

Public Document Pack

Planning and Highways Committee

Thursday, 25th May, 2023

6.30 pm

Meeting Room A, Blackburn Town Hall

AGENDA

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Blackburn

5. **Petition objecting an application for full planning permission for the following development: 'Retention of shed to front terrace to be used as food bank (Use Class F2)' – Ref: 10/23/0207, at 74 Queens Park Road Blackburn BB1 1SE**

To inform Members of the receipt of a petition objecting to a current planning application relating to the retention of shed to front terrace to be used as food bank (Use Class F2). The application premises is 74 Queens Park Road, Blackburn, BB1 1SE.

The application is submitted by Mr Mohammed Kathrada.

10.23.0207 - 74 Queens Park Road Blackburn (petition report object) 131 - 142

6. **Petition supporting an application for full planning permission for the following development: 'Retention of shed to front terrace to be used as food bank (Use Class F2)' – Ref: 10/23/0207, at 74 Queens Park Road Blackburn BB1 1SE**

To inform Members of the receipt of a petition supporting a current planning application relating to the retention of shed to front terrace to be used as food bank (Use Class F2). The application premises is 74 Queens Park Road, Blackburn, BB1 1SE.

The application is submitted by Mr Mohammed Kathrada.

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PLANNING AND HIGHWAYS COMMITTEE

Thursday, 20 April 2023

PRESENT – Councillors, David Smith (Chair), Akhtar, Khan, Slater, Marrow, Baldwin, Desai, Imtiaz, Mahmood, McCaughran and Shorrock (substitute for Liddle).

OFFICERS – Gavin Prescott, Saf Alam, Michael Green & Shannon Gardiner

RESOLUTIONS

78 **Welcome and Apologies**

The Chair welcomed everyone to the last meeting of the municipal year.

Apologies were received from Cllrs Paul Browne, Jim Casey and Sylvia Lidde who was substituted by Cllr Jim Shorrock.

The Chair thanked the officers, Gavin Prescott, Safina Alam, Michael Green and Shannon Gardiner for their support to the Planning and Highways Committee.

79 **Minutes of the Previous Meeting**

RESOLVED – That the minutes of the previous meeting held on 16th March 2023 be agreed and signed as a correct record.

80 **Declaration of Interest**

RESOLVED – There were no Declarations of Interest received.

81 **Planning Applications for Determination**

The Committee considered reports of the Strategic Director of Place detailing the planning applications.

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

81.1 **Planning Application 22/1014**

Applicant – Opolwood Developments

Location and Proposed Development – Land between Haslingden Road/Brandy House Brow & Old Bank Lane (Queens Park Gardens)

Minor Material Amendment for: Variation of Condition 30 "approved drawings" pursuant to planning application 10/21/1164 to allow for change of house types on plots 51 - 52 and 56 – 59, resulting in an increase in total unit numbers from 69 to 71.

Decision under Town and Country Planning Acts and Regulations –

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

81.2 Planning Application 22/1152

Applicant – Mr R Hancock

Location and Proposed Development – Land at Watery Lane (between Clough Street and Spring Vale Garden Village), Darwen

Erection of replacement 2m high fencing along the northeast and northwest site boundaries.

Decision under Town and Country Planning Acts and Regulations –

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

81.3 Planning Application 22/1198

Speaker – Mr Lang (Agent)

Applicant – Mr Steve Charnock

Location and Proposed Development – 14 Tower Street, Chapeltown, Bolton, BL7 0EU.

Full Planning Application for Proposed change of use to the land as side garden (Use Class C3) with 1.8m timber fence and erection of single storey rear extension

Decision under Town and Country Planning Acts and Regulations –

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

81.4 Planning Application 23/0065

Applicant – Permission Homes Lancashire

Location and Proposed Development – Land at Spring Meadows, Darwen

Variation/Removal of Condition/Minor Material Amendment for Variation of condition No. 2 pursuant to planning application 10/19/0317 "Erection of 168 no. Residential Dwellings, Associated Infrastructure and Public Open Space" to amend house types on plots 11-69.

Decision under Town and Country Planning Acts and Regulations –

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

81.5 Planning Applications 23/0130 & 22/0131

Applicant – Blackburn with Darwen Borough Council

Location and Proposed Development – 9-15 Town Hall Street, Blackburn, BB2 1AG

Full Planning Application (Regulation 3) for New shop fronts and Advertisement Application for Fascia and hanging signs

Decision under Town and Country Planning Acts and Regulations –

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

82 Department for Levelling Up, Housing & Communities Technical Consultation: Stronger performance of local planning authorities supported through an increase in planning fees.

The Members were informed of a current consultation by the Department for Levelling Up, Housing and Communities (DLUHC) seeking views on improving performance of local planning authorities by:

- Increasing planning fees;
- Building capacity and capability;
- Introducing a more robust performance regime.

As referred to in the Government’s Levelling Up and Regeneration Bill (LURB) last summer, the Government published a consultation on the 28th February 2023, focussed on increasing planning application fees. This will introduce plans to annually adjust planning application fees in line with inflation, with an initial increase of between 25% and 35% being proposed as early as summer 2023.

The Government intends to review fee levels no later than three years following implementation and propose that any extra funds raised by the increase to planning application fees will be ring-fenced for local planning authorities (LPAs) rather than being available to support other Council services, to provide a more effective and efficient service through additional financing and resources.

This consultation takes place for 8 weeks from the 28th February 2023 to 25th April 2023. There are 21 questions within the consultation, and responses to these questions on behalf of Blackburn with Darwen Borough Council are in the main report. The proposed responses to the questions have been presented to the Planning Cross Party Working Group at the meeting on the 18th April 2023.

RESOLVED – That the report and the responses to the consultation be noted.

83 Appeals Monitoring Report

The Members were updated on the recently decided appeals since the last monitoring report in September 2022.

There were 9 appeals in total determined during the period 23th August 2022 to 6th April 2023. 7 of those appeals were dismissed and 2 appeals were allowed.

The National performance benchmarking in terms of appeals allowed against the number of applications determined, Blackburn with Darwen Borough Council are performing well. The latest published figures by the Ministry of Housing, Communities & Local Government for the period October 2019 to September 2021 (appeal decisions up to June 2022), show the Council in 18th place out of 330 local planning authorities.

The table within the main report presents data on the performance of local planning authorities against the published criteria for assessing under-performance under section 62B of the Town and Country Planning Act 1990. The data in the table cover minor developments, changes of use where the site area is less than one hectare and householder developments. These are subsequently described collectively as 'non-major developments', having been referred to in previous versions of this table as 'Minor and other developments'. For the quality of decisions, the statistics show the overall figure for planning applications determined in the assessment period of 24 months to the end of September 2021 (and subsequent appeal decisions to the end of June 2022).

The measure to be used is the percentage of the total number of decisions made by the authority on applications that are then subsequently overturned at appeal, once nine months have elapsed following the end of the assessment period, as recorded in Live Table P152a and P152b for major development and in Live Table 154 for non-major development from the data collected by the Ministry of Housing, Communities and Local Government and the Planning Inspectorate. The nine months specified in the measure enables appeals to pass through the system and be decided for the majority of decisions on planning applications made during the assessment period.

The assessment period for this measure is the two years up to and including the most recent quarter for which data on planning application decisions are available at the time of designation, once the nine months to be allowed for beyond the end of the assessment period is taken into account. For example, a two year assessment period ending March 2020 will be used for designation decisions in Quarter 1 2021, this allows for applications to be decided between April 2018 and March 2020 and a 9 month lag to December 2020 for appeals to be decided. The average percentage figure for the assessment period as a whole is used.

The threshold for designation on applications for both major and non-major development, above which a local planning authority is eligible for designation, is 10 per cent of an authority's total number of decisions on applications made during the assessment period being overturned at appeal.

Members are advised that there have been no appeals relating to 'major developments' within the same period.

RESOLVED – That the report be noted.

84 **Planning Enforcement Update**

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

RESOLVED – That the report be noted.

85 **Enforcement**

A report was submitted seeking authorisation to take enforcement action against all persons having an interest in land at Hornby House, 39-41 King Street, Blackburn, BB2 2DH.

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

RESOLVED - Authorisation was given to the proposed enforcement action at land at Hornby House, 39-41 King Street, Blackburn, BB2 2DH.

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: 25/05/2023

Application No	Applicant	Site Address	Ward
10/23/0030	Hippo Motor Group Ltd Unit 26 Trident Park Trident Way Blackburn BB1 3NU	Plot 4 Land off Millbank Road/Greenbank Terrace Lower Darwen	Blackburn South & Lower Darwen
Full Planning Application for Erection of 1no unit for vehicle showroom (sui generis) and associated landscaping			

RECOMMENDATION: Permits

10/23/0079	Blackburn with Darwen Borough Council Third Floor One Cathedral Square Blackburn BB1 1FB	Blackburn Museum & Arts Gallery Richmond Terrace Blackburn	Blackburn Central
Full Planning Application (Regulation 3) for Implementation of re-roof with use of reclaimed slate including replacement roof lantern, rain water goods and associated works			

RECOMMENDATION: Permits

10/23/0080	Blackburn with Darwen Borough Council Third Floor One Cathedral Square Blackburn BB1 1FB	Blackburn Museum & Arts Gallery Richmond Terrace Blackburn	Blackburn Central
Listed Building Application (Regulation 3) for Implementation of re-roof with use of reclaimed slate including replacement roof lantern, rain water goods and associated works			

RECOMMENDATION: Consent

Application No	Applicant	Site Address	Ward
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Application Type

10/23/0143

Blackburn with Darwen Borough Council Town Hall King William Street Blackburn BB1 7DY	Junction of Holden Fold/Moor Lane/Chapels/Goose House Lane Darwen	Darwen East
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Full Planning Application (Regulation 3) for Highway re-alignment works incorporating associated improvements to drainage, street lighting and road markings, new footway along Moor Lane, together with creating off-street car parking areas on Knowle Lane (9no spaces) and Moor Lane (27no spaces)

RECOMMENDATION: Permits

10/23/0163

Mrs Annisa Asif Unit 3 Brookhouse Business Centre Whalley Range Blackburn BB1 6BB	Unit 3 Brookhouse Business Centre Whalley Range Blackburn BB1 6BB	Bastwell & Daisyfield
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Full Planning Application for Proposed change of use from training centre to dessert shop (class E) including new shop fronts

RECOMMENDATION: Permits

Proposed development: Full Planning Application for Erection of 1no unit for vehicle showroom (sui generis) and associated landscaping

Site Address:

Plot 4

Land off Millbank Road/Greenbank Terrace

Lower Darwen

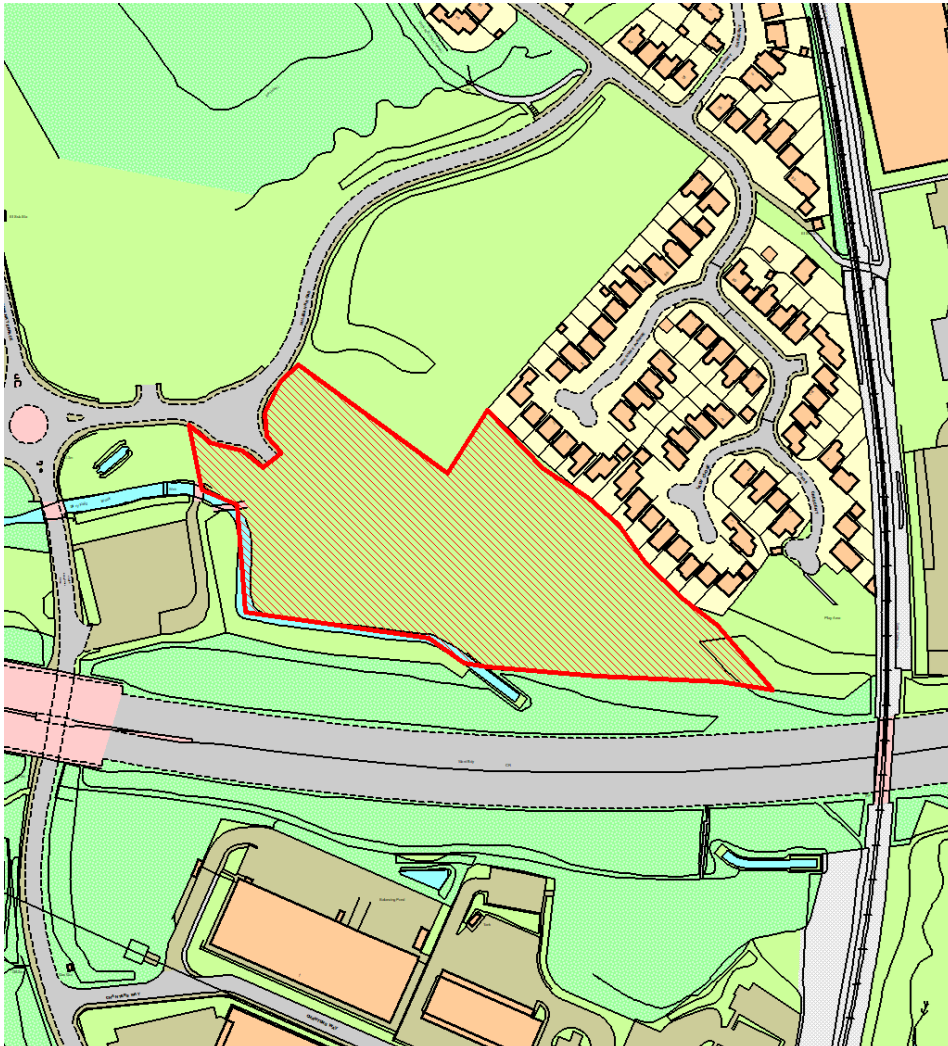
Applicant: Hippo Motor Group Ltd

Ward: Blackburn South & Lower Darwen

Councillor John Slater

Councillor Jacqueline Slater

Councillor Denise Gee



1 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to conditions; as set out in paragraph 4.1.

2. KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 There is a long and complicated planning history for this application site. The 10/18/1149 hybrid approval established full planning permission for a new link road and access points; and outline approval with all matters reserved (except for access) for a mixed use development comprising a maximum of the following: 100 dwellings (C3), 9,000m² of employment use and careers hub (B1/B2/B8/D1), and associated ancillary works.
- 2.2 Various Reserved Matters (RM) applications were subsequently submitted and approved, including RM approval for the provision of 35,000 sqft (3,251m²) internal floorspace of the approved employment use; in 4 separate Units known as Plots 1 - 4.
- 2.3 RM approval for Plot 4 was approved under RM application 10/21/1328.
- 2.4. This current application, which is submitted as a new, full planning application rather than an amended RM submission, is essentially a revised scheme to the RM previously approved for Plot 4 under ref 10/21/1328. However, as a full application, all matters need to be considered.
- 2.5 Notwithstanding this, many of the fundamental matters have already been covered by the hybrid approval for the site, and the outline approval and subsequent RM approval are material considerations. Conditions in relation to the various outline and RM permissions for the wider site remain in place, and have either been discharged, or are awaiting discharge.
- 2.6 Given the complexity of the site, for its wider context, the flowchart below shows the present situation of how all the applications link together.

