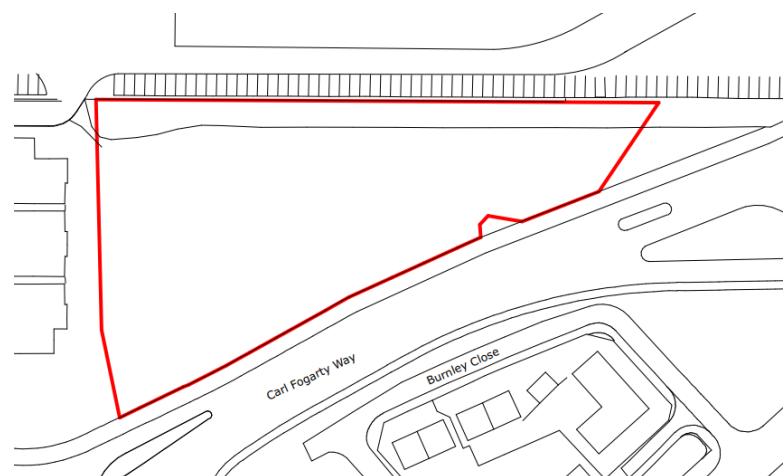
3.1.1 The application site is a plot of undeveloped land located within the defined urban boundary of Blackburn and the Furthergate Primary Employment Area. The site is currently enclosed by timber security hoardings and has recently been subject to earthworks. A number of pine trees intersperse various areas the site.

Figure One – Satellite image of the site



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

Figure Two – Location Plan showing the extent of the site



3.2 Proposed Development

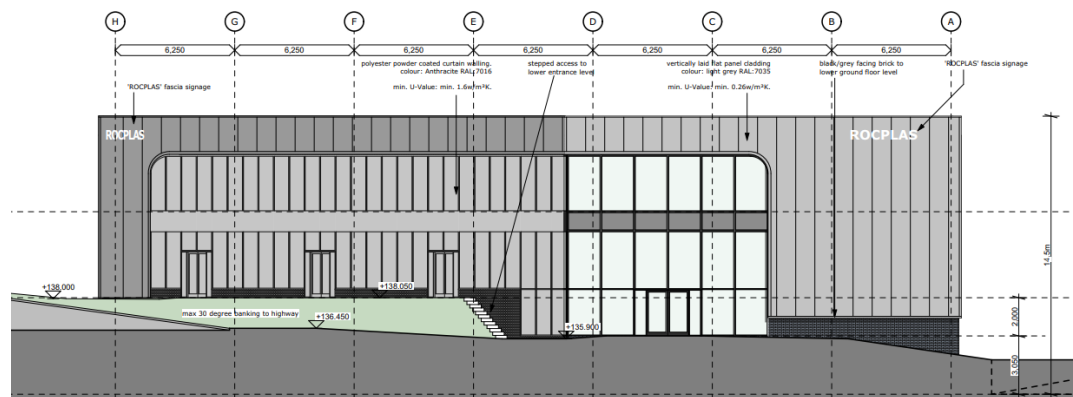
3.2.1 As detailed above, this application seeks full planning permission for the erection of a three-storey mixed-use commercial building to be operated within the parameters Use Classes B8, E(a), and E(g). The development would comprise of a single building alongside parking, logistics and landscaped areas. Warehousing space would be provided on the lower ground floor level with a showroom on the upper ground floor and office space on the first floor level. Supporting uses would also be provided on each of those levels.

Figure Three – Proposed Site Plan



3.2.2 4000 square metres of floorspace would be provided within the building and it would have a flat roof up to 14m in height. Dark bricks and grey metal cladding would be used to externally finish the elevations with open glazed panels serving the showroom and office areas. Four roller shutter doors would be installed to the rear elevation serving the warehouse. A number of brick faced retaining structures would also be formed around the building to facilitate construction of the access ramp and parking and logistics areas.

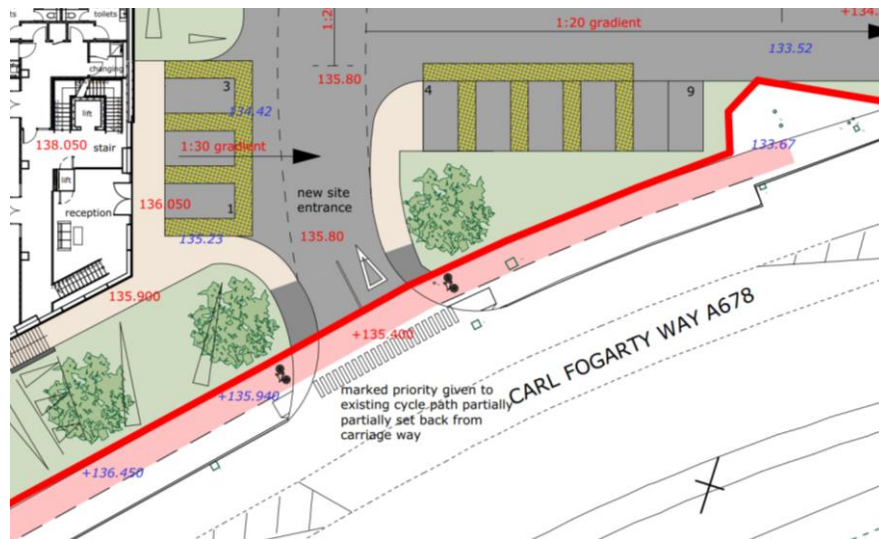
Figure Four – Proposed East Elevation Plan



3.2.3 A single vehicle access point would be formed from Carl Fogarty Way accessing the parking and logistics areas. A 70-space carpark would be

constructed to the north and east of the building inclusive of 7 spaces for mobility impaired drivers for 4 oversized spaces for wider commercial vehicles.