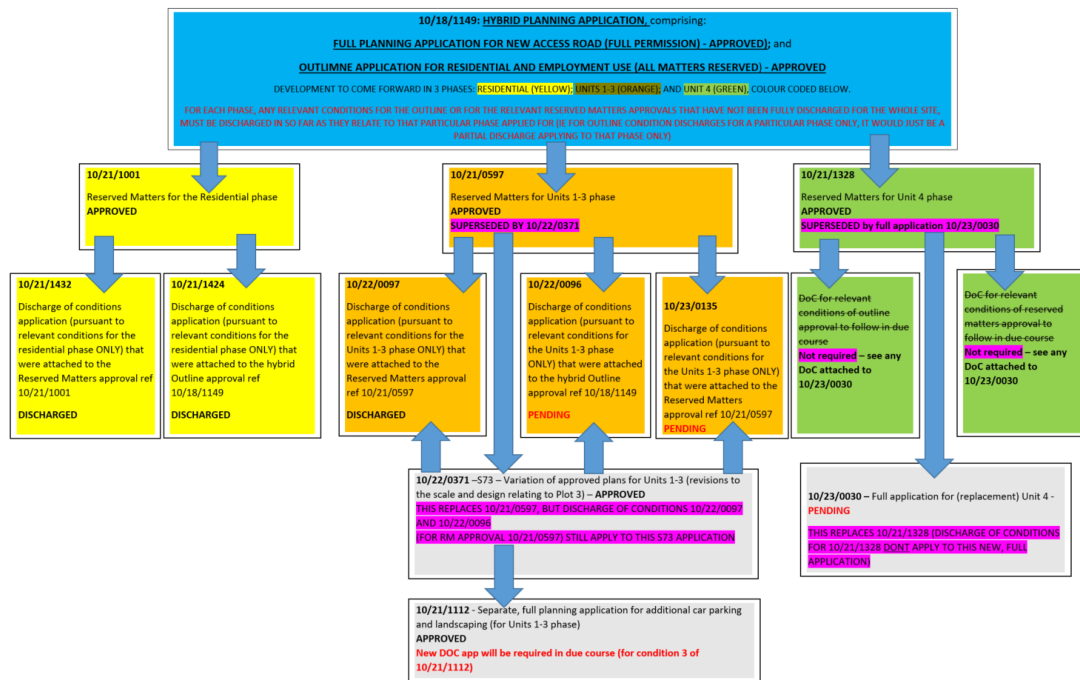


Figure 1: Flowchart

- 2.7 The main difference between this new full application for Plot 4 and the previous RM approval for the Class B2 / B8 use of Plot 4 is the proposed vehicle showroom use, which is a Sui Generis use, and therefore requires planning permission in its own right. Had that not been the case, the physical changes proposed could have been assessed under a S73 variation of the previously approved RM plans. However, the previous outline and RM approvals remain material considerations.
- 2.8 Aside from the difference in use, other differences to the previously approved scheme include a change to the large open internal layout to accommodate a showroom and customer sales area etc, and a considerable reduction in the overall internal floorspace from 3,251 sqm to 660sqm (ground floor), with an additional mezzanine floor space (staff facilities) of 325sqm (985sqm in total). There would also be a flat roof canopy on stilts, and a total of 321 fenced vehicle display spaces. The footprint of the proposed building and the canopy combined would be circa 67m x 35m, but the footprint of the building itself would only measure 31m x 21.5m. The height of the building would be similar to the previously approved building, at circa 8m, and would use similar materials.
- 2.9 Essentially the proposal reflects the size, scale, design and appearance of other buildings in the area, and would meet the functional needs of a vehicle showroom. Assessment of this planning application finds that the proposal will deliver a high quality scheme that will assist in meeting the Council's strategic aims and objectives, including economic growth, and regeneration benefits.
- 2.10 All relevant issues have been addressed or can be controlled or mitigated through planning conditions.

3 RATIONALE

3.1 Site and Surroundings

- 3.1.1 Plot 4, with its extant permission (Outline and RM) for an industrial building, lies within the red edge of the wider development site, comprising 9.45 hectares, which was approved by hybrid application 10/18/1149 (shown below).

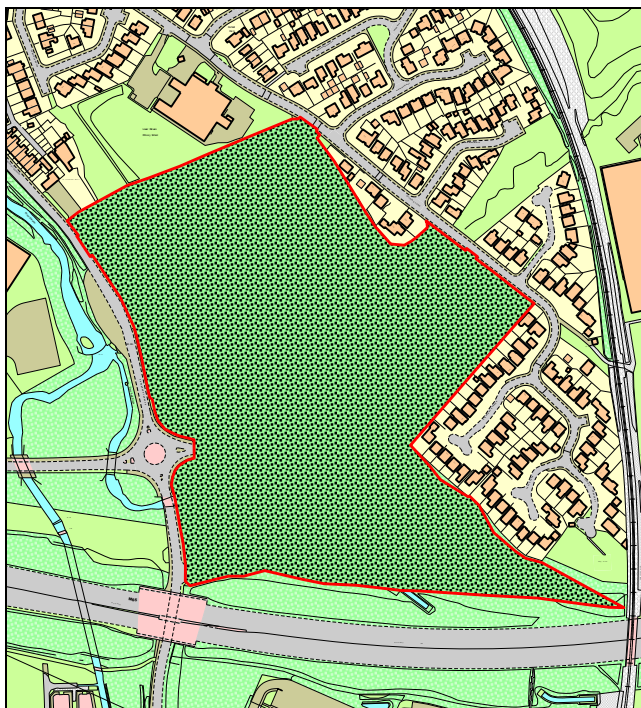


Figure 2: Red edge of the hybrid approval 10/18/1149

- 3.1.2 The site is a former paper mill and landfill site, which lies to the immediate south west of Milking Lane and to the north east of Greenbank Terrace, Lower Darwen. A stream runs east-west through the wider site, leading to the River Darwen via a culvert which runs under Greenbank Terrace to the west of the site. To the immediate north of the site is Lower Darwen Primary School and to the north and east are modern residential developments. However, immediately adjacent the site are the recently approved Units 1-3, which are at an advanced stage of construction.
- 3.1.3 The site is linked to junction 4 of the M65 motorway via the Eccleshill Link Road to the west via Greenbank Terrace.

Extant RM approval for Industrial use at Plot 4 (10/21/1328)

- 3.1.4 The RM approval 10/21/1328 for Unit 4 comprised of 35,000 sqft (3,251m²) of internal floor space, and that unit would have been located along the southern part of the hybrid site, as shown below:

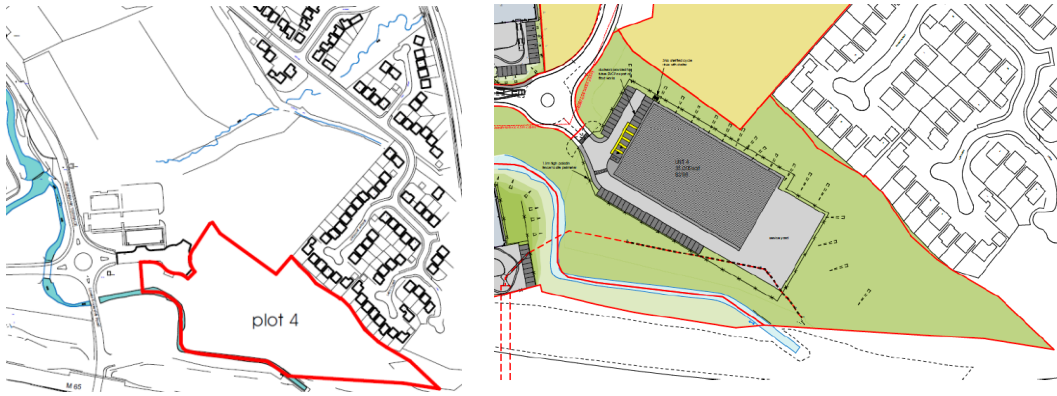


Figure 3: Red edge of Plot 4 (left) and the approved site plan under RM 10/21/1328 (right)

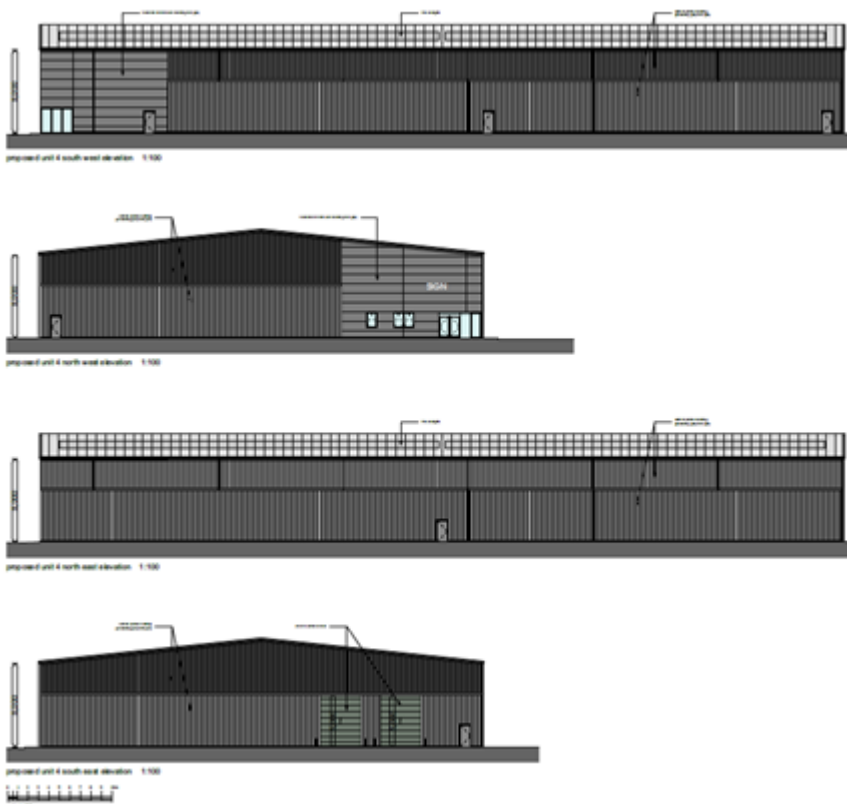


Figure 4: Previously approved elevations for Unit 4 (Reserved matters approval 10/21/1328)

- 3.1.4 All the employment units are sited along the western / southern part of the site, which are on significantly lower land and therefore distinctly separated from the residential parcels above them to the north / east by the steep topography of the site. Unit 4 is accessed from an existing roundabout on the new link road.
- 3.1.5 This southern area of the site where Plot 4 is located, is allocated as being suitable for high quality development in the Adopted Policies Map of the Blackburn With Darwen Borough Local Plan Part 2.

3.1.6 Site photos



Photos taken from the site access, looking East

3.1.7 Supporting documents

3.1.8 Supporting documents submitted with the application include:

- Interpretive ground investigation letter report
- Ecological report
- Arboricultural assessment
- Tree protection scheme
- Transport statement
- Hydraulic assessment of proposed flood mitigation
- Crime impact statement
- Planning statement
- Design and access statement
- Flood Risk Assessment

3.2 **Proposed Development**

3.2.1 The employment unit applied for in this RM application is assessed in the context of the aforementioned outline and RM approvals, as well as the surrounding industrial and residential uses within the wider development site.

3.2.2 The proposed site plan for the new Unit 4 is shown below (Rev H, received 21/3/23):



Figure 5: Proposed site plan – Rev H, received 21/3/23

3.2.3 The proposed floor plans are shown below:

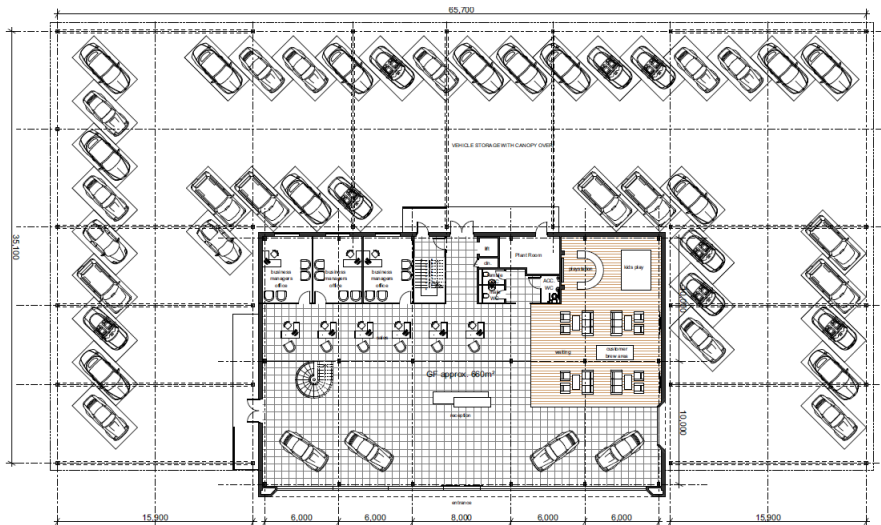


Figure 6: Proposed Ground floor plan

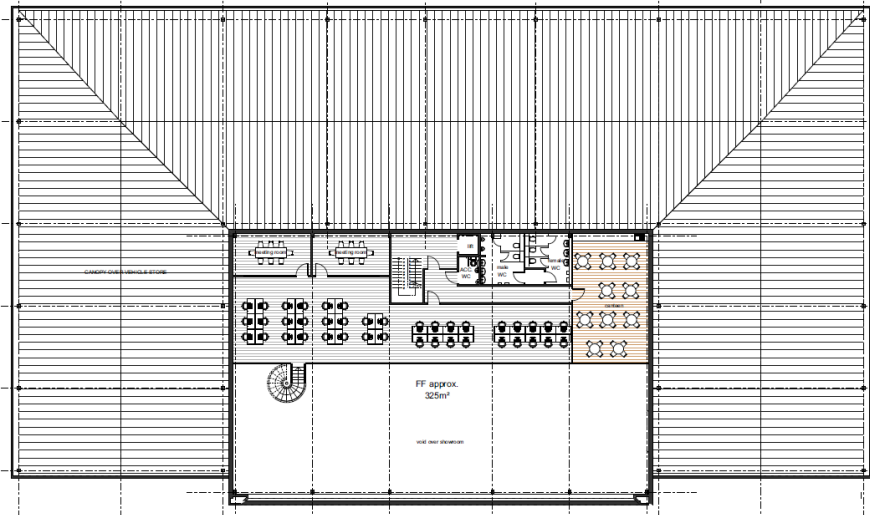


Figure 7: First floor plan

3.2.4 The scale of Unit 4 would be relative to its proposed use and reflects the functional design requirements of a car showroom.

3.2.5 The building would have a modern appearance, with materials comprising Walls of kingspan benchmark evolution cladding - black RAL 9005, and kingspan ks1000 trapezoidal cladding - spectrum metallic silver RAL 9006, with trapezoidal composite roof panels.

3.2.6 The proposed elevations are shown below.



Figure 8: Proposed elevations

3.3 Planning history

3.3.1 Members will be aware of the long and complex history of this site. Relevant planning applications are shown below, in particular the hybrid application **10/18/1149**, and the RM approval for Plot 4, **10/21/1328** (in bold):

- 10/23/0135 - Discharge Conditions 9 "car parking layout" & 10 "access gates scheme" pursuant to planning application 10/21/0597 – Pending discharge.
- 10/22/0371 - Variation/Removal of Condition/Minor Material Amendment for Variation of Condition No.1 pursuant to planning application 10/21/0597 - "Approval of reserved matters for the appearance, layout, scale and landscaping of the employment units 1, 2 and 3, pursuant to permission 10/18/1149" - revisions to the scale and design relating to Plot 3 – Approved.
- 10/22/0097 - Discharge Condition No 3 "revised flood risk assessment" pursuant to planning application 10/21/0597 – Discharged.
- 10/22/0096 - Discharge Condition Nos 22 "Construction Method Statement", 23 "ecological surveys and mitigation", 24 "Biodiversity and Habitat Management Plan", 27 "foul and surface water drainage scheme", 28 "surface water construction phase management plan", 29 management and maintenance plan for sustainable drainage system", 33 "design and construction details of highway improvements to M65 Junction 4 circulatory and signals", 38 "scheme for de-culverting of Davyfield Drain", 39 "hydraulic model and flood risk report", 40 "existing and proposed ground levels", 41 "flood resilient scheme", 42 "remediation strategy", and 45 "arboricultural method statement" pursuant to planning application 10/18/1149 – Pending discharge.
- 10/21/1432 - Discharge Condition Nos 2 "written agreement relating to the off-site highway works", 5 "Construction & Environmental Management Plan", 6 "scheme for the management and maintenance of the proposed streets", 7 "full engineering, drainage, street lighting and constructional details of the streets", 9 "landscaping scheme", 10 "lighting scheme", 11 "scheme for the site entrance" pursuant to reserved matters planning application 10/21/1001 - Discharged.
- 10/21/1424 - Discharge of Condition Nos 19(part) "S106 Agreement", 20(part) "swept path analysis", 21(part) "movement strategy", 22(part) "Construction Method Statement", 23(part) "Ecological surveys and mitigation plans", 24(part) "Landscape and Habitat Creation and Management Plan", 25(part) "Landscaping Scheme", 26 (part) "Noise impact assessment of both employment uses and existing ambient traffic noise", 27 (part) "Foul and surface water drainage scheme", 28(part) "Surface Waters construction phase management plan", 29(part) "Management and maintenance plan for the sustainable drainage system", 37 (part) "Travel Plan", 38 "Scheme for the de-culverting of Davyfield Drain", 39 "Hydraulic model and flood risk report", 40 (part) "existing and proposed ground levels", 41 "Flood resilient scheme",

42(part) "Remediation strategy", 44(part) "Future management and maintenance of the proposed streets", 45(part) "Tree survey" and 46(part) "Future management and maintenance of the proposed streets" pursuant to hybrid planning application 10/18/1149 - Discharged.

- **10/21/1328 - Reserved Matters Application for Approval of the RM for the appearance, layout, scale and landscaping of employment unit on Plot 4 pursuant to permission 10/18/1149 – Approved.**
- 10/21/1112 – Full planning application for formation of additional car parking and landscaping to plot 1 pursuant to reserved matters application 10/21/0597 – Approved.
- 10/21/1001 – Application for Approval of reserved matters for the appearance, layout, scale and landscaping of 76 dwellings, pursuant to permission 10/18/1149 – Approved.
- 10/20/0627 - DOC application for conditions 1-15 of the full application part (access road) of the hybrid approval 10/18/1149 - All complied with / discharged.
- **10/18/1149 - Hybrid Planning Application - Full planning permission - new link road and access points; Outline planning permission with all matters reserved (with all matters reserved except for access) for a mixed use development comprising a maximum of the following: 100 dwellings (C3), 9,000m² of employment use and careers hub (B1/B2/B8/D1), and associated ancillary works. (Approved 20/02/20, subject to various conditions).**
- 10/18/0911 – Demolition of 2 vacant office buildings (Prior Approval not required - 02/10/2018).
- 10/15/1119 - The erection of up to 180 dwellings, open space and associated works including the construction of a link road together with the demolition of the existing redundant office buildings (Refused 17/11/2016 – S106 Agreement not completed).
- 10/10/0551 - Residential development and link road at land between Milking Lane and Greenbank Terrace (Approved with conditions 19/11/2012).
- 10/05/0317 - Redevelopment of the former Lower Darwen Paper Mill site to create high quality Business Park (Approved with conditions 28/06/2006).

3.4 Development Plan

- 3.4.1 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.

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

3.4.3 Blackburn With Darwen Core Strategy

Policy CS1: A Targeted Growth Strategy
Policy CS2: Typology of Employment Lane
Policy CS3: Land for Employment Development
Policy CS4: Protection and reuse of employment sites
Policy CS13: Environmental Strategy
Policy CS15: Protection and Enhancement of Ecological Assets
Policy CS16: Form and Design of New Development
Policy CS18: The Borough's Landscapes

3.4.4 Blackburn With Darwen Local Plan Part 2 (LPP2) (December 2015):

Policy 1: The Urban Boundary
Policy 7: Sustainable and Viable Development
Policy 8: Development and People
Policy 9: Development and the Environment
Policy 10: Accessibility and Transport
Policy 11: Design
Policy 28: Development Opportunities
Policy 41: Landscape

3.4.5 **Other Material Planning Considerations**

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

3.4.7 Blackburn with Darwen adopted Parking Standards

4 Assessment

4.1 The main issues to be considered in assessing this application are:

- Principle of development
- Design / Appearance
- Trees / Landscaping
- Ecology / BNG
- Drainage / Flood Risk
- Contamination
- Access / Layout / Highways / Parking / Developer contributions
- Residential amenity

4.2 Principle of development

4.2.1. The site is allocated as being suitable for high quality development in the Adopted Policies Map of the Blackburn With Darwen Borough Local Plan.

Furthermore, the 10/18/1149 Hybrid planning permission established the principle for a mixed use development.

- 4.2.2 The principle of development, to provide a different end use (car showroom) and revised design, to the previous Class B2 / B8 RM approval for employment use on Plot 4, is considered acceptable, and does not conflict with development plan policy, provided there are no specific impacts that would outweigh the recognised benefits. These issues are assessed further, below.
- 4.2.3 The Framework advises that there should be a presumption in favour of sustainable development, and given the benefits of the proposal, including visual and economic benefits, the proposal is considered to be sustainable development. Accordingly, the proposal is found to be acceptable.

4.3 Design / Appearance

- 4.3.1 Appearance is considered against CS Policy 16, and Policy 11 of LPP2, which requires a good standard of design. Development is expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context, making a positive contribution to the local area. This includes enhancing and reinforcing the established character of a locality.
- 4.3.2 The proposed unit has been designed to reflect the proposed car showroom use. The size, scale and design of the proposed unit would be appropriate for its intended use, the size of the plot, and its relationship with adjoining uses, and would sit within the natural topography of the site and the local area.
- 4.3.3 The appearance of Unit 4 would be broadly similar to the 3 other units that have recently approved, noting it has been designed to be functional for its use as a car showroom. The building would have a modern appearance, using high quality contemporary metal faced cladding materials in black and silver in varying arrangements, which would help break up the massing of the building.
- 4.3.4 The proposal would therefore respect the character and history of the site and wider area, and would integrate appropriately into the street scene. Accordingly, the proposed appearance of the development is found to be acceptable, in accordance with CS Policy 16 and Policy 11 of the Local Plan.

4.4 Trees / Landscaping

- 4.4.1 Policy 9 of the Local Plan seeks to protect the environment. Landscaping is also assessed against Policy 11. It is expected that development will incorporate existing trees into the design and layout of the scheme.
- 4.4.2 The proposal would involve regrading the land to suit the proposed unit and parking with new planting along the edge of Millbank Road, in front of the unit and to the land bordering Davyfield Brook. The tree removals required to

accommodate the proposals would not have significant impact on amenity values and there is potential adequately compensated for with new planting.

4.4.3 A comprehensive Arboricultural report was submitted with the application which was subject to review by the Council's Tree Officer, who raised no objections, subject to conditions to secure the mitigation measures set out in the AIA, and a detailed landscaping scheme for appropriate mitigation planting. With these conditions attached, the proposal is considered acceptable, and complies with Policy 9 of the Local Plan and the Framework.

4.5 Ecology / BNG

4.5.1 Policy 9 of the Local Plan requires development proposals to not lead to unacceptable impacts on environmental assets, including protected species.

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

4.5.3 An Ecology report was submitted with the application, which was subject to review by GMEU Ecology unit, who raised no objections, subject to appropriate mitigation conditions to ensure priority habitats and species are not unduly affected by the proposal. Conditions to be attached include an updated Biodiversity and Habitat Management Plan, and a detailed Landscaping scheme. The previous hybrid and RM approvals included conditions to enhance biodiversity throughout the wider site, and a condition requiring detailed landscaping will be attached to this application to secure full details of mitigation planting and biodiversity enhancement.

4.5.5 With the aforementioned conditions, the proposed development is considered acceptable, in alignment with Policy 9 of the Local Plan and the NPPF.

4.6 Drainage / Flood Risk

4.6.1 Policy 9 of the Local Plan states that development will be permitted where, following implementation of any required mitigation, there is no unacceptable impact on environmental assets or interests, including but not limited to climate change (including flood risk), water quality and resources. Development will be required to demonstrate that it will not be at an unacceptable risk of flooding.

4.6.2 The application site contains land which lies within Flood Zone 3 & 2, which is land defined by the planning practice guidance as having a high to medium probability of flooding. The site is also located upon a Secondary A aquifer. A FRA was therefore requested, and subsequently submitted. This was subject to review by the EA.

4.6.3 The site has been subject to detailed assessment of flood risk, which has been covered extensively in the previous hybrid and RM approvals, including the information submitted for the discharge of the relevant conditions attached to those permissions.

4.6.4 United Utilities, the EA, and the Council's Drainage consultee have all raised no objections to the proposal, subject to conditions. The EA are satisfied that the development would be safe without exacerbating flood risk elsewhere subject to conditions being attached for the proposed flood risk mitigation measures to be implemented in accordance with the submitted details, and an appropriate remediation strategy for the site.

4.6.5 The proposal is therefore considered acceptable in terms of flood risk, and complies with Policy 9 of the Local Plan and the NPPF.

4.7 Contamination

4.7.1 Policy 9 of the Local Plan seeks to protect the environment.

4.7.2 Substantial work has already been carried out to establish contamination at the site, and that the works would not result in unacceptable impacts. Any necessary remedial works and further investigations can be secured by appropriately worded conditions, as recommended by the Council's Public Protection team, and EA. Compliance with Policy 9 is therefore achieved.

4.8 Access / Layout / Highways / Parking / Waste

4.8.1 Policy 10 of the Local Plan seeks to ensure that road safety and the safe, efficient and convenient movement of all highway users is not prejudiced, and that appropriate provision is made for vehicular access, off-street servicing and parking in accordance with the Council's adopted standards.

4.8.2 The proposal is considered acceptable from a highway safety and efficiency perspective, subject to conditions, following review of the submitted layout by the Council's Highways consultee.

4.8.3 Access into the site from the highway network is already in situ; this was approved under the original hybrid approval. The internal site layout has been designed using the approved access point from the roundabout on the new link road, and the siting has been influenced by existing site constraints, topography / levels, and watercourses. Pedestrian access is catered for and is acceptable.

4.8.4 The proposal shows appropriate provision for servicing vehicles, which has been demonstrated through a swept path analysis. However, further information is required to clarify the frequency of movements, confirmation of largest vehicle to visit the site, a service vehicle parking area associated with vehicles waiting to load whilst one is unloading. This can be conditioned accordingly.

4.8.5 The proposal, with 40 spaces comfortably meets the requirements of the adopted BwD parking standards, including adequate provision for disabled parking, cycle parking and motorcycle. The finer detail of these facilities can be requested by condition.

- 4.8.6 In terms of trip generation, a comparison has been made between the proposed trip generation and the previously approved B2/B8 application. While the proposed development is expected to generate more trips than the previously approved development this would not be excessive and is not considered likely to have a severe impact on the safe or efficient operation of the local highway network.
- 4.8.7 Whilst raising no objection, the Council's Highways Officer did recommend a number of other, standard conditions to be attached, most of which relate to the existing access, which was previously addressed by conditions attached to the 10/18/1149 hybrid approval, including S278 works. Appropriate conditions have therefore only been attached where directly relevant to this RM application, namely those relating to the internal layout of the site.
- 4.8.8 The impact on highway safety and the highway network is therefore considered acceptable, and the proposal complies with Policy 10 of the Local Plan, the adopted parking standards; and the NPPF.

Developer contributions

- 4.8.9 In their consultation response, the Highways consultee also referenced the limited accessibility by public transport and active travel modes. A S106 contribution of £45K to improve accessibility, including bus stops / improvements, and improvements to the PROW, was requested.
- 4.8.10 However, this is not considered reasonable or proportionate given the context of this application. A material consideration in reaching this conclusion is that the principle of development has already been established by the hybrid approval and the subsequent RM approvals (albeit the Hybrid approval was for employment use, rather than the Sui Generis car showroom use now proposed).
- 4.8.11 Plot 4 benefits from an extant permission for an employment (Class B2/B8) building, and it is not considered appropriate to seek financial contributions to improve accessibility. The proposal, if implemented, will bring substantial economic and regeneration benefits, and the scheme needs to be viable to ensure implementation, with all the wider benefits that would bring.

4.9 Residential amenity

- 4.9.1 Policy 8 of the Local Plan states that all development proposals should secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself, with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking, and the relationship between buildings. Those requirements are reinforced by the Design SPD. Also that it will, in isolation and in conjunction with other planned or committed development, contribute positively to the overall physical, social, environmental and economic character of the area in which the development is sited.

- 4.9.2 The proposed car showroom has been designed as a self-contained development with its own service yard and car parking and landscaping. The position of the unit achieves an acceptable relationship with nearby residential properties, including the dwellings closest to the proposed unit, to the north-east (as well as the residential development parcels approved under RM application 10/21/1001).
- 4.9.3 The separation distances from the proposed development to the nearest properties on Lady Close and Viscount Ave to the north are considered acceptable. There is a gap of circa 43.5m from the corner of the proposed canopy (circa 65m from the corner of the proposed building) to the closest existing corner house, whilst the associated yard would still be circa 26.5m from the nearest dwelling on Lady Close. Notwithstanding this, any impacts arising from the height and massing of the building would be significantly mitigated against by the substantial drop in land levels from the existing housing down to the development site at Plot 4, in any case.
- 4.9.4 Although some concerns were raised in one letter of objection from a local resident, the principle of development has already been established and the proposed car showroom would not be likely to have any materially greater impact than the employment building approved at RM stage.
- 4.9.5 The Council's Public Protection Officer raised no objections, subject to conditions to mitigate the impacts. With these safeguards, the impact on residential amenity as a result of this RM application is considered acceptable.
- 4.9.6 The proposal is therefore acceptable in terms of residential amenity, and complies with Policy 8 of the Local Plan and the guidance of the Design SPD.

4.10 Summary

- 4.10.1 This report assesses the planning application for a car showroom at Plot 4, instead of the employment building previously approved under the hybrid and RM approvals.
- 4.10.2 In considering this proposal, the relevant range of material considerations have been taken into account to inform a balanced recommendation that is considered to demonstrate compliance with the aims and objectives of the Local Development Plan and The Framework.

5 **RECOMMENDATION**

That 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 proposals as detailed on drawings:

Job no. 18.107: Dwg no. 001 Rev D: Location Plan

Job no. 18.107: Dwg no. 021 Rev H: Site Plan

Job no. 18.107.06: Dwg no. 001 Rev B: Proposed ground floor plan

Job no. 18.107.06: Dwg no. 002 Rev B: Proposed first floor plan

Job no. 18.107.06: Dwg no. 003 Rev B: Proposed elevations

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

3. The external walling and roofing materials to be used in the construction of the development hereby permitted shall be as specified in the approved details referred to in Condition No.2.

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

4. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
- The CEMP should also include measures to prevent harm to species such as nesting birds, otters, amphibians and badgers, as recommended in the Ecological Report.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: In order to minimise harm to local ecological populations, in the interests of local ecology, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, and the Framework.

5. No development shall take place (including demolition, ground works, vegetation clearance) until an updated Biodiversity and Habitat management plan has been submitted to and approved in writing by the local planning authority. The Biodiversity and Habitat Management Plan shall be updated to reflect the change in design for Plot 4, including the location of bat and bird boxes.

REASON: In order to minimise harm to local ecological populations, in the interests of local ecology, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, and the Framework.

6. Prior to the commencement of development (including demolition, ground works, vegetation clearance), an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

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

7. No construction shall commence until details of the means of ensuring the water main that is laid within the site boundary is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall outline the potential impacts on the water main from construction activities and the impacts post completion of the development on the water main infrastructure that crosses the site and identify mitigation measures to protect and prevent any damage to the water main both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.

REASON: In the interest of public health and to ensure protection of the public water supply.