Figure Five – Close-up of access detail



3.3 Case Officer Site Photos



3.4 Development Plan

3.4.1 Local Plan Part 2 (adopted December 2015):

- Policy 1: The Urban Boundary
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 14: Primary Employment Areas
- Policy 36: Climate Change

- Policy 39: Heritage

3.4.2 BwD Parking Standards

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

4.0 **ASSESSMENT**

4.1 Principle of Development

4.1.1 Policy 1 identifies the preferred location for all new development to be within the defined Urban Boundary, which the site is situated within. In relation to developments within Primary Employment Areas, Policy 14 details that planning permission will be granted for development in Use Classes B1 (now E[g]) and B8 uses, provided there is no conflict with the overall function or developability of the employment area. The policy also supports supporting uses provided their scale is appropriate in the context of the employment area.

4.1.2 The predominant uses of this proposal are consistent with that policy direction. A secondary retail use is proposed yet the scale of that aspect would be appropriate in the context of the wider development and commercial function of the employment area. Moreover, the nature of the proposals would not conflict with the overall function or developability of the employment area as it would be confined to a single site, which is currently inaccessible and enclosed by security hoardings.

4.1.3 A condition is recommended to ensure the retail floorspace of the site is not increased under the provisions of Class E. Such a condition is necessary in order to prevent the creation of additional retail floorspace within an allocated employment area. Subject to compliance with that condition, the proposed development would be acceptable in principle and no harm would arise for the commercial function of the employment area, in accordance with Policies 1 and 14. It should also be noted that the principle of development for a similar proposal, albeit the proposed building was to be four storeys has already been established under application 10/21/0826, which was approved by the Committee at their meeting in February 2022.

4.1.4 In accordance with the presumption in favour of sustainable development detailed in the Framework, and Policy 7, development proposals should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of the proposal are identified; subject to assessment of the following matters;

4.2 Design and Visual Amenity

4.2.1 The site is positioned within an area that has a varied streetscene. 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. The site occupies a prominent position in its immediate setting being positioned on sloping open land and adjacent to a main thoroughfare. The site also forms part of one of the main gateways into the town centre as it is positioned on the junction of two arterial routes. That said, the surrounding buildings differ greatly in their form and scale and the immediate streetscene appears highly varied as result.

- 4.2.2 As detailed above, the proposed building would be constructed with a flat roof and modern construction materials, which would provide a distinctly contemporary design. At up to three-stories in height, it would appear as an overtly prominent building within its immediate streetscene. That said, levels differences on site enable much of the lower level to be constructed below road level, which would reduce its height when viewed from the south. The rear elevation would appear more functional in comparison to the other open glazed elevations. However, any views of the building taken from the north would be from private land and the impacts caused to public visual amenity would be appropriately minimised.
- 4.2.3 The construction of a large building on this site was established under application 10/21/0826. This modified application would involve the removal of a level and a roof height reduction of around 1.5m. Such amendments would ensure the proposed building better assimilates with the streetscene when compared with the previous application. When those factors are considered collectively, the proposals are acceptable with reference to aspect, form and scale.
- 4.2.4 In relation to the proposed external construction materials, dark facing materials would be used throughout with a glazed curtain walling system installed within three elevations. Any windows and service doors to the rear would be dark grey in colour. Whilst the proposed fenestration of the building would be acceptable in the context of this site, the proposed facing materials would appear at odds with the predominantly red brick streetscene. The use of a paler brick and lighter grey cladding system would therefore be the preferred option.
- 4.2.5 On that basis, a condition is recommended to agree those details together with the colours and finishes of any doors and windows to be installed. A further condition is recommended to agree a hard and soft landscaping scheme in order to ensure visual enhancements are provided. Subject to compliance with those conditions, the proposed development would be acceptable with reference to design and visual amenity, in accordance with Policy 11.

4.3 Residential Amenity

- 4.3.1 Dwellings are positioned to the southeast and safeguarding the amenities of those neighbours is an important material 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.

- 4.3.2 Owing to ample separation, the massing of the proposed building would not appear overbearing or cause any unacceptable losses of light for the immediate neighbours. In addition, no adverse privacy impacts would be caused for the immediate neighbours given the levels of separation involved.
- 4.3.3 Conditions have been advised by BwD Public Protection in order to control opening hours, delivery times, sources of external lighting, the logistics of the construction phase, and pile-driving operations (where relevant). It is recommended that all of those conditions are added in order to safeguard the amenities of the immediate neighbours during both the construction and operational phases of the development.
- 4.3.4 A Construction Method Statement has been submitted with the application yet a number of shortcomings have been identified in the document by BwD Public Protection and a more comprehensive version is required via planning condition. A further condition is therefore recommended to control those matters. Subject to compliance with those conditions, the proposed development would be acceptable with reference to residential amenity, in accordance with the relevant requirements of Policy 8.

4.4 Highways, Servicing and Parking

- 4.4.1 As detailed above, the proposals involve the formation of a new access point from Carl Fogarty Way alongside parking, manoeuvring and logistics areas. Policy 10 requires all development proposals to not prejudice road safety, or the safe, efficient and convenient movement of all highway users. Off-street vehicle parking should also be provided in accordance with the adopted Parking Standards, where achievable.
- 4.4.2 A Transport Statement has been submitted in support of the application that appraises the highways and parking merits of the development. A review of the proposals has been undertaken by BwD Highways. No objections have been raised as the development was refined as part of application 10/21/0826 from a highways and parking perspective. The same layout is proposed here and the access and parking arrangements detailed on the submitted proposed site plan are identical to those approved under that application. Moreover, an almost 30% reduction in floorspace is applicable when compared with the extant permission, which would reduce the parking requirements of the development by a similar proportion.
- 4.4.3 Conditions are recommended from the previous consent to control the logistics of the construction phase, construction of the site access, off-street vehicle parking/cycle storage provisions, and the positions of any gates to be installed as part of the access point. Subject to compliance with those conditions, the proposed development would be acceptable with reference to highways, servicing and parking, in accordance with Policy 10.