8. No development shall take place until:
 - (a) A plan showing the alignment and elevational treatment of a close-boarded fence of not less than two metres in height to be erected along the eastern boundary of the development site (or at least one metre from any part of the existing motorway fence where the boundary lies within one metre of

this) has been submitted to and agreed in writing by the local planning authority in consultation with National Highways; and
(b) The fence approved by part (a) of this condition has been erected in accordance with the agreed details.

Thereafter, the fence shall remain in situ and only be repaired or replaced in accordance with the requirements of this condition.

REASON: To protect highway land from construction activities and to prevent any access between the site and strategic road network for safety reasons associated with both the construction phase and use of the development, in accordance with Policy 10 of the BwD Local Plan and the NPPF.

9. No development shall take place unless and until Road Restraint Risk Assessment in accordance with standard CD377 of the Design Manual for Roads and Bridges (DMRB) has been completed by the applicants and findings agreed with National Highways in connection with the local planning authority. Any requirement arising from this assessment to upgrade the motorway safety barrier shall be in accordance with DMRB and undertaken at the applicant's expense and under agreement with National Highways.

REASON: To ensure that the safety of users of the M65 motorway is maintained, in accordance with Policy 10 of the BwD Local Plan and the NPPF.

10. No development pursuant to this application shall commence until a detailed construction plan working method statement relating to site development earthworks and drainage alongside the M65 motorway in accordance with the relevant design standards has been submitted to and accepted by National Highways and the Local Planning Authority.

REASON: To protect highway land from construction activities and to prevent any access between the site and strategic road network for safety reasons, in accordance with Policy 10 of the BwD Local Plan and the NPPF.

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

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors

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

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

REASON: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

12. Prior to the commencement of any development on site, the Tree protection measures as set out in the Arboricultural Impact Assessment (Bowland Tree Consultancy, Project ref: BTC1958, Version 1, dated July 2020) and Tree Protection Scheme (Bowland Tree Consultancy, Project ref: BTC1958, Version 1, dated June 2020), shall be fully in place prior to commencement of the development hereby approved, and shall remain fully in place throughout the duration of construction works. The protective fencing shall be in accordance with BS5837:1991 'Trees In Relation To Construction'. No excavation, materials storage, waste disposal or other activities shall take place within protected areas.

REASON: To secure the protection, throughout the time that the development is being carried out, of trees within or adjacent to the site which are of amenity value to the area, in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

13. Notwithstanding the submitted details, prior to the commencement of development hereby approved a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall demonstrate mitigation planting and biodiversity enhancement. Trees and shrubs shall be planted on the site in accordance

with the approved landscaping scheme during the first available planting season following completion of the works, and thereafter retained. Trees and shrubs dying or becoming diseased, removed, or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs. The landscaping shall be maintained and retained thereafter.

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

14. Prior to the installation of any external lighting a scheme detailing the location and specification of any luminaires shall be submitted to, and agreed in writing by, the Local Planning Authority. Prior to the commencement of the approved use the agreed scheme shall be implemented and thereafter retained. Any changes to the agreed scheme must be approved in writing with the local planning authority. The scheme must accord with the guidelines set out in the Institute of Lighting Engineers publication "Guidance Notes for the Reduction of Obtrusive Light".

REASON: To ensure adequate levels of residential amenity, in accordance with Policy 8 of the BwD Local Plan and NPPF.

15. Full details of the cycle storage facilities shall be submitted to and approved by the Local Planning Authority. The approved facilities shall be implemented prior to first occupation of the development hereby approved, and thereafter retained.

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

16. The proposed development shall proceed in strict accordance with the Flood Risk Assessment (FRA by Paul Waite Associates, Report Ref: 22257-PWA-00-XX-RP-C-1000, dated February 2023) and the mitigation measures contained within. Any proposed changes to the approved FRA and / or the mitigation measures identified will require a revised FRA to be submitted to and approved by the Local Planning Authority.

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

17. Full details of all boundary treatment shall be submitted to and approved in writing by the Local Planning Authority, and the approved boundary treatment shall be installed in accordance with the approved detail prior to first occupation of the development hereby approved.

REASON: In the interests of visual 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).

18. Notwithstanding the detail shown on the approved plans, prior to the development hereby approved being first brought into use, appropriate provision for Electric vehicle charging spaces shall be shown on a revised parking plan, which shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the proposed spaces shall be implemented and retained in accordance with the approved details.

REASON: To provide an appropriate level of provision for electric vehicles, and to promote the use of sustainable modes of travel, and to reduce emissions and improve air quality.

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

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

20. Notwithstanding the detail shown on the approved plans, prior to the development hereby approved being first brought into use, further detail shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that all service vehicle movements and associated parking can be accommodated within the site. The additional detail shall include, at a minimum, details of the expected frequency of movements; the largest vehicle; and a service vehicle parking area associated with vehicles waiting to load whilst others are unloading. The servicing provision shall be implemented fully in accordance with the approved details and retained thereafter.

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

21. 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:
- l) the parking of vehicles of site operatives and visitors

- II) loading and unloading of plant and materials
- III) storage of plant and materials used in constructing the development
- IV) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- V) wheel washing facilities
- VI) measures to control the emission of dust and dirt during construction
- VII) a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON: In order to avoid the possibility of the public highway being affected by the deposit of mud/or loose materials which could create a potential hazard to road users, in order to protect the amenity of the occupiers of the adjacent properties, in order to protect the visual amenities of the locality and to comply with Policy 10/11/40 of the Blackburn with Darwen Borough Local Plan Part 2.

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

Monday to Friday 08:00 – 18:00 hours

Saturday 09:00 - 13:00 hours

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

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

6 CONSULTATIONS

6.1 Ecology – GMEU

6.1.1 No objections, subject to conditions

As you are aware the information submitted with the application includes an Ecological Report. This report covers a wider area than the current application but shows that the majority of the site has already been cleared although small areas of woodland associated with the Brook remain. The ecology report also used a different site plan to assess the impacts for the proposals than that submitted. It appears that the woodland and Brook will be unaffected by the proposals but these habitats will need protecting during construction works. We would therefore advise the at Construction Environmental Management Plan for Biodiversity be required and the following condition attached to any permission, should it be granted.

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

The CEMP should also include measures to prevent harm to species such as nesting birds, otters, amphibians and badgers, as recommended in the Ecological Report.

The invasive Japanese knotweed was found on the site. We would therefore recommend that the following condition be attached to any permission

Prior to the commencement of development (including demolition, ground works, vegetation clearance), an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

No landscaping proposal appear to have been submitted with the application but we would expect any such scheme to provide compensation for habitat previously lost from the site. The ecology report refers to a "A Biodiversity and Habitat Management Plan (Bowland 2022)" but this does not appear to have submitted as part of the current application. This matter therefore requires clarification.

Further comments from GMEU Ecology:

While the Biodiversity and Habitat Management Plan has now been submitted, it needs to be updated to reflect the change in design for Plot 4. For example much more of Plot 4 is being taken by development than is shown in the Management Plan and the design of the building is different, so the location of bat and bird boxes will also need to be changed. A clear landscaping plan for the site should be required as well as an updated Management Plan, which could be by condition.

6.2 Electricity North West (ENW)

6.2.1 No comments offered.

6.3 National Highways

6.3.1 No objections, subject to conditions in order to maintain the safety and integrity of the M65 motorway.

Referring to the consultation on a planning application dated 27th January 2023 referenced above, in the vicinity of the M65 motorway that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

~~a) offer no objection;~~

b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions);

~~c) recommend that planning permission not be granted for a specified period (see Annex A – further assessment required);~~

~~d) recommend that the application be refused (see Annex A – Reasons for recommending Refusal).~~

Highways Act Section 175B is / is not relevant to this application.¹

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Annex A National Highway's assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

There have been no pre-application discussions with National Highways prior to this application being submitted.

Recommendation: Conditions

1. No development shall take place until:

(a) A plan showing the alignment and elevational treatment of a close-boarded fence of not less than two metres in height to be erected along the eastern boundary of the development site (or at least one metre from any part of the existing motorway fence where the boundary lies within one metre of this) has been submitted to and agreed in writing by the local planning authority in consultation with National Highways; and

(b) The fence approved by part (a) of this condition has been erected in accordance with the agreed details.

Thereafter, the fence shall remain in situ and only be repaired or replaced in accordance with the requirements of this condition.

Reason: To protect highway land from construction activities and to prevent any access between the site and strategic road network for safety reasons. This needs to be a pre-commencement condition as it deals with safeguards associated with both the construction phase and use of the development.

Informative: The applicant should contact National Highways (NH) to arrange a pre-start site inspection to agree the state of NH's assets and alignment of the new fence as specified in the list of conditions.

2. No development shall take place unless and until Road Restraint Risk Assessment in accordance with standard CD377 of the Design Manual for Roads and Bridges (DMRB) has been completed by the applicants and findings agreed with National Highways in connection with the local planning authority. Any requirement arising from this assessment to upgrade the motorway safety barrier shall be in accordance with DMRB and undertaken at the applicant's expense and under agreement with National Highways.

Reason: To ensure that the safety of users of the M65 motorway is maintained.

3. No development pursuant to this application shall commence until a detailed construction plan working method statement relating to site development earthworks and drainage alongside the M65 motorway in accordance with the relevant design standards has been submitted to and accepted by National Highways and the Local Planning Authority.

National Highways Planning Response (NHPR 21-09) September 2021

Reason: To protect highway land from construction activities and to prevent any access between the site and strategic road network for safety reasons. This needs to be a pre-commencement condition as it deals with safeguards associated with both the construction phase and use of the development.

We also advise that there must be no drainage connection into the motorway drainage system.

National Highways Comments on Proposals:

In terms of traffic impacts from the development, we are satisfied that those the main weekday AM / PM peak hours would be slightly less than the previously approved 3,252sqm B2 / B8 unit (Ref: 10/21/1328). In addition, a mitigation scheme at the M65 Junction 4 roundabout that was conditioned on this site previously (and the wider Greenbank Terrace / Milking Lane residential and mixed-use employment development) has recently been completed by Blackburn with Darwen Council Highways.

Consequently, in traffic impact terms we have no objection to this application and our overall position is that of no objection subject to conditions in order to maintain the safety and integrity of the M65 motorway.

Please note that paragraph 57 of the governing DfT Policy Circular 01/2022 'The Strategic Road Network and the Delivery of Sustainable Development' requires that a Road Restraint Risk Assessment Process (RRRAP) is carried out where development is proposed adjacent to the SRN such as this. This requirement is to ensure that the development of what was previously vacant land does not pose a hazard to road users should an errant vehicle breach the motorway boundary.

Whilst the applicant may wish to do complete the RRRAP prior to determination of the application (and we are happy to engage with them on this), completion of the RRRAP must be a condition of any approval of this application.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

Additional comments from National Highways

In terms of traffic impacts from the development, we are satisfied that those the main weekday AM / PM peak hours would be slightly less than the previously approved 3,252sqm B2 / B8 unit (Ref: 10/21/1328). In addition, a mitigation scheme at the M65 Junction 4 roundabout that was conditioned on this site previously (and the wider Greenbank Terrace / Milking Lane residential and mixed-use employment development) has recently been completed by Blackburn with Darwen Council Highways. Consequently, in traffic impact terms we have no objection to this application and our overall position is that of no objection subject to conditions in order to maintain the safety and integrity of the M65 motorway.

6.4 Lancashire Constabulary

6.4.1 No objections. A Crime Impact Statement was submitted prior to submission of the a planning application. The development should meet Secured by Design Standards.

A Crime Impact Statement was provided directly to the architect in November and should ideally have been included in their application to you.

In order to prevent crime and disorder and to keep people safe and feeling safe, crime prevention strategies should be integrated into the design as early as possible to allow crime prevention strategies and a layered approach to security to be effectively integrated into the final scheme. Making minor changes to the design or layout of the development now means it is less attractive to potential intruders and can reduce harm and the fear of crime for users of the buildings, visitors, and the overall community.

We would strongly advocate that this development be designed and constructed to Secured By Design security standards, using the SBD 'Commercial 2015' Design Guide specifications for the proposed development. Further details about Secured By Design, including application forms and security specifications can be found at www.securedbydesign.com.

Independent academic research shows that SBD certified schemes experience less burglary, criminal damage, and vehicle crime.

6.5 Network Rail

6.5.1 No objections, subject to informatives.

The railway is 65m+ to the east of the boundary – so if there are any vibro impact works then NR should be informed. No other comments.

6.6 United Utilities

6.6.1 No objections, subject to a condition (initial holding objection removed).

UU would like more information on the proposed development, with regards to:

- *the location of the proposed canopy and (if any) the position of any future ground supports/pillars for it.*

- *The attached plan provided is not clear as to the extent of the canopy and if there is any encroachment into the easement for the water main. The easement should be shown as 10m (5m either side) rather than 3m each side as set out on the plan.*
- *If ground supports are required and fall within the easement width, we would need to understand whether the supports are ground penetrating and their proposed depths.*

I appreciate your deadline for your committee report is soon, therefore UU would be happy to remove our objection on the basis that the following pre-commencement condition is included on any Decision Notice granted:

CONDITION:

No construction shall commence until details of the means of ensuring the water main that is laid within the site boundary is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall outline the potential impacts on the water main from construction activities and the impacts post completion of the development on the water main infrastructure that crosses the site and identify mitigation measures to protect and prevent any damage to the water main both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.

Reason: In the interest of public health and to ensure protection of the public water supply.

The applicant can then submit the required information at their earliest convenience for assessment and confirmation of acceptability by our water engineers without any delays.

6.7 Environment Agency

6.7.1 Initial holding objection lifted, upon receipt of a FRA.

The application site contains land which lies within Flood Zone 3 & 2, which is land defined by the planning practice guidance as having a high to medium probability of flooding. The National Planning Policy Framework (paragraph 167, footnote 55) states that an FRA must be submitted when development is proposed in such locations.

Updated EA comments (following receipt of FRA):

In our letter referenced NO/2023/115056/01-L01, dated 14 February 2023, we objected to the development as proposed pending the submission of a site-specific Flood Risk Assessment (FRA).

The planning application is now accompanied by a new FRA prepared by Paul Waite Associates Ltd., referenced; 22257-PWA-00-XX-RP-C-1000 and dated February 2023. We have reviewed the FRA in so far as it relates to our remit, and we are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented.

The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA.

As a result, we now remove our objection to the development as proposed, subject to the inclusion of a planning condition requiring a remediation strategy for the site.

Contaminated Land

We have previously responded to Outline (10/18/1149) and Reserved Matters (10/21/1328) applications for this development site, as plot 4 of the wider Greenbank Terrace/ Milking Lane development site.

In our response to planning application 10/21/1328, dated 23rd March 2022, we indicated that there was outstanding work in relation to the prior contamination of plot 4 due to the area of historic landfill. We were unable to recommend discharge of condition 42 of application 10/21/1328.

As part of our responses to previous phases of development on this site we have reviewed the following documents:

REMEDICATION STATEMENT for Milking Lane, Darwen, dated July 2021 REPORT Ref No: 21ELA052/RS by Betts Geo

Desk Study & Ground Investigation Report for Milking Lane, Lower Darwen, Blackburn, dated August 2015, REPORT Ref No:15RSA011/DSGI

We therefore reiterate our comments from our response dated 23rd March 2022, our reference NO/2021/114091/01-L03.

No groundwater sampling has been undertaken, and the report also indicates that leachability testing to assess the contaminants within the landfill has also not been undertaken. Consideration should be given to assessing the actual hard standing over the landfill and the decrease in infiltration that this may result in, to decrease influx. There is currently inadequate information about this phase of the development in the documentation to make a contaminated land assessment.

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

- located upon a Secondary A aquifer

The application demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework.

Without this condition we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition

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

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

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

Reasons

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

6.8 BwD Drainage/ Lead Local Flood Authority

6.8.1 No objections, subject to conditions.

LLFA Position:

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

Condition 1:

Prior to commencement, the applicant is required to submit details of the surface water drainage design showing the calculations used to determine the restricted discharge rate.