4.5 Flooding and Drainage

- 4.5.1 The site is at a low risk from sources of fluvial flooding yet parts of the site are at high risk from sources of pluvial flooding. Policy 9 requires all development proposals to avoid unacceptable impacts on environmental assets or interests, including flood risk. The policy also requires appropriate drainage systems to be installed. A Drainage Strategy has been submitted in support of the application, which includes an assessment in the way of flood risk.
- 4.5.2 BwD Drainage have reviewed the submitted strategy and the merits of the proposals as a whole. No objections have been raised. That said, United Utilities have also reviewed the application and an objection has been raised. Such an outcome comes as a surprise however as the comments provided are very different and much more comprehensive when compared with those provided for application 10/21/0826. A query has been raised with United Utilities regarding the additional requirements within their comments and any further comments provided by them will be presented as part of an update report.
- 4.5.3 In any event, the objection received is caveated and two conditions have been advised regarding drainage provisions. The conditions advised are similar to those imposed on application 10/21/0826 and it is recommended that they both be added in order to control flood risk and drainage provisions. Subject to compliance with those conditions, the proposed development would be acceptable with reference to flooding and drainage, in accordance with the relevant requirements of Policy 9.

4.6 Arboricultural Assessments

- 4.6.1 The site has been recently subject to earthworks and tree cover is minimal. Further requirements within Policy 9 require all development proposals to avoid unacceptable impacts on environmental assets or interests, including trees. A Tree Survey has been submitted with the application yet the survey does not accurately reflect the trees that remain on site. The BwD Arboricultural Advisor has reviewed the submitted survey and the merits of the proposals as a whole. No objections have been raised.
- 4.6.2 A request has been made to retain and move the pine trees that remain on site. There is no reason why such measures cannot be undertaken and those bespoke measures have been included as part of the recommended landscaping condition. Subject to compliance with that condition, the proposed development would be acceptable with reference to arboricultural assessments, in accordance with the relevant requirements of Policy 9.

4.7 Ecological Assessments

- 4.7.1 The site is predominantly exposed earth and it therefore has a low baseline ecological value. Further requirements within Policy 9 state that all development proposals must avoid unacceptable impacts on environmental assets or

interests, including habitats and species. In response to those requirements, an Ecological Appraisal has been submitted.

- 4.7.2 A number of measures of ecological mitigation are detailed within the submitted appraisal in order to minimise harm to species during the construction and operational phases of the development. A condition is therefore recommended to ensure all of the measures advised are followed. The recommended landscaping condition will also ensure a certain level of new habitat is provided in the form of planting. Subject to compliance with those conditions, the proposed development would be acceptable with reference to ecological considerations, in accordance with the relevant requirements of Policy 9.

4.8 Land Contamination

- 4.8.1 The proposals involve significant excavations and land contamination must be assessed accordingly given the proposed end use. Policy 8 contains further requirements to ensure development proposals on previously developed land can be remediated to a standard that provides a safe environment for users of the development whilst also ensuring contamination is not displaced. A Ground Investigation Report has been submitted with the application.

- 4.8.2 However, its findings and recommended mitigation measures do not specifically relate to these proposals. It is therefore recommended that all three standard land contamination conditions be imposed, which were added to application 10/21/0826 upon receipt of the same information. Subject to compliance with those conditions, the proposed development would be acceptable in relation to contamination, in accordance with the relevant requirements of Policy 8.

4.9 Archaeology

- 4.9.1 The town of Blackburn is steeped in history from the Industrial Revolution and the site is likely to contain remains from that period. In relation development proposals that could potentially affect nationally or locally important archaeological remains, Policy 39 contains an expectation to better reveal and increase understanding of those remains and their settings, unless it is demonstrated that this is not possible or desirable. Development affecting locally important archaeological remains and their settings will only be permitted where the public benefits of the development outweighs the local value of the remains.

- 4.9.2 LCC Archaeology have reviewed the merits of the proposals and historic maps of the site indicate that remains from the Industrial Revolution are likely to be present. The archaeological study of industrial workers housing, and small industrial premises, can reveal significant detail about the living and working conditions of the people who lived and worked in our industrial towns. As per the request by LCC Archaeology, it is therefore recommended that a condition be imposed to excavate the site and record any archaeological remains found. Subject to compliance with that condition, the proposed development would be acceptable in relation to archaeology, in accordance with Policy 39.

4.10 Climate Change and Air Quality

4.10.1 The development would involve additional traffic movements when compared with the existing use. Policy 36 requires all development proposals to minimise contributions to carbon emissions and climate change, both directly from the development and indirectly arising from factors such as travel to and from the site. BwD Public Protection are yet to review the submitted Air Quality Impact Assessment. Any comments provided in that respect will be presented as part of an update report.

4.10.2 In order to prevent delays with the application, a condition is recommended regarding the submission of a scheme to reduce impacts on air quality, which was imposed on 10/21/0826. 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.

4.11 Crime Management

4.11.1 In order to prevent crime and disorder and to keep people safe and feeling safe, crime prevention strategies should be integrated into the design of developments as early as possible. Further requirements within Policy 8 state that all development proposals must incorporate positive measures aimed at reducing crime and improving community safety, including appropriately detailed design. In response to those requirements, a Crime Impact Statement has been prepared by Lancashire Constabulary and submitted with the application.

4.11.2 As part of that statement, Lancashire Constabulary have advised that the development should be designed and constructed using the security principles and security rated products as stated in the Commercial Developments Secured by Design Guide (2015). An Informative Note should be added to any approvals issued raising awareness to those requirements. Subject to those obligations being followed, the proposed development would be acceptable with reference to crime management, in accordance with the relevant requirements of Policy 8.

4.12 Summary

4.12.1 This application involves the erection of a three-storey commercial building alongside the implementation of associated works. Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies and guidance notes detailed in Section 3.4.

4.12.2 Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Subject to appropriate conditions, the proposal would be acceptable in principle, and in terms of design and visual amenity, residential amenity, highways, servicing and parking, flooding and drainage, arboricultural assessments, ecological assessments, land

contamination, archaeology, climate change and air quality, and crime management.

4.12.3 The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

5.0 RECOMMENDATION:

Delegated authority is given to the Strategic Director of Growth and Development to approve planning permission, subject to the following conditions and informative note;

5.1 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.

5.2 Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: Location Plan (007 A), 001 L, 002 G, 003 L, 004 L, 005 H and 006 H.

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

5.3 The amount of floorspace operated within the retail use (Use Class E[a]) as part of the development hereby approved shall be restricted solely to the amount detailed on the approved plans '003 L and 004 L'.

REASON: In order to prevent the formation of additional retail floorspace within an allocated employment area, in the interests of maintaining the commercial function of the employment area, and to comply with the requirements of Policy 14 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5.4 Notwithstanding the information shown on the submitted application form and approved plans, prior to the commencement of any above ground works on site, details confirming the colours and finishes of all the external materials to be used in the construction of the development hereby approved shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the approved materials and details.

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).

- 5.5 No above ground works shall commence on site unless and until, a detailed landscaping scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be exclusively limited to the following;
- a) Details of proposals for supplementary landscaping around all aspects of the development;
 - b) Details confirming the types and extents of any areas of hardstanding to be applied;
 - c) Details confirming the heights, types, and positions of any new boundary treatments, including fencing and gates;
 - d) Details confirming that any trees lost will be replaced at a ratio of at least 2:1;
 - e) Details of measures to retain and relocate any existing trees on site, where achievable;
 - f) Details indicating the location, arrangement, species, sizes, specifications, numbers, and planting densities of all new planting; and,
 - g) Details indicating the location and arrangement of any required tree protection measures for the trees to be retained within the site and on the site boundaries.

The approved scheme shall be implemented in its entirety within the first available planting season following the substantial completion of the development. Any tree/shrub or other planting that is lost, felled, removed, uprooted, dead, dying or diseased or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

REASON: In order to ensure that the development is adequately landscaped so as to positively integrate with its surroundings, in the interests of visual amenity and biodiversity, 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).

- 5.6 The development hereby approved shall only be open between the hours of 8:00 – 17:00 Monday – Friday, 8:00 – 16:00 on Saturdays, and 9:00 – 16:00 on Sundays and Bank Holidays. Furthermore, any deliveries associated with the development shall only be conducted between those hours.

REASON: In order to minimise disruptions for neighbours, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.7 Prior to their installation, details overviewing the types, positions and heights of any new external light sources to be incorporated as part of the development hereby approved, shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in strict

accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to minimise light pollution from the development, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5.8 No development shall commence on site unless and until, a Construction Method Statement has first 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) The loading and unloading of plant and materials;
- c) The storage of plant and materials used in constructing the development;
- d) Wheel washing facilities;
- e) Measures to control the emission of dust and dirt from construction works, where relevant;
- f) Measures to control noise and vibrations from construction works, where relevant;
- g) A scheme for recycling/disposing of waste resulting from construction works, and;
- h) Details of the type, position and height of any required external lighting.

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).

5.9 Any construction works associated with the development hereby approved shall only take place between the hours of 8:00 – 18:00 Monday – Friday and 9:00 – 13:00 on Saturdays. No such works shall take place on Sundays or Bank Holidays whatsoever.

REASON: In order to minimise noise disturbances for neighbours from construction works, 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).

5.10 Should any pile-driving and/or vibration compaction works be required to construct the development hereby approved, no development shall commence on site unless and until, a programme for the monitoring of noise and vibration generated from those works has first 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 during construction works.

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).

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

REASON: In order to ensure an appropriate access point is constructed, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.12 The development hereby approved shall not be brought into use unless and until, the vehicle parking and cycle storage provisions as detailed on the approved plan '001 L' have been provided in their entirety. The provisions installed shall thereafter remain in perpetuity with the development and be permanently available for users of the development.

REASON: In order to ensure adequate off-street vehicle parking is provided, to 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).

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

REASON: In order to ensure any gates installed are adequately set back from the public highway, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.14 No development shall commence on site unless and until, a surface and foul water drainage scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be exclusively limited to the following;

- a) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- b) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- c) Levels of the proposed drainage systems including proposed ground, finished floor, cover and invert levels in AOD;
- d) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- e) Foul and surface water shall drain on separate systems.

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

Prior to the development hereby approved being brought into use, the drainage scheme shall be completed in accordance with the approved details and thereafter retained in perpetuity with the development.

REASON: In order to promote sustainable development, to manage the risk of flooding and pollution, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.15 The development hereby approved shall not be brought into use unless and until, a Sustainable Drainage Management and Maintenance Plan for the lifetime of the development has first been submitted to and approved in writing by the Local Planning Authority. The submitted plan 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 adequate management arrangements are in place for the sustainable drainage system, in the interests of preventing flooding on and off site, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

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

REASON: In order to minimise harm to local ecological populations during construction works, in the interests of local ecology, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.17 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).

- 5.18 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).

- 5.19 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).

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

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

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

- 5.21 No development shall commence on site unless and until, a scheme to reduce impacts on air quality has first been submitted to and approved in writing by the Local Planning Authority, which accords with the Blackburn with Darwen Planning Advisory Note on air quality. The development hereby approved shall thereafter be implemented in strict accordance with the approved scheme and shall not be brought into use unless and until the agreed measures have been provided in their entirety.

REASON: In order to minimise negative impacts on air quality, in the interests of combatting climate change, and to comply with the requirements of Policy 36 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

Case Specific Informative Note

- 5.22 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'. Further details about Secured by Design, including application forms and security specifications can be found at www.securedbydesign.com.

6.0 RELEVANT PLANNING HISTORY

- 6.1 10/21/0826 – Erection of four-storey building incorporating Use Classes B8 and E uses with formation of new access point from Carl Fogarty Way and associated works – Approved, with conditions (committee decision) – February 2022.

7.0 CONSULTATIONS

- 7.1 BwD Public Protection – No objections. Contaminated land and air quality reports have been submitted with this application and will be peer reviewed by the Environmental Protection Service - recommendations will be provided as soon as possible.

Should this application be approved, conditions should be imposed to control opening hours, delivery times, sources of external lighting, the logistics of the construction phase, and pile-driving operations.

- 7.2 BwD Highways – The site has been subject to a full planning application which was granted consent on the 17th Feb 2022 (10/21/0826). Like for like comments apply.

The only change would be the parking which previously set out an under provision. There is no breakdown offered with this application according to uses on the differing floors. However with the loss of one floor, this would provide a betterment to the site for parking

- 7.3 BwD Drainage – We have no objections to the proposals, provided that confirmation of the surface water discharge into the combined sewer is acceptable to United Utilities.