Condition 2:

No above ground works shall take place until a scheme for the protection of any watercourse which runs along the boundary of the site has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include:

- (i) Details of how surface water will be managed during the construction phase in order to prevent pollution of any watercourse;
- (ii) Details of the height, position and design of any protective fencing to be erected alongside the river corridor in order to prevent debris entering the watercourse; and
- (iii) A timetable for the implementation of the measures in (i) and (ii).

Reason: To ensure that satisfactory measures are put in place to prevent the pollution of the watercourse which runs adjacent to the site and to ensure that the watercourse does not become blocked by construction materials in the interests of maintaining water quality and to reduce the risk of flooding in accordance with the requirements of Policy 9 - Blackburn with Darwen Borough Local Plan Part 2 (2015), and the National Planning Policy Framework.

6.9 Public Protection

6.9.1 No objections, subject to conditions.

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

Contaminated Land

The development is part of a wider site that has already been assessed for contamination. However, the proposed use is different to that already approved with different building locations and structures.

The risk from contamination has already been deemed low and some remediation proposed. However, the submitted report recommends that there be further gas monitoring done on the site.

With this in mind it would be appropriate to include the standard contamination condition 10/22/0096 that covers all four of the plots.

Light

It is not clear how much lighting will be present on the site and no assessment has been submitted with the application.

However, given the nature of the approved use then lighting will be necessary for security purposes as with the other sites that Hippo operate.

The potential impact of this light on receptors in the area needs to be assessed.

We would require that the developer complies with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light.

This can of course be conditioned to agree a scheme prior to installation.

Condition – External Lighting

Prior to the installation of any external lighting a scheme detailing the location and specification of any luminaires shall be submitted to, and agreed in writing by, the Local Planning Authority. Prior to the commencement of the approved use the agreed scheme shall be implemented and thereafter retained. Any changes to the agreed scheme must be approved in writing with the local planning authority.

The scheme must accord with the guidelines set out in the Institute of Lighting Engineers publication “Guidance Notes for the Reduction of Obtrusive Light”.

Reason: to ensure adequate levels of residential amenity

Air Quality

We would apply the AQ PAN. Car sales are not specifically categorised.

However, given the circumstances I am happy to conclude that the site would be a type 1 site and subject to standard mitigation.

There is a requirement therefore to include electric vehicle charging points.

The guidance directs us to requires charging points based on the number of parking spaces. This use is however unusual as a lot of the parking spaces are to store cars as stock and not cars that will be regularly coming to and from the site.

Air-Quality-advisory note.pdf (blackburn.gov.uk)

The guidance for non residential development with over 40 parking spaces is for 2 bays plus additional provision for 4 % of the total.

With a total of 276 spaces this would be 13 charging points.

I am aware that hippo provide charging points at its over locations and given the future of vehicles I would anticipate that they are planning on a fair provision of charging points anyway.

If they are planning on installing 13 or more charging points then I am happy for that to proceed. However, if they wish to negotiate a lower number then there is some room to reduce. The number of spaces is, to a large degree for car storage and not to facilitate regular trip movements.

6.10 Cleansing

6.10.1 No objections.

6.11 Highways

6.11.1 No objection, subject to receipt of further information and appropriate conditions.

PROW – no implications

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

Parking/Access

In accordance with the adopted parking standards, and based on the total floor area, the proposal would generate an allowance of 19 parking spaces.

The development proposals include 40 on-site car parking spaces for staff and visitors and 321 display / sales bays. The proposed parking provision is above the BwD benchmark parking standards which is based on internal showroom area. Given the large outdoor area provision above the benchmark standard is considered to be acceptable.

I would add that there should be a provision made for electric vehicles, please could we seek consideration of this.

Adequate provision for disabled parking, cycle parking and motorcycle parking is included within the overall provision. Details of security and coverage of the cycle and PTW is to be received for approval and

Access & Layout

Access is to be gained from Millbank Road previously approved to accommodate B1/B2/B8 development.

A pedestrian access is shown off the highway up to the entrance of the building.

Sightlines details are not offered. We suspect these will be acceptable, however we would request that the splays on either side of the access are kept free from vegetation and obstructions, when setting out boundary treatment.

Servicing

Swept path analysis for a 20m drawbar car transporter and 16.5m articulated HGV has been provided, both can be accommodated within the proposed access arrangements.

Frequency of movements, confirmation of largest vehicle to visit the site, a service vehicle parking area associated with vehicles waiting to load whilst one is unloading is to be offered for assessment. Please seek further details, or condition accordingly.

Transport Statement

The report has been reviewed and the following thoughts are offered:

Trip Generation/Traffic Impact

A comparison has been made between the proposed trip generation and the previously approved B2/B8 application. While the proposed development is expected to generate more trips than the previously approved development on the site the total trips expected to be generated are 12 two-way trips during the AM peak period and 10 two-way trips during the PM peak period which is not considered likely to have a severe impact on the safe or efficient operation of the local highway network.

Site Accessibility

The sites accessibility by public transport and active travel modes is limited. The development of other plots within the Milking Lane development is currently impacting on Greenbank Terrace. It would be beneficial if the northbound bus stops is reinstated on completion of these works and where possible improved to include provision of shelters, timetables and access kerbs. A new southbound bus stop on Greenbank Terrace close to Millbank Road would also help to improve the sites accessibility.

The TS does not identify the availability of further bus services available from Bus Stops on Roman Road within 1km which would be accessible from the proposed development via the PROW which crosses the railway to the East of the proposed development. This pedestrian route would benefit from improvements to make it more accessible and attractive such as signage, lighting and clearance of foliage.

The cycle routes identified in the TS are on footway shared routes connecting to the A666. While the route provides a useful connection there are no controlled crossings at the M65 Junction 4 making the connection difficult for all but the most confident cyclists? It is likely that through the cycle network development through the LCWIP process that an alternative route connecting the site with Darwen along Lower Eccleshill Road shall be promoted although this is subject to further feasibility work at this stage.

To support these measures, we would request a S106 contribution of £45K to aid the above, the measures are as follows:

New southbound bus stop on Greenbank Terrace - £10-£15k

Bus stop improvements on Roman Road - £10k (Access kerbs northbound and southbound)

Improvements to the PROW - £20k (Signage, lighting, etc.)

Other

Construction Method Statement is required, please condition Matters also to be considered are:

- All existing street furniture including street lighting should be removed/disconnected at the applicants expense and relocated at locations to be agreed with by the relevant highways officer, (should they be required to do so)
- Any old entrances no longer required will require closing and formally reinstating back to full footway.
- Contact to be made with our Structures Division prior to commencement of any works affecting retaining walls/ structure adjacent to/abutting or within the adopted highway
- Prior to any work commencing that affects the existing adopted highway contact to be made with the Local Highway Authorities office on Tel: 01254 273838 to undertake a condition survey.

To conclude, in principle we support the application, subject to the matters as outlined being addressed satisfactorily, or conditioned accordingly.

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

Please attach standards conditions/Informatives: Highways, 1, 2, 3, 4, 8, 10, 11, 14, 15 and 17

6.12 Tree Officer

6.12.1 No objections, subject to tree protection implementation as specified in the AIA, and a landscaping condition.

It is noted the AIA includes an adjacent site the east for residential development which is not part of this application. The AIA identifies the following tree removals for development purposes.

Projected Arboricultural Losses Relating to the Development Proposals 5.2

From the information provided to date it is projected that, as detailed in Table B, below, construction of the commercial development, as proposed, will require the removal of eight low quality (i.e. 'C' category) trees, six low quality groups and part of two further low quality groups. Two trees are considered unsuitable for long term retention regardless of the development proposals.

T8 to T18, G10, G11 G12, G15, G16 and G17 as indicated in the survey data would be removed to accommodate the development.

The AIA tree data includes those trees, identified for retention and development protection. The proposed site plan includes indicative landscaping including two groups of standard trees. It appears it may not be possible to plant trees shown adjacent to the roundabout due to the proposed foul water route and the cellular water tank.

The tree removals required to accommodate the proposals would not have significant impact on amenity values and there is potential adequately compensated for with new planting. Open ground to the north and west parts of the site should be predominately landscaped with mix of native trees and shrubs. The planning up of these areas would make a strong contribution to the biodiversity of the area and provide valuable screening to the adjacent housing area.

It appears a substantial area natural regeneration of trees, G14 would be retained between Davey Field Brook and the proposed swale.

G14 is likely to make important contribution to the ecological, biodiversity values associated with the brook and has potential to ameliorate flooding associated with the Brook and river Darwen.

The tree protection scheme document is suitable to condition as part of any approval.

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

6.13 Fire Service

6.13.1 Generic comments – to be attached as an informative.

7 Publicity

7.2.1 64 Neighbouring properties were consulted during the consultation process, and site notices were posted on 14th February 2023. A press notice was also issued on 7th February 2023. One representation was received from a local resident.

7.2.2 A summary of the issues referred to in the representation from a local resident is set out at Paragraph 10, below:

8.0 CONTACT OFFICER: Tom Wiggans – Planning Officer

9.0 DATE PREPARED: 12th May 2023

10.0 SUMMARY OF REPRESENTATIONS

Comment – Kevin Lloyd, 14 Lady Close, Darwen. Received: 06/02/2023.

With reference to the above please find my comments below.

1) I can see no reason why there should be any changes to the planning conditions which apertained to the previous planning application for this site or to the overall dimensions. Why is the site being made larger than the previous permission granted?

With specific reference to this particular application

2) There is no provision for landscaping.

3) The use of semi permeable material will only result in a considerable 'eyesore'. This can be seen by looking at the land in front of the ARGO building at Junction 4 of the M65 which as I understand it uses semi permeable material.

4) It is also clear that such material will not prevent flooding given the fact that the land is a designated flood plain.

5) I am concerned that similar sites eg Motor Point in Burnley use both a tannoy system and music on the site. Given the fact that this new application is creeping both further up the land and the steep banking than the previous application. This is now directly to the rear of my property. This is totally unacceptable.

6) The provision of security lighting/floodlighting will cause light pollution especially given the fact that the new submitted application is creeping both further up the land and the steep banking than the previous application and now directly

to the rear of my property.

7) The new planning application will require further ground clearance, levelling and a further loss of habitat in contravention of both existing planning conditions and the Ecological Report. This as I have stated previously will result in land subsidence to the rear of my property due to the steepness of the banking. A cursory look at the existing fence panels at the top of this banking shows subsidence.

8) Given the fact that the future is electrification of cars how could this be provided for on a flood plain?

9) There is an increased risk of fire and litter in the area due to discarded cigarettes butts from the public visiting the site and members of staff working on the site. This is a significant point given climate change and long periods of both dry weather and the increased severity of heavy rain and flooding. This site is a designated flood plain.

10) As was pointed out to me previously by a council official the roundabout is unsuitable for access for vehicles such as car transporters which will undoubtedly be required. This same council official also said that restrictions would be placed on the access road (Millbank Road) on heavy goods vehicles.

11) This planning application will not result in employment in the area as this is merely a transfer of an existing site at Whitebirk.

In conclusion there should be no changes to the existing planning conditions and additional ones added to accommodate the specifics of this application.

REPORT OF THE STRATEGIC DIRECTOR

Plan Nos: 10/23/0079
and 10/23/0080

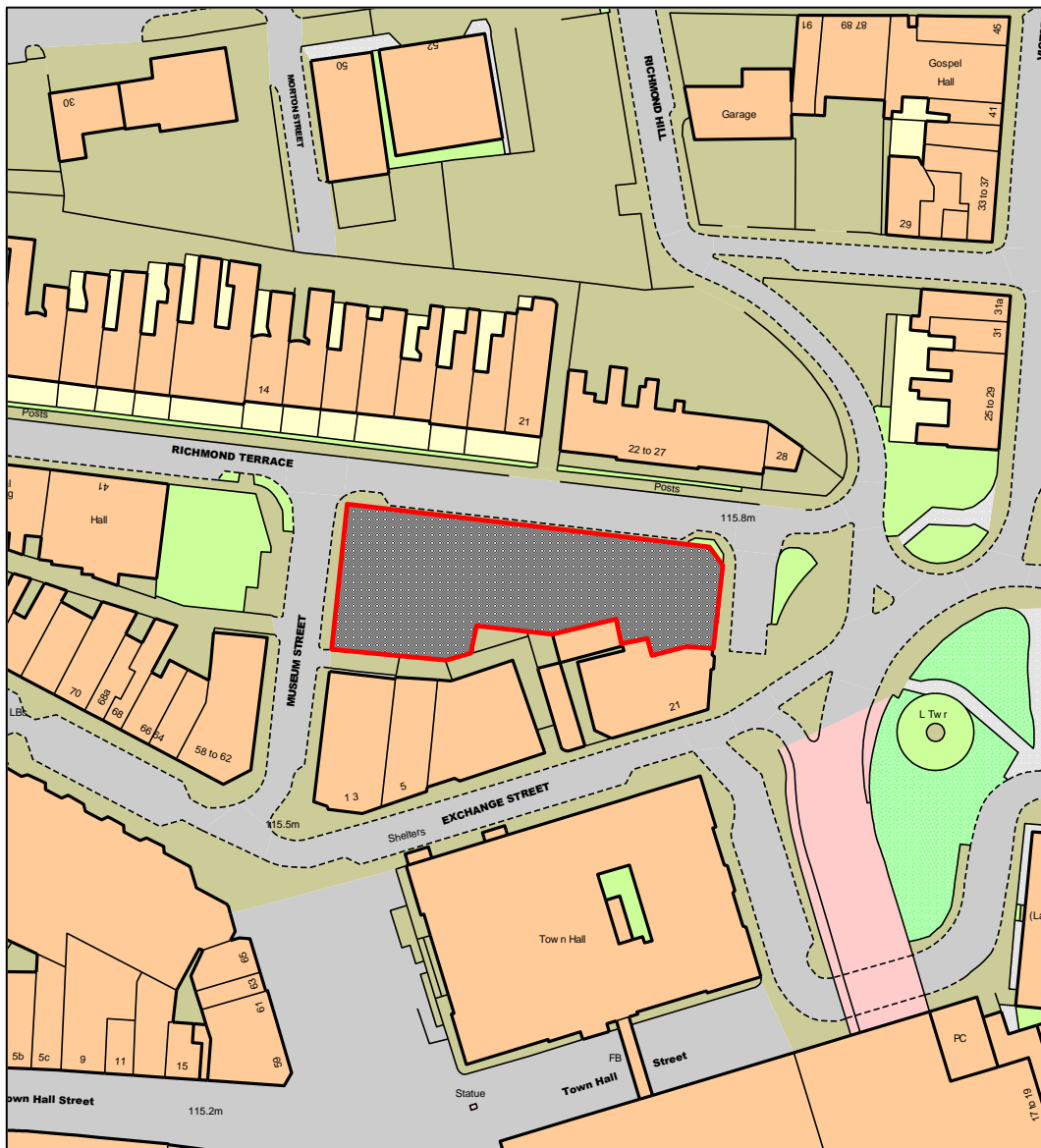
Proposed Development: Implementation of re-roof with use of reclaimed slate including replacement roof lantern, rain water goods and associated works – Full Planning Application (10/23/0079) and Listed Building Consent (10/23/0080)

Site Address: Blackburn Museum & Arts Gallery, Richmond Terrace, Blackburn, BB1 7AJ