- 7.4 BwD Arboricultural Advisor – No objections. Much of the existing tree cover has been removed, as identified as G1 and G2 on the Sight map with RPA Furthergate Plot 1.

A row of standard, established Pine trees were present. And are number T1 to T11 Pines in the submitted survey. It appears the positions of some of the Pines corresponds with positions for the trees shown on the proposed layout plan.

Where practicable, it would be desirable to retain some of the existing Pine trees and incorporate into the proposed layout. It may also be possible to transplant the Pines to suitable positions on the site. The green open area to the east end of the site has potential to incorporate some tree planting.

A condition for full landscape details would be appropriate with any approval of the application.

- 7.5 LCC Archaeology – No objections. Should this application be approved, a conditions should be imposed regarding the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation. Such a condition is necessary in order to ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.
- 7.6 BwD Cleansing – No objections.
- 7.7 United Utilities – Following our review of the proposed site layout (Site Plan Ref: 19.152-001 Rev L) we can confirm that the proposal is not acceptable to United Utilities. Existing public sewers pass through this site which modelling data identifies as being at risk of sewer flooding. Our current network model for the site predicts a significant flood volume which affects the proposed site. We request that the applicant liaises with United Utilities to understand the nature of this flood risk and the impact upon the proposed site layout. The risk of sewer flooding needs to be assessed further as this could affect the developable area of the site and the detail of the design, including the proposed changes to levels. The sequential approach should be applied in accordance with national planning policy. New development should be located so that it is safe and will not increase flood risk elsewhere.

The applicant should consider site topography and any exceedance flow paths from existing and proposed drainage systems. The proposed site layout and levels should take account of such existing circumstances to ensure the most flood resilient solution is achieved. Careful consideration will need to be given to the incorporation of mitigation measures, subject to the detail of the development proposal. This should include the approach to drainage including the management of surface water; the point of connection; whether the proposal will be gravity or pumped; the proposed finished floor and ground levels; and any appropriate measures to manage any risk of sewer surcharge.

We note that changes in levels are proposed. Given the existence of sewer flood risk the proposed changes in levels will need to be modelled to determine the impact of flood risk both on and off site. This will need to be undertaken prior to the determination of this application. The applicant should not assume that changes in levels or any proposed diversion of the public sewerage system will be acceptable as such proposals could increase and/or displace flood risk.

Furthermore, changes in levels on top of the sewer could impact the structural integrity of this asset.

In accordance with the drainage hierarchy, we request that the applicant investigates the potential to discharge surface water into the nearby surface water sewer which is located to the east of the site. The current drainage proposals include discharging surface water to the combined sewer and have not explored the potential for discharging into the nearby surface water sewer. The current drainage proposals are not acceptable and a different connection point for surface water should be considered.

Until such time as the applicant has fully addressed matters regarding the proximity of the proposed development to our asset, the on-site modelled sewer flood risk, our concerns regarding the proposed changes to site levels and the current drainage proposals for this site, our position is that we must OBJECT to the proposal. The applicant should contact our Developer services team at their earliest convenience to discuss these matters further. See 'Contacts' section below.

As this is an application for full planning permission, whereby approval is being sought for the site levels, layout and drainage proposals, we request that the matters set out above are resolved prior to determination of this application.

As the site layout, levels and drainage proposals are intrinsically linked, and to avoid any future revisions to approved plans/documents, or requirements for additional planning applications, we request that this application is not determined until the matters set out above are resolved. In the event that the Local Authority deem it appropriate to determine this application, which is not our recommended approach at this time, should planning permission be granted we request conditions are attached to any subsequent decision notice concerning the provision of a drainage strategy and a sustainable drainage management and maintenance plan.

7.8 Lancashire Constabulary – 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.

7.9 Canal and River Trust – No objections.

7.10 Ward Cllrs

7.11 No public responses received

8.0 CONTACT OFFICER: Christian Barton – Planning Officer

9.0 DATE PREPARED: 6th March 2023

DEPARTMENT OF GROWTH & DEVELOPMENT

ORIGINATING SECTION: Planning

REPORT TO: Planning & Highways Committee

TITLE: Petition supporting an application for full planning permission for the following development:

'Demolition of the Farthings Public House and erection of 12 No. new industrial units (E(g), B2 and B8 Use) with new bin store areas, secure cycle and motorcycle areas, landscaping and new vehicular and pedestrian access – Ref: 10/23/0070, at

**The Farthings, Rosewood Avenue,
Blackburn
BB1 9SZ**

WARD: Roe Lee

Councillor: Phil Riley

Councillor: Saj Ali

Councillor: Sylvia Liddle

1.0 PURPOSE OF REPORT

1.1 To inform Members of the receipt of a petition supporting a current planning application relating to the demolition of the Farthings Public House and erection of 12 No. new industrial units (E(g), B2 and B8 Use) with new bin store areas, secure cycle and motorcycle areas, landscaping and new vehicular and pedestrian access. The application premises is The Farthings, Rosewood Avenue, Blackburn, BB1 9SZ.

1.2 The application is submitted by Mr Jangeer Yasan.

2.0 BACKGROUND AND DETAILS

2.1 The planning application (Ref: 10/23/0070) was received by the Local Planning Authority (LPA) on 26th January 2023, and was subsequently registered 31st January 2023. 92 notification letters were sent to the neighbours and occupants of the closest adjacent properties. The statutory 21 day consultation period expired on 23rd February 2023 for those letters.

2.2 The Petition was received by the LPA on 23rd February 2023. The Petition supports to the application. No details as to why the application should be supported are detailed however. The petition contains 22 signatures, which

have been provided by residents and occupants of nearby addresses. The petition is appended to this report.

2.3 Members are advised that assessment of the planning application is ongoing and that all material issues that must be considered in the decision making process will be addressed during the course of the application. Should the application be recommended for approval, it will be reported to the Planning and Highways Committee for determination. Alternatively, the application may be refused under delegated officer powers. The statutory 13 week determination date expires 02nd May 2023.

3.0 **RECOMMENDATION**

3.1 That the Petition be noted by Members and that the lead petitioner be informed of any decision taken, including the outcome of the application.

4.0 **BACKGROUND PAPERS**

4.1 The petition subject of this report, including signatures and comments.

4.2 Planning application 10/23/0070

5.0 **CONTACT OFFICER:** Christian Barton, Planning Officer, Development Management.

6.0 **DATE PREPARED:** 02nd March 2023

FAO : Blackburn Council Planning Department

Petitions

Dear Sir/Madam,

Application Reference 10/23/0070

Full Planning Application for: Demolition of the Farthings Public House and erection of 12 No. new industrial units (E(g), B2 and B8 Use) with new bin store areas, secure cycle and motorcycle areas, landscaping and new vehicular and pedestrian access.

At The Farthings, Rosewood Avenue, Blackburn, BB1 9SZ

I/We undersigned SUPPORT the above proposal.

I/WE have no problems with the site currently operating from the Roe Lee Industrial Park, Rosewood Avenue, Blackburn, BB1 7SB and support the proposed application for the change of use as above.

NAME ADDRESS POSTCODE SIGNED

JONATHAN HALE 38 ROELEE BB1 9SU

Aifon Unit 18B
Widd ROELEE
BB1 9SU

7-2-23

BRIAN UNIT 35
ROBERTS

Julie Berry Unit 23B.

Ste Bowen unit 31B

BRUNIL BARNET UNIT 1

Unit 17

Unit 7

Unit 26e

PAGE 1 of 4

FAO : Blackburn Council Planning Department

Petitions

Dear Sir/Madam,

Application Reference 10/23/0070

Full Planning Application for: Demolition of the Farthings Public House and erection of 12 No. new industrial units (E(g), B2 and B8 Use) with new bin store areas, secure cycle and motorcycle areas, landscaping and new vehicular and pedestrian access.

At The Farthings, Rosewood Avenue, Blackburn, BB1 9SZ

I/We undersigned SUPPORT the above proposal.

I/WE have no problems with the site currently operating from the Roe Lee Industrial Park, Rosewood Avenue, Blackburn, BB1 7SB and support the proposed application for the change of use as above.

NAME ADDRESS POSTCODE SIGNED

Irfan Mamaniat 2 UNIT 21B,
Roelee business park
Blackburn BB1 9JU

ANTHONY SMITH UNIT 24
ROE LEE BUSINESS PARK
BB1 9SU

Sonal Patel UNIT 15A
ROE LEE BUSINESS PARK BB1 9J

Sean Bony 77 ROSEWOOD BB1 9AU 1/15

Sameer Hanif Unit 5F
Roe Lee Business Park BB1 9SU

HANNA SAMEER UNIT 8
ROE LEE BUSINESS PARK bb1 9su

Maiké Sharif 71 Rosewood
Avenue.

M. Hussan 101 Rosewood Avenue

S. Mahmood 105 Rosewood Avenue

PAGE 2 OF 4

FAO : Blackburn Council Planning Department

Petitions

Dear Sir/Madam,

Application Reference 10/23/0070

Full Planning Application for: Demolition of the Farthings Public House and erection of 12 No. new industrial units (E(g), B2 and B8 Use) with new bin store areas, secure cycle and motorcycle areas, landscaping and new vehicular and pedestrian access.

At The Farthings, Rosewood Avenue, Blackburn, BB1 9SZ

I/We undersigned SUPPORT the above proposal.

I/WE have no problems with the site currently operating from the Roe Lee Industrial Park, Rosewood Avenue, Blackburn, BB1 7SB and support the proposed application for the change of use as above.

NAME ADDRESS POSTCODE SIGNED

SURAIYA 5. REGENTS VIEW BB.1.8QQ.

11-2-23.

Nichola morton 9 regents view BB1 8QQ

SAJJAD ASGHAR 7 Regents View - 11-2-23

USMAN PATEL - 4. Regents View BB1 8QQ

V

11-2-23

MILK UNIT 25B.

11-2-23

BB1 9SU

Matthew Stevens unit 32

11/2/23

BB1 9SU

Nadine Williams unit 6

11/2/23

MOHAMED UGLADAR 6 REGENTS VIEW, BLACKBURN, BB1 8QQ 11/2/23

Sumanja Patel 15 Regent View, Blackburn BB1 8QQ

Nashim Vakilwala 10 Regent's View, Blackburn

FAO : Blackburn Council Planning Department

Petitions

Dear Sir/Madam,

Application Reference 10/23/0070

Full Planning Application for: Demolition of the Farthings Public House and erection of 12 No. new industrial units (E(g), B2 and B8 Use) with new bin store areas, secure cycle and motorcycle areas, landscaping and new vehicular and pedestrian access.

At The Farthings, Rosewood Avenue, Blackburn, BB1 9SZ

I/We undersigned SUPPORT the above proposal.

I/WE have no problems with the site currently operating from the Roe Lee Industrial Park, Rosewood Avenue, Blackburn, BB1 7SB and support the proposed application for the change of use as above.

NAME ADDRESS POSTCODE SIGNED

NAME	ADDRESS	POSTCODE	SIGNED
Abdul	unit 10 Roelee	BB1 9SU	[REDACTED]
			21 / 2 / 23.

PAGE 01 OF 04

DEPARTMENT OF GROWTH & DEVELOPMENT

ORIGINATING SECTION: Planning

REPORT TO: Planning & Highways Committee

TITLE: Petition supporting an application for full planning permission for the following development:

‘Full Planning Application (Retrospective) for Rear dormer (retrospective) (amendments to previously refused application 10/21/1266)’, at

10 Brantfell Road

Blackburn

BB1 8DN

WARD: Shear Brow & Corporation Park

Councillor: Akhtar Hussain

Councillor: Suleman Khonat

Councillor: Zainab Rawat

1.0 PURPOSE OF REPORT

1.1 To inform Members of the receipt of a petition supporting a current planning application relating to Full Planning Application (Retrospective) for Rear dormer (retrospective) (amendments to previously refused application 10/21/1266) at No.10 Brantfell Road, Blackburn BB1 8DN

1.2 The application is submitted by Mr Yasin Khonat

2.0 BACKGROUND AND DETAILS

2.1 The current planning application – reference 10/23/0076 – was received by the Local Planning Authority (LPA) on 30th January 2023, and was subsequently registered on 31st January 2023. 5 neighbourhood letters of consultation were sent out on the date of registration to local addresses near the application site and a site notice and press notice displayed on 2nd February 2023 and 7th February 2023 respectively. The statutory 21 day consultation period expired on 21st February 2023.