Applicant: Blackburn with Darwen Borough Council

Ward: Blackburn Central

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



1.0 SUMMARY OF RECOMMENDATION

- 1.1 The proposed developments are recommended to be granted Planning Permission and Listed Building Consent, subject to the conditions detailed in Section 5.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 These applications are presented to the Planning and Highways Committee, in accordance with the Council's Constitution, and given that the application is made on behalf of the Council. The site is also owned by the Council.
- 2.2 The proposed development has been publicised through letters to residents and occupants of the nearest 12 adjacent properties on 17th March 2023. A site notice was displayed outside of the site on 21st March 2023. A press notice was also posted in the Lancashire Telegraph on 24th April 2023. 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 a committee update report.
- 2.3 The Council's development plan supports heritage and community developments, provided they constitute sustainable development, and accord with the development plan when taken as a whole.
- 2.4 The proposed developments involve the implementation of re-roof with use of reclaimed slate to the Grade II listed Blackburn Museum & Arts Gallery. The installation of a replacement roof lantern, new rain water goods and associated works are also proposed. The works are predominantly required in order to prevent water ingress and improve the overall efficiency of the building.
- 2.5 On balance, the proposals would be satisfactory from a technical point of view, with all issues having been addressed through the application process, or capable of being controlled or mitigated through appropriately worded planning conditions.
- 2.6 The key issues to be addressed in determining this application are as follows;
- Assessing impacts on the historical significance of the listed building
 - Ensuring the character of the Northgate Conservation Area is safeguarded
 - Safeguarding the amenities of the immediate neighbours
 - Conserving the safety and capacity of the local highway network
 - Assessing the potential for roosting protected species to be present

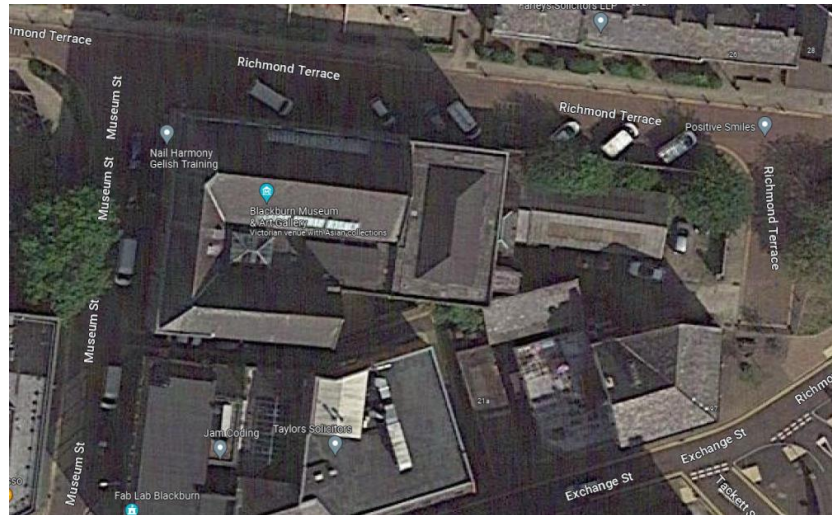
3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 As detailed above, the application site is a Grade II listed building that is currently subject to a range of structural issues given its age. The site is located

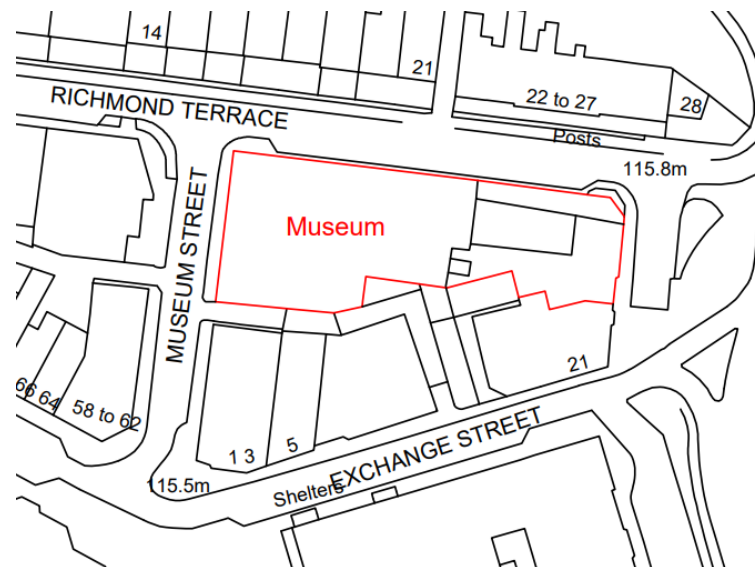
within Blackburn Town Centre and the Northgate Conservation Area. Large commercial buildings surround to three sides with open land positioned to the east.

Figure One – Satellite image of the site



3.1.2 The site covers an area of circa 700 square metres, which is predominantly taken over by the footprint of the building. A fenced courtyard to the rear (east) of the building is also included within the application site boundary. Public access to the main building is gained to the west elevation from Museum Street. A number of service doorways provide alternate entrance points.

Figure Two – Location Plan



3.1.3 Blackburn Museum and Arts Gallery is a two-storey building, which is predominantly constructed from natural stone. It has been built in an ornate Gothic Revival style. Brick has been used to finish the service sides of the building. The building is approximately 149 years old, having been opened to the public in 1874. A library has historically been operated from the ground floor with an art gallery above.

3.1.4 The building has a multi-pitched slate roof and a sequence of glazed features, including rooflights and lanterns. The roof of the building is currently in a state of disrepair with some significant fabric issues and water ingress, which need to be addressed as part of the proposed maintenance works. The building also features a range of stone motifs that depict a number of images from various local professions of the day alongside science, innovation and classical scenes.

Figure Three – Historical image of the site (c 1880)



3.2 Proposed Development

3.2.1 The proposals broadly involve high level works to repair the roof of the building with the relaying of the existing slate roof and flat roof sections and the replacement of an existing lantern. Other minor works will also be undertaken including repairs to existing parapets and rain water goods. The works are required to prevent the ingress of water, which is affecting internal structure/decoration and threatening collections within the museum.

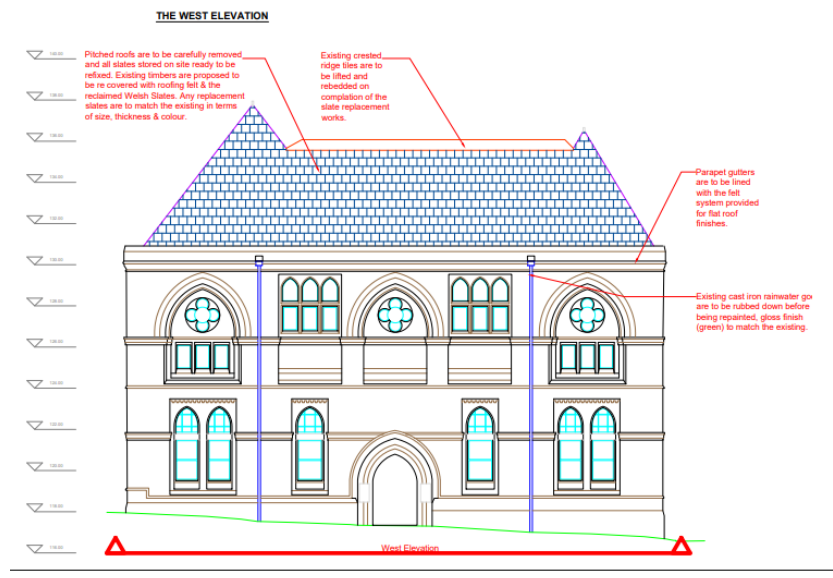
Figure Four – Photos of building defects



3.2.2 The works proposed to the pitched roofs include the removal of the existing slates and ridge tiles in order to allow for insulation and new felt to be applied. Any new roofing materials required will match those of the existing building. The rooflights and small dormer currently visible within the main body of the roof would be removed. The voids left by those features would be covered in plywood and felt and then covered in matching slates. Black plastic new rain water goods would also be installed on the main body of the roof.

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- 3.2.4 Further to those works, the stone chimney stack would be reduced in height given structural deficiencies. The stack would be rebuilt and it would rise no higher than 0.6m above the roof plane. A lime based mortar mix would be used to rebuild that feature. The existing cast iron rain water goods would also be retained and repainted in green gloss, which matches the existing finish of those features.

Figure Four – Proposed front (west) elevation



3.3 Case Officer Site Photos



3.4 Development Plan

3.4.1 Local Plan Part 2 (adopted December 2015)

- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 36: Climate Change
- Policy 39: Heritage

3.4.2 Conservation Areas Supplementary Planning Guidance (SPG)

3.4.3 Listed Buildings Supplementary Planning Guidance (SPG)

4.0 **ASSESSMENT**

4.1 Design and Heritage Assets

4.1.1 As detailed above, the Blackburn Museum & Arts Gallery is a Grade II listed building that is located within the Northgate Conservation Area. Both are designated heritage assets. Policy 11 requires all development proposals to present a good standard of design. Policy 39 requires all development proposals that have the potential to affect any designated heritage asset, either directly or indirectly, including by reference to their setting, to sustain or enhance the significance of the asset. Those requirements are broadly reinforced by the requirements of the Listed Buildings and Conservation Area SPGs.

4.1.2 The building forms a landmark feature within the conservation area and town centre. It is nationally rare in its architectural style owing to the sequence of motifs that adorn its most prominent elevations. A number of irreplaceable artefacts are also contained within. Therefore, any development proposals to improve its structural integrity would be welcomed propositions.

4.1.3 A comprehensive review of the proposals has been undertaken by the BwD Heritage Advisor. No objections have been raised by them and the case officer concurs with their findings. The majority of the works proposed involve maintenance operations, which do not technically require any formal of planning consents. Largely the proposed works are sensible repair to the existing roof and would involve very little change to the historic fabric of the building. Externally the works will cause no discernible change in the appearance of the building, especially when viewed from ground level.

4.1.4 The building is characterised by its steep slated roofs which form around three sides of the building, with a central flat roofed section. The east elevation having a stone parapet arrangement and being open to view, from across Richmond Terrace at the rear. From this view you can see the top of the one of the existing over-felted lanterns, with the other two being invisible from ground level.

- 4.1.5 The two existing over-felted lanterns will have a new timber board deck covering. Replacing lead with Glass Reinforced Plastic within the valleys is regrettable but understandable given the costs involved. Those changes would be unseen work. Undertaking re-bedding and repointing of coping stones is sensible as is repairing the sections of downpipes.
- 4.1.6 The only notable change is the replacement of an existing glass and metal framed lantern which lies on the western end of the enclosed flat roof section of the roof. This pitched glass lantern is not over-felted and is in a poor condition. The structure is visible from inside providing light for the main staircase. The submitted Heritage Statement notes that the lantern structure is severely corroded and beyond repair. The proposal is to install a new aluminium framed lantern of the same design.
- 4.1.7 The BwD Conservation Advisor is of the view that the need for the works is well justified and meets the requirements Policy 39. Clearly, safeguarding the building and its collections is of key importance from a heritage standpoint. This brings forward numerous public benefits. The proposals would also improve the thermal efficiency of the building, thereby contributing towards the overarching objectives of Policy 36. The high level repair works themselves would be largely unseen and they will ultimately cause no material harm to the historic significance of the listed building.
- 4.1.8 The works to replace the last remaining glass lantern above the staircase is adequately justified. Whilst the change to a modern aluminium structure of the same design involves a certain level of change, the loss will not cause any substantive level of harm to the listed building. There will be no change to the internal character of the building. Similarly, the works will cause no harm to either the character or appearance of the Northgate Conservation Area.
- 4.1.9 A condition is recommended in order to ensure any materials used in the proposed works match the existing building and are in accordance with the submitted details. Subject to compliance with that condition, the proposed development would be acceptable with reference to design and heritage assets, in accordance with Policies 11 and 39 together with the guidance of the Listed Buildings and Conservation Areas SPG.

4.2 Residential Amenity

- 4.2.1 The site is positioned adjacent to a number mixed-use buildings that have residential accommodation within them. Policy 8 states that all development proposals must secure a satisfactory level of amenity and safety for surrounding uses with reference to noise, vibration, dust, other pollution or nuisance, and the general relationship between buildings.
- 4.2.2 Once complete the proposed works would have no harmful impacts upon the amenities of the immediate neighbours owing to their nature. Conditions are advised in order to control the logistics of the construction phase and construction working hours in order to safeguard the amenities of neighbours during construction works. Subject to compliance with those conditions, the

proposed development would be acceptable with reference to residential amenity, in accordance with Policy 8.

4.3 Highway Safety

4.3.1 The site occupies a town centre location and is positioned adjacent to number of well-used roads. Policy 10 outlines a general requirement for all development proposals to not prejudice road safety, or the safe, efficient and convenient movement of all highway users.

4.3.2 Once complete the proposed works would have no harmful impacts upon the highways network owing to their nature. That said, the proposals involve works to the roof of a tall building within a town centre location and impacts upon the local highways network should be appropriately minimised. The courtyard to the rear could provide a certain level of capacity yet the highways network would also likely be utilised when the scale of the works and limited grounds of the building is taken into account.

4.3.3 A condition is therefore advised in order to control the logistics of the construction phase, as detailed above. The condition is also necessary in order to protect the safety and capacity of the local highways network during that phase. Subject to compliance with that condition, the proposed development would be acceptable with reference to highway safety, in accordance with Policy 10.

4.4 Ecological Assessments

4.4.1 The site is historic slate-roofed building that could potentially provide roosting/nesting habitat for protected species. Policy 9 states that development will be permitted where, following implementation of any required mitigation, there is no unacceptable impact on environmental assets or interests, including habitats and species. A Preliminary Bat Roost Assessment has been submitted in support of the application. The report identifies the building to have a low roosting potential.

4.4.2 However, a number of measures are detailed within the report to ensure harm to any protected species that are potentially present within the building is appropriately minimised. Those measures include the supervision of an Ecologist during key stages of the works. A condition is recommended to ensure the development is implemented in accordance with those measures. Subject to compliance with that condition, the proposed development would be acceptable with reference to ecological assessments, in accordance Policy 9.

4.5 Summary

4.5.1 These applications seek Full Planning Permission and Listed Building Consent for the implementation of a re-roof with use of reclaimed slate including replacement roof lantern, rain water goods and associated works to the Grade II listed Blackburn Museum & Arts Gallery. Subject to appropriate conditions, the proposed developments would be acceptable on all the relevant planning

grounds, in accordance with the policies and guidance notes detailed in Section 3.4.

4.5.2 Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Subject to appropriate conditions, the proposals would be acceptable in terms of design and heritage assets, residential amenity, highway safety, and ecological assessments.

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

5.0 RECOMMENDATION:

That delegated authority is given to the Strategic Director of Growth and Development to approve planning permission for the Full Planning Application (10/22/0912) and Listed Building Consent (10/22/0913), subject to the following conditions;

5.1 Full Planning Application

5.1.1 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.

5.1.2 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 the following drawings and technical documents: Location Plan (CA/0027 22/23 – 01), CA/0026 22/23 – 02, CA/0026 22/23 – 03, CA/0026 22/23 – 04, 22/23 – 0027a, 22/23 – 0027b, 22/23 – 0027c, 22/23 – 0027d, Rooflight Specification, and Specification Summary (Bauder Total Roofing System).

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

5.1.3 The materials and finishes to be used for the implementation of the development hereby approved shall be as stated on the submitted application form, approved drawings, and submitted technical documents.

REASON: Those materials/finishes are acceptable for this development and site, in the interests of visual amenity and preserving the historical significance of the listed building, and to comply with the requirements of Policies 11 and 39 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5.1.4 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, which 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;
- d) The locations of any required scaffolding;
- e) The locations of operational cranes, where relevant;
- f) Measures to control the emissions of dust and dirt, where relevant;
- g) Measures to control noise and vibrations, where relevant;
- h) A scheme for the recycling/disposing of waste;
- i) Any required security hoardings;
- j) Details of the type, position and height of any required external lighting, and;
- k) A plan showing the location and arrangement of those provisions;

The development shall thereafter be implemented in strict accordance with all of the measures detailed within the approved Construction Method Statement, unless otherwise agreed in writing.

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).