2.2 The petition was received by the LPA on 9th February 2023. The lead petitioner is the applicant of the current planning application. The petition is submitted specifically in support of dormer extensions to dwellinghouses within the Conservation Area (CA) with specific reference made to Corporation Park. A redacted version of the petition is appended to this report.

- 2.3 The petition also makes specific reference to inconsistencies on planning decisions when assessing planning applications within the CA. Further, it is stated the LPA offer no clear guidance or compromise during the course of an application.
- 2.4 Under Schedule 2, Part 1, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), rear dormers are not permitted development at dwellings located on Article 2(3) land (CA), hence the need for planning approval for all dormer extensions.
- 2.5 Members are advised that adopted Supplementary Planning Documents (SPD) form part of the Development Plan and are therefore a material planning consideration. In this instance The Corporation Park Conservation Area Appraisal (CPCAA) 2013 is of relevance.
- 2.6 Development proposals for each planning application is assessed on its own merits. The character and appearance of the surrounding area is an important consideration when assessing alterations/additions to a domestic dwellinghouses situated within a designated Conservation Area as is the impact of the proposal towards the host property.
- 2.7 The petition makes specific reference to ‘no clear guidance’ on development proposals to domestic dwellinghouses within the CA. The LPA offer a rebuttal to this statement in that detailed guidance is contained within the adopted Residential Design Guide (2012) and the Design Leaflet ‘A guide for extending terraced houses’ (2013). Both documents are published and available on the Council’s website.
- 2.8 The petition also makes reference to inconsistent planning decisions within the CA. Addresses provided are No.30 and No.36 Brantfell Road, No.385 Revidge Road, No.2 Brantfell Road and No.1 East Park Road. Regarding each of these:
- No.1 East Park Road (10/21/0131) - Proposed lower ground and ground floor rear extension to create additional accommodation – Approved subject to conditions on 24/06/2021.
 - No.2 Brantfell Road – (10/12/0446) - Proposed Rear Single Storey Extension – Approved subject to conditions on 12/06/2012.

Both the above applications bear no similarities to the application at No.10 Brantfell Road.

No.30 Brantfell Road - 4 planning applications submitted at the site and of particular relevance is 10/08/0890 – Proposed rear dormer extension – Approved subject to conditions on 16/10/2008. This proposal was approved prior to the adoption of the current development plan. *The other 3 applications at the site bear no similarities to the application at No.10 Brantfell Road.*

No.36 Brantfell Road – (10/17/0416) - Demolition of outbuilding and garage, installation of velux windows, proposed rear dormer extension and single storey rear extension – Approved subject to conditions on 05/07/2017. It is acknowledged a rear dormer was approved as part of this application, however, it should be noted this property sits at an elevated position and therefore the dormer is not as visually prominent to that of the constructed dormer at No.10 Brantfell Road.

No.385 Revidge Road – (10/15/0499) – Proposed rear dormer – Approved subject to conditions on 12/01/2016. Again, whilst it is acknowledged a rear dormer was approved, it should be noted this stretch of Revidge Road lies adjacent to an open golf course and garage colony. Thus it is not considered there are any similarities to this approval and the proposal at No.10 Brantfell Road.

- 2.9 Additionally, since these two approvals, in 2021, the National Planning Policy Framework (NPPF) has been significantly amended. The updated NPPF provides robust guidance for LPAs on the impact of development proposals in context with heritage assets and great importance is placed in protecting these assets such as Conservation Areas.
- 2.10 In response to the petitioner's perception that the advice they receive is predominately negative relating to proposals for rear dormer extensions in the conservation area, this is acknowledged by officers as families wish to extend their homes. However, it should be noted that Planning Officers always try and suggest revisions to a proposed scheme where appropriate to make it more acceptable from a design perspective that respects the character and appearance of the conservation area, and harmonises with the host property. This is clearly evident in the assessments of the proposals at Gibraltar Street, and South Street in Darwen, and more recently with a current planning application at No.4 St Andrew's Street, Blackburn, all of which are located within conservation areas.
- 2.11 The lead petitioner also states incorrect advice was provided to them prior to the erection of the dormer at No.10. The advice provided was correct and the applicant was informed by email a dwelling house within a designated Conservation Area would contravene Part 1, Class B requirements of the General Permitted Development Order (GPDO). Whilst all on-line queries are responded to as an informal opinion and therefore without prejudice, for formal clarification, all enquirers should apply for a Lawful Development Certificate.
- 2.12 Had the applicant submitted a pre-application enquiry prior to the construction of the dormer, the applicant would have clearly been made aware the development would not be supported highlighting the reason why and other relevant material planning considerations would have been highlighted.
- 2.13 The petition contains 54 signatures, directly from nearby addresses on Brantfell Road, Langham Road and East Park Road. The petition is appended to this report.

2.14 Members are advised that all material issues that must be considered in the decision making process are being currently assessed with the planning application, and this takes into account the previously refused planning application for a near identical proposal (ref: 10/21/1266), and in particular the subsequent appeal decision as this is a fundamental material planning consideration that forms an important part of the assessment of this application. In addition, the Committee authorised Enforcement action to be taken for the removal of the dormer extension at their meeting on the 21st April 2022 (ref: 2021E0370). The Enforcement Notice was served on the 7th December 2022, which took effect on the 20th January 2023, having a compliance period of 6 months.

2.15 The following photographs show the dormer extension as constructed to the rear of the application site.



3.0 **RECOMMENDATION**

3.1 That the Petition be noted by Members and that the lead petitioner be informed of any decision taken, including the outcome of the application. It is advised that a meeting is held between the applicant/agent and the case officer to discuss amendments to the scheme before any decision is made.

4.0 **BACKGROUND PAPERS**

4.1 The petition subject of this report, including signatures and comments.

4.2 Planning application 10/23/0076

5.0 **CONTACT OFFICER:** Adam Shaikh, Planning Officer, Development Management.

6.0 **DATE PREPARED:** 7th March 2023

Petition Raised for Brantfell Road Blackburn

The contact for this petition is Yasin Khonat telephone number [REDACTED] address 10 Brantfell Road, Blackburn BB1 8DN.

We are petitioning against Blackburn with Darwen Borough Council for their refusal of rear dormer extensions in the conservation area of Corporation Park. There are inconsistencies within the council with permission being granted to properties in other conservation areas however rejected within this particular conservation area.

Residents of Corporation Park conservation area which includes Brantfell road and surrounding areas feel dissatisfied with the councils ambiguous rulings, no clear guidance and failure to compromise on such decisions. Gavin Prescott, planning manager claims "there has been a consistent approach to such applications on Revidge and Brantfell road". This is clearly not the case as many properties have been granted planning permission in this conservation area whilst others such as 10 Brantfell Road have been refused permission for a rear dormer extension despite being located on the same street as those properties.

10 Brantfell road have submitted a new planning application to alter the current dormer, A similar example was approved on 385 Revidge road which the planning officer thought it was a fair compromise. As a community we have no objection against this dormer extension and are in full support of planning permission being approved. As the demand for larger properties increase and with the current rise in the cost of living, many families are now opting for dormer extensions to provide a home for their growing families.

We have also consulted with people that visit the park regularly and they are in support of the dormer and have no objections.

A previous petition was raised for the same issue in 2016 but the residents are still having the same issues.

Also as per the councils guide online reference 13.0 implications of conservation status - conservation areas are not intended to stifle new development nor preserve areas as museum pieces but rather conservation areas should evolve to meet changing demands. The demand for larger properties are there as majority of the families living on Brantfell road are couples with growing children and need the extra bedroom space.

As part of the planning inspectorates report the rear of Brantfell road facing Langham road have not been mentioned in the conservation area it is the front of the properties in red brick with the pebble road that has been mentioned.

We also reference prior planning permission granted to number 30 and 36 Brantfell road for rear dormer extensions aswell as number 2 Brantfell road for a single storey rear extension. Along with more recently 1 east park which faces onto Brantfell road have been granted planning permission for ground floor rear extension. We also reference 385 Revidge road which falls in the same conservation area as being granted planning permission for a rear dormer extension.

To add further confusion number 10 contacted the council prior to building the dormer and was advised in the email that permitted development rights had NOT been removed, whereas when number 8 contacted the council on email his email clearly stated permitted development rights had been removed.

We also reference other conservation areas were planning permission was granted for rear dormer extensions 28-32 wellington street, 159 Dukes brow for a rear extension, 123 dukes brow for single storey rear and side extension, 18 Alexandra road for single storey extensions to the rear, also 18a east park road for 2 side dormers. There are many other examples we can you use and feel that the residents off Brantfell road are not being treated fairly when it comes to granting planning permission compared to other conservation areas

Name	Address	Signature
[REDACTED]	10 BRANTFELL ROAD	[REDACTED]
[REDACTED]	10 BRANTFELL ROAD	[REDACTED]
[REDACTED]	66 BRANTFELL ROAD	[REDACTED]
[REDACTED]	62 BRANTFELL ROAD	[REDACTED]
[REDACTED]	60 BRANTFELL ROAD	[REDACTED]
[REDACTED]	58 BRANTFELL RD	[REDACTED]
[REDACTED]	54 BRANTFELL RD	[REDACTED]
[REDACTED]	48 BRANTFELL RD.	[REDACTED]
[REDACTED]	42 BRANTFELL RD	[REDACTED]
[REDACTED]	40 Brantfell RD	[REDACTED]
[REDACTED]	34 BRANTFELL RD	[REDACTED]
[REDACTED]	28 Brantfell Road	[REDACTED]

Name	Address	Signature
[REDACTED]	26 Brantfell Road BB1 8DN	[REDACTED]
[REDACTED]	14 Brantfell Rd 'Blackburn	[REDACTED]
[REDACTED]	2 BRANTFELL ROAD BLACKBURN. BB1 8DN	[REDACTED]
[REDACTED]	8 BRANTFELL RD BB1 8DN.	[REDACTED]
[REDACTED]	51 ABERDEEN DRIVE	[REDACTED]
[REDACTED]	51 ABERDEEN DRIVE BB1 1LS	[REDACTED]
[REDACTED]	91 LANGHAM RD -	[REDACTED]
[REDACTED]	101 Langham rd	[REDACTED]
[REDACTED]	93 Langham Rd	[REDACTED]
[REDACTED]	107 Langham Rd	[REDACTED]
[REDACTED]	1/1 Langham Road	[REDACTED]
[REDACTED]	22 BRANTFELL ROAD	[REDACTED]
[REDACTED]	32 Brantfell Road.	[REDACTED]

Name	Address	Signature
	412 Brantfell Rd. POB 80N	
	38 Brantfell Road POB 80N	
	131 LANGHAM ROAD POB 80P	
	131 LANGHAM ROAD POB 80P	
	131 LANGHAM ROAD POB 80P	
	131 LANGHAM ROAD POB 80P	
	131 LANGHAM ROAD POB 80P	
	123. LANGHAM RD	
	121 " "	
	127 Langham Rd	
	129 Langham RD	
	4 EAST PARK Rd.	
	7 EAST PARK RD	

Name	Address	Signature
[REDACTED]	5 EAST PARK RD BLACKBURN	[REDACTED]
[REDACTED]	99 LANGHAM RD	[REDACTED]
[REDACTED]	109 LANGHAM RD	[REDACTED]
[REDACTED]	110 LANGHAM RD	[REDACTED]
[REDACTED]	112 LANGHAM RD	[REDACTED]
[REDACTED]	78 Leamington Rd	[REDACTED]
[REDACTED]	78 Leamington Rd	[REDACTED]
[REDACTED]	98 LANGHAM ROAD	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	110 LANGHAM RD	[REDACTED]
[REDACTED]	6 Brentfell road	[REDACTED]
[REDACTED]	20 Brentfell Road	[REDACTED]
[REDACTED]	95 LANGHAM ROAD	[REDACTED]
[REDACTED]	95 LANGHAM ROAD	[REDACTED]