5.1.5 All construction works associated with the development hereby approved shall only take place between the following hours;

- a) Monday – Friday: 08:00 – 18:00 hours;
- b) Saturday: 09:00 - 13:00 hour, and;
- c) No such works shall take place on any Sundays or Bank Holidays.

REASON: In order to minimise the potential for noise pollution to occur for the immediate 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).

5.1.6 The development hereby approved shall be implemented in strict accordance with all of Reasonable Avoidance Measures and the measures of ecological mitigation detailed contained within the submitted Preliminary Roost Assessment, prepared by Bowland Ecology and dated November 2022.

REASON: In order to minimise potential harm to bird and bat populations during construction works, in the interests of biodiversity, 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).

5.2 Listed Building Consent

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

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

- 5.2.2 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 the following drawings and technical documents: Location Plan (CA/0027 22/23 – 01), CA/0026 22/23 – 02, CA/0026 22/23 – 03, CA/0026 22/23 – 04, 22/23 – 0027a, 22/23 – 0027b, 22/23 – 0027c, 22/23 – 0027d, Rooflight Specification, and Specification Summary (Bauder Total Roofing System).

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6.0 PLANNING HISTORY

- 6.1 No relevant planning history.

7.0 CONSULTATIONS

- 7.1 BwD Heritage Advisor – Blackburn Museum is a prominent late C19 stone building which faces onto Museum Street and Richmond Terrace. The building has a gothic revival style with later - early C20 'Arts and Crafts' detailing. The building is a Grade 2 Listed Building (HE Ref 1223411). The site also lies within Northgate Conservation Area.

(Legislation) The principle statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of

heritage assets, including their setting. LPA's should, in coming to decisions, consider the principle Act. Which states the following;

Listed Buildings - Section 16(2) and 66(1) – In considering whether to grant planning permission and or LBC for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Conservation areas – Section 72(1) – In undertaking its role as a planning authority, the Council should in respect to conservation areas pay special attention to the desirability of preserving or enhancing the character or appearance of that area. In relation to conservation areas decision makers should consider the impacts on the character and appearance of a conservation area (which includes its setting) separately and that development proposals need to satisfy both aspects (to preserve or enhance) to be acceptable.

Planning Guidance and Policy – National Planning Policy Framework

In determining planning applications LPA's should take account of;

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

P.199 states that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be applied. This is irrespective of whether any harm is identified as being substantial, total loss or less than substantial harm to its significance.

Local Plan;

- a) Blackburn with Darwen Borough Council Strategic Local Plan
- b) Policy CS17 (Built and Cultural Heritage)
- c) Local Plan Part 2 – Policy 39.
- d) Northgate Conservation Area Character Appraisal June 2009

(Conclusion) As I am required to do so, I have given the duty's imposed by S.16(2)/s.66(1) and s.72(1) of the P(LBCA) Act 1990 considerable weight in my comments. As indicated above, given the nature of the repairs to the roof I feel the works are justified and will help sustain the significance of the listed building and the collections of the museum. In this regard the proposal meets the requirements of Chapter 16 of the NPPF. and would accord with Policy CS17 Local Plan Part 2 and Policy 39 of the Local Plan.

7.2 Ward Cllrs

7.3 No public responses received

8.0 **CONTACT OFFICER:** Christian Barton – Planning Officer

9.0 **DATE PREPARED:** 11th May 2023

10.0 **SUMMARY OF REPRESENTATIONS** – none received.

REPORT OF THE STRATEGIC DIRECTOR

Plan Nos: 10/23/0079
and 10/23/0080

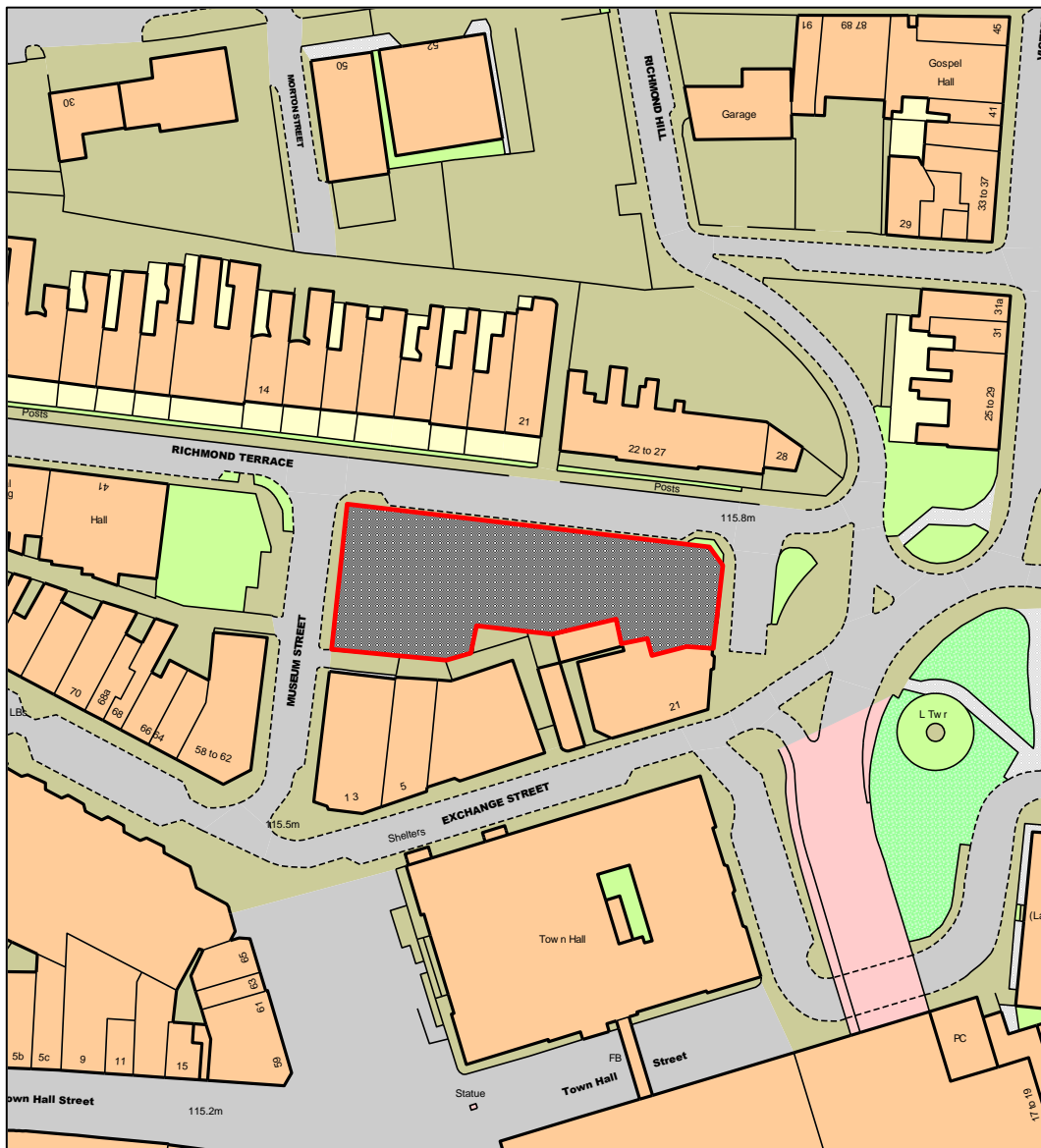
Proposed Development: Implementation of re-roof with use of reclaimed slate including replacement roof lantern, rain water goods and associated works – Full Planning Application (10/23/0079) and Listed Building Consent (10/23/0080)

Site Address: Blackburn Museum & Arts Gallery, Richmond Terrace, Blackburn, BB1 7AJ

Applicant: Blackburn with Darwen Borough Council

Ward: Blackburn Central

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



1.0 SUMMARY OF RECOMMENDATION

- 1.1 The proposed developments are recommended to be granted Planning Permission and Listed Building Consent, subject to the conditions detailed in Section 5.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 These applications are presented to the Planning and Highways Committee, in accordance with the Council's Constitution, and given that the application is made on behalf of the Council. The site is also owned by the Council.
- 2.2 The proposed development has been publicised through letters to residents and occupants of the nearest 12 adjacent properties on 17th March 2023. A site notice was displayed outside of the site on 21st March 2023. A press notice was also posted in the Lancashire Telegraph on 24th April 2023. 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 a committee update report.
- 2.3 The Council's development plan supports heritage and community developments, provided they constitute sustainable development, and accord with the development plan when taken as a whole.
- 2.4 The proposed developments involve the implementation of re-roof with use of reclaimed slate to the Grade II listed Blackburn Museum & Arts Gallery. The installation of a replacement roof lantern, new rain water goods and associated works are also proposed. The works are predominantly required in order to prevent water ingress and improve the overall efficiency of the building.
- 2.5 On balance, the proposals would be satisfactory from a technical point of view, with all issues having been addressed through the application process, or capable of being controlled or mitigated through appropriately worded planning conditions.
- 2.6 The key issues to be addressed in determining this application are as follows;
- Assessing impacts on the historical significance of the listed building
 - Ensuring the character of the Northgate Conservation Area is safeguarded
 - Safeguarding the amenities of the immediate neighbours
 - Conserving the safety and capacity of the local highway network
 - Assessing the potential for roosting protected species to be present

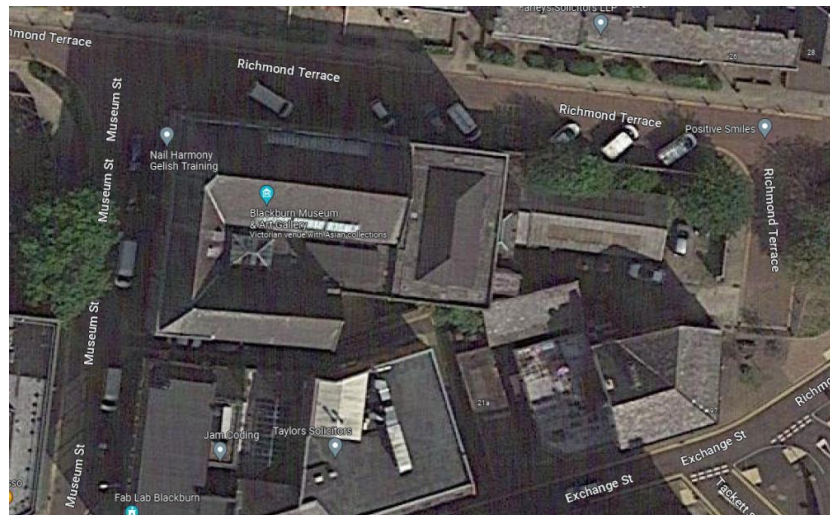
3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 As detailed above, the application site is a Grade II listed building that is currently subject to a range of structural issues given its age. The site is located

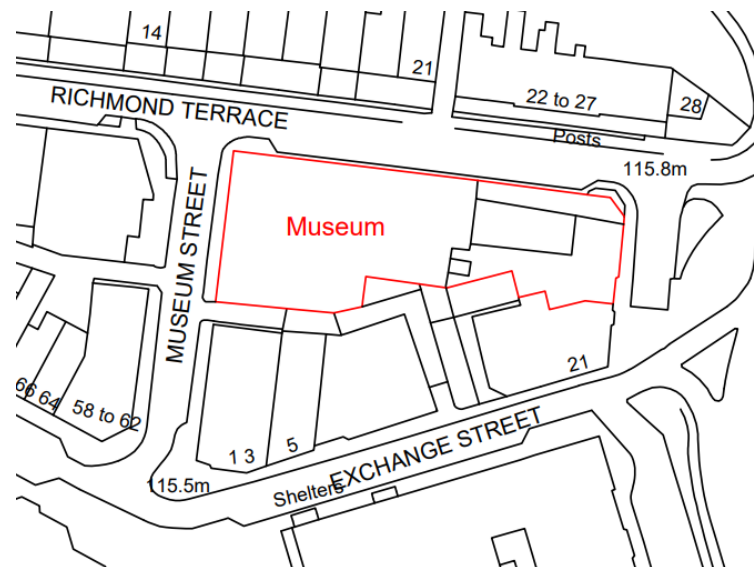
within Blackburn Town Centre and the Northgate Conservation Area. Large commercial buildings surround to three sides with open land positioned to the east.

Figure One – Satellite image of the site



3.1.2 The site covers an area of circa 700 square metres, which is predominantly taken over by the footprint of the building. A fenced courtyard to the rear (east) of the building is also included within the application site boundary. Public access to the main building is gained to the west elevation from Museum Street. A number of service doorways provide alternate entrance points.

Figure Two – Location Plan



3.1.3 Blackburn Museum and Arts Gallery is a two-storey building, which is predominantly constructed from natural stone. It has been built in an ornate Gothic Revival style. Brick has been used to finish the service sides of the building. The building is approximately 149 years old, having been opened to the public in 1874. A library has historically been operated from the ground floor with an art gallery above.

3.1.4 The building has a multi-pitched slate roof and a sequence of glazed features, including rooflights and lanterns. The roof of the building is currently in a state of disrepair with some significant fabric issues and water ingress, which need to be addressed as part of the proposed maintenance works. The building also features a range of stone motifs that depict a number of images from various local professions of the day alongside science, innovation and classical scenes.

Figure Three – Historical image of the site (c 1880)



3.2 Proposed Development

3.2.1 The proposals broadly involve high level works to repair the roof of the building with the relaying of the existing slate roof and flat roof sections and the replacement of an existing lantern. Other minor works will also be undertaken including repairs to existing parapets and rain water goods. The works are required to prevent the ingress of water, which is affecting internal structure/decoration and threatening collections within the museum.

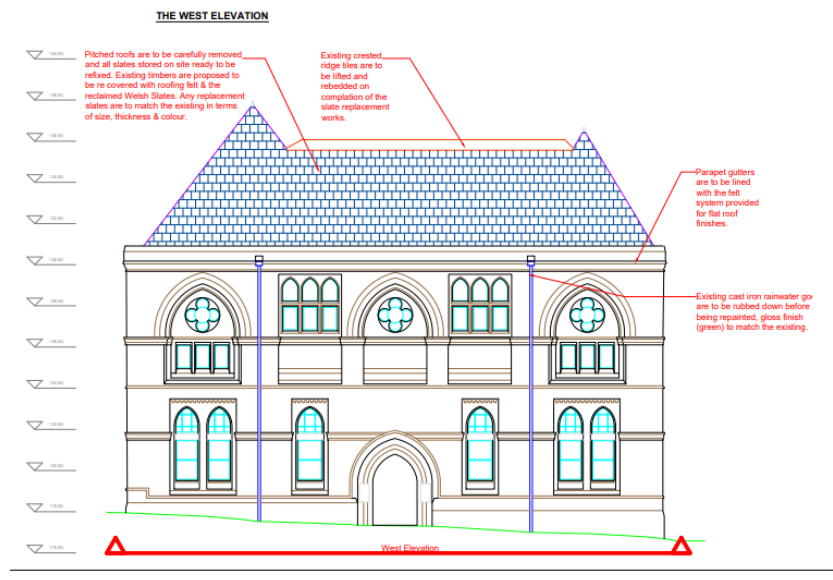
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Figure Four – Proposed front (west) elevation



3.3 Case Officer Site Photos



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

5.1.3 The materials and finishes to be used for the implementation of the development hereby approved shall be as stated on the submitted application form, approved drawings, and submitted technical documents.

REASON: Those materials/finishes are acceptable for this development and site, in the interests of visual amenity and preserving the historical significance of the listed building, and to comply with the requirements of Policies 11 and 39 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5.1.4 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, which 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;
- d) The locations of any required scaffolding;
- e) The locations of operational cranes, where relevant;
- f) Measures to control the emissions of dust and dirt, where relevant;
- g) Measures to control noise and vibrations, where relevant;
- h) A scheme for the recycling/disposing of waste;
- i) Any required security hoardings;
- j) Details of the type, position and height of any required external lighting, and;
- k) A plan showing the location and arrangement of those provisions;

The development shall thereafter be implemented in strict accordance with all of the measures detailed within the approved Construction Method Statement, unless otherwise agreed in writing.

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).

5.1.5 All construction works associated with the development hereby approved shall only take place between the following hours;

- a) Monday – Friday: 08:00 – 18:00 hours;
- b) Saturday: 09:00 - 13:00 hour, and;
- c) No such works shall take place on any Sundays or Bank Holidays.

REASON: In order to minimise the potential for noise pollution to occur for the immediate 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).

5.1.6 The development hereby approved shall be implemented in strict accordance with all of Reasonable Avoidance Measures and the measures of ecological mitigation detailed contained within the submitted Preliminary Roost Assessment, prepared by Bowland Ecology and dated November 2022.

REASON: In order to minimise potential harm to bird and bat populations during construction works, in the interests of biodiversity, 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).

5.2 Listed Building Consent

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

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

- 5.2.2 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 the following drawings and technical documents: Location Plan (CA/0027 22/23 – 01), CA/0026 22/23 – 02, CA/0026 22/23 – 03, CA/0026 22/23 – 04, 22/23 – 0027a, 22/23 – 0027b, 22/23 – 0027c, 22/23 – 0027d, Rooflight Specification, and Specification Summary (Bauder Total Roofing System).

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

- 5.2.3 The materials and finishes to be used for the construction of the development hereby approved shall be as stated on the submitted application form, and approved drawings, and technical documents.

REASON: Those materials/finishes are acceptable for this development and site, in the interests of visual amenity and preserving the historical significance of the listed building, and to comply with the requirements of Policies 11 and 39 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

6.0 PLANNING HISTORY

- 6.1 No relevant planning history.

7.0 CONSULTATIONS

- 7.1 BwD Heritage Advisor – Blackburn Museum is a prominent late C19 stone building which faces onto Museum Street and Richmond Terrace. The building has a gothic revival style with later - early C20 'Arts and Crafts' detailing. The building is a Grade 2 Listed Building (HE Ref 1223411). The site also lies within Northgate Conservation Area.

(Legislation) The principle statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of

heritage assets, including their setting. LPA's should, in coming to decisions, consider the principle Act. Which states the following;

Listed Buildings - Section 16(2) and 66(1) – In considering whether to grant planning permission and or LBC for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Conservation areas – Section 72(1) – In undertaking its role as a planning authority, the Council should in respect to conservation areas pay special attention to the desirability of preserving or enhancing the character or appearance of that area. In relation to conservation areas decision makers should consider the impacts on the character and appearance of a conservation area (which includes its setting) separately and that development proposals need to satisfy both aspects (to preserve or enhance) to be acceptable.

Planning Guidance and Policy – National Planning Policy Framework

In determining planning applications LPA's should take account of;

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

P.199 states that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be applied. This is irrespective of whether any harm is identified as being substantial, total loss or less than substantial harm to its significance.

Local Plan;

- a) Blackburn with Darwen Borough Council Strategic Local Plan
- b) Policy CS17 (Built and Cultural Heritage)
- c) Local Plan Part 2 – Policy 39.
- d) Northgate Conservation Area Character Appraisal June 2009

(Conclusion) As I am required to do so, I have given the duty's imposed by S.16(2)/s.66(1) and s.72(1) of the P(LBCA) Act 1990 considerable weight in my comments. As indicated above, given the nature of the repairs to the roof I feel the works are justified and will help sustain the significance of the listed building and the collections of the museum. In this regard the proposal meets the requirements of Chapter 16 of the NPPF. and would accord with Policy CS17 Local Plan Part 2 and Policy 39 of the Local Plan.

7.2 Ward Cllrs

7.3 No public responses received

8.0 **CONTACT OFFICER:** Christian Barton – Planning Officer

9.0 **DATE PREPARED:** 11th May 2023

10.0 **SUMMARY OF REPRESENTATIONS** – none received.

Proposed development: Full Planning Application (Regulation 3) for: Highway re-alignment works incorporating associated improvements to drainage, street lighting and road markings, new footway along Moor Lane, together with creating off-street car parking areas on Knowle Lane (9no spaces) and Moor Lane (27no spaces).

Site Address:

**Junction of Holden Fold/Moor Lane/Chapels/Goose House Lane
Darwen**

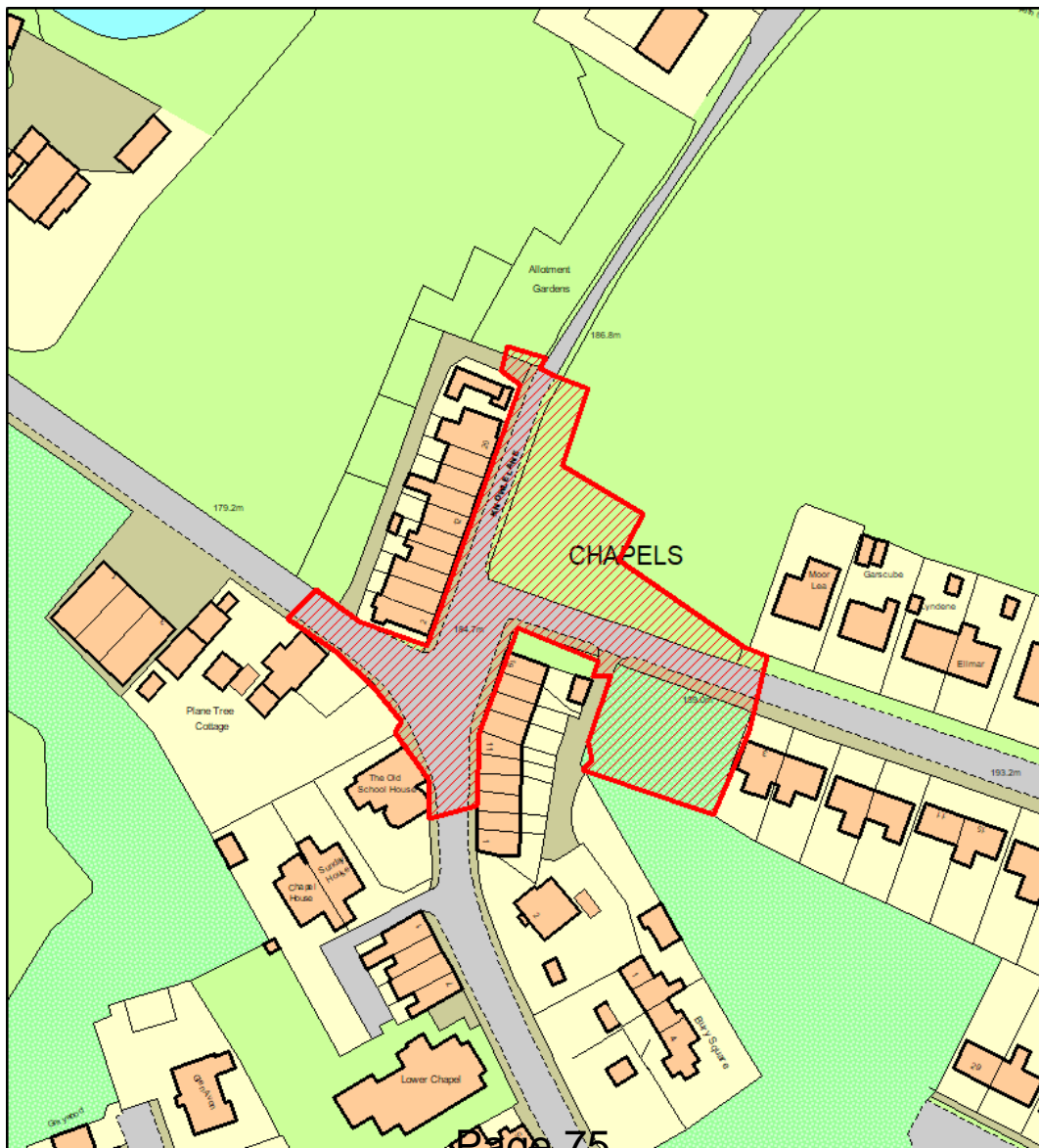
Applicant: Blackburn with Darwen Borough Council

Ward: Darwen East

Councillor Katrina Fielding

Councillor Martin McCaughran

Councillor Matt Gibson



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 on account of the application site (the site) being Council owned and the applicant being the Council. This is in accordance with the procedural requirements of Regulation 3 of the Town and Country Planning General Regulations 1992 and the Council's adopted Scheme of Delegation.

2.2 The proposal is in the form of a minor full planning application. Detailed assessment finds that the development corresponds with the Council's overarching growth strategy, as set out in the Core Strategy and Local Plan Part 2. Delivery of necessary improvements to the local highway network, as well as enhanced parking provision for the local community will be secured. All technical issues have been addressed through the application or are capable of being controlled or mitigated through application of planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site comprises 3430sqm of existing adopted and unadopted highway routed through a residential area, as well as scrubland and brownfield areas on and adjacent to Knowle Lane, Moor Lane and junction improvements at Goose House Lane, Darwen. The surrounding area comprises mainly residential with commercial uses adjacent to the site on Goose House Lane. The development will be partially constructed on land that was formally within the confines of Moorland High School. The extent of the site is represented by the red edge on the Google aerial view below (Design & Access Statement, WSP, Jan 2023).



- 3.1.2 The site is located on the fringe of the outer urban boundary of Darwen, so defined by the Adopted Policies Map of the Local Plan Part 2, approximately 1 mile from Darwen Town Centre and 1.5 miles from Junction 4 of the M65 motorway.
- 3.1.3 The site is mainly within the ownership of Blackburn with Darwen Council, save for a small section fronting properties on Knowle Lane, which is unregistered land.

3.2 Proposed Development

- 3.2.1 Full planning permission is sought for Highway re-alignment works incorporating associated improvements to drainage, street lighting and road markings, new footway along Moor Lane, together with creating off-street car parking areas on Knowle Lane (9no spaces) and Moor Lane (27no spaces).
- 3.2.2 Two number off-highway parking areas would be provided:
- 3.2.3 Moor Lane – 18no. standard spaces (2.5 x 5 metres in dimension) inclusive of 2no. widened bays for mobility impaired users. The central lane within the car park will be 9 metres allowing the safe manoeuvring of vehicles in both directions within the car park and allowing vehicles to enter and leave the car park without waiting and restricting flows on the public highway. The additional width within the car park will provide short stay waiting provisions and protection to parked cars. The single, access egress point, has been chosen to simplify the car park layout and create a single crossing area for pedestrians. Total Area 450 sqm.
- 3.2.4 Knowle Lane – 9no. space car park perpendicular to Knowle Lane. The layout will cater for reverse in, drive out car parking. Total Area 100 sqm
- 3.2.5 The total number of spaces would be lost through the introduction of parking restrictions is calculated by dividing the total length of restrictions by the minimum length required for a linearly parked vehicle (6 metres is a widely used dimension within the Borough as a guide to allow a parked car room to enter and exit the linear bay). The total length of waiting restrictions where vehicles currently park is 145m. This equates to 24no. spaces lost, when divided by 6 metres. The proposed scheme allows for 27no. parking spaces.
- 3.2.6 17no. properties would be affected by the introduction of waiting restrictions.
- 3.2.7 Two mobility car parking spaces would be provided, in line with BwDBC's policy of 1 No. space per 10 standard spaces.
- 3.2.8 It is submitted the development is primarily a highway improvement scheme with a secondary objective of providing a suitable point for the means of access to the future housing led development which includes the former Moorland High School – Site Allocation 16/12 – Local Plan Part 2 - and to cater for the associated rise in motorised and non-motorised movements.

3.2.9 The route from Moor Lane to Knowle Lane and onto Goose House Lane is used by local commuters, including those travelling to and from the M65. This route also provides a reasonable highway link, for motorised and non-motorised forms of transport from the Pot House, Hoddlesden and the Blacksnape area of Darwen through to the town centre. Currently there are several restrictions to the movement of vehicular traffic; sharp deviation in route with poor forward visibility; concrete retaining wall close to the kerb edge severely restricting the swept path of vehicles and therefore reducing the effective carriageway width and on-street parking causing reduced carriageway width, resulting in single flow traffic running through restricted areas with idling waiting vehicles. The position of the standing vehicles affects the movement of vehicles on the adjacent Highway Network.

3.2.10 Additionally, the current layout causes restrictions to the safe passage of non-motorised users and pedestrians.

3.2.11 The proposed highway re-alignment and provision of off-street car parking seeks to address the above issues and increase efficiency on the highway network.

3.2.12 The design of the proposal has evolved through a detailed development process involving key stakeholders, including the Local Planning Authority and their consultees, local residents and Ward Councillors. Full details of the proposal are set out in the submitted drawings, Highway Technical Note and Design & Access Statement. The proposed General Arrangement Plan is extracted below (WSP, rec. 28/03/2023).



3.3 Development Plan

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

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

3.3.3 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS15 – Ecological Assets
- CS16 – Form and Design of New Development
- CS 22 – Accessibility Strategy

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

3.4 Other Material Planning Considerations

3.4.1 Local Plan Review

Blackburn with Darwen Borough Council is reviewing their current adopted Local Plan. The review will lead to a new Local Plan to replace the existing and will cover the period 2018 to 2037. As an emerging document, it carries weight in the decision making process.

3.4.2 National Planning Policy Framework 2021 (The Framework).

Overall, The Framework aims to raise economic performance by ensuring the quantity, quality and mix of housing reflect that required, with an expectation to maintain a 5-year housing land supply. Quality design should be secured and environmental impacts minimised. Section 9 of The Framework is especially relevant to this proposal, as it focusses on promoting sustainable transport.

3.4.3 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 and layout.

3.5.2 Principle

In accordance with the Adopted Policies Map of the Local Plan Part 2 (extracted below), the site is located with the urban boundary of Darwen and comprises land not allocated for any specific land use; land allocated for housing (Holden Fold Development Site – ref/ 16/12); and an area identified as Green Infrastructure (GI).



3.5.3 The unallocated land (shown in white) relates primarily to public highway, for which highway infrastructure development is accepted. Development of the area shown in brown, including Knowle Lane and an area immediately adjacent to the east, for the purpose proposed is also accepted in principle, notwithstanding that it is allocated for housing. The area forms a very modest part of the overall allocation and the proposed development would, in part, support future housing development, through improving forecasted increases

in traffic flow at the junction and facilitating an access into the allocation through inclusion of an access point / stub. Nor would development limited to this area in anyway prejudice the estimated number of houses to be delivered at the allocation, as set out in the site specific policy (16/12 LPP2).

- 3.5.4 An area identified as Green Infrastructure in the Local Plan is also included, which is positioned between 19 West View, Knowle Lane and 3 Moor Lane. The car park would effectively infill the open space between the two properties. Loss of the GI is assessed against point 5 of Policy 9 of the Local Plan Part 2 – Green Infrastructure, which sets out that:

Development involving the partial or complete loss of land identified as GI on the Adopted Policies Map or any unidentified areas of open space including playing fields; and any development which otherwise has the potential to result in the severance of GI connections, will not be permitted unless:

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

- 3.5.5 It is accepted that the proposal will result in the partial loss of GI. Policy 9 does not, however, prohibit development in such circumstances, provided at least one the above criteria (i - iii) is achieved. As the area in question forms a relatively small section of the overall GI, it is considered that its open space function will not be lost and that any harm arising from its loss would be extremely limited. Moreover, the need and the benefit arising from the proposal should be attributed significant positive weight in determination of the application. Highway improvements critical to the area would be secured, as would the removal of potentially hazardous on-street parking and replacement off-street parking, to the benefit of the local community and highway efficiency.

- 3.5.6 Accordingly, the principle of the development is found to be acceptable, in accordance with the requirements of the Development Plan and The Framework'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:

3.5.7 Highways / Accessibility and Transport

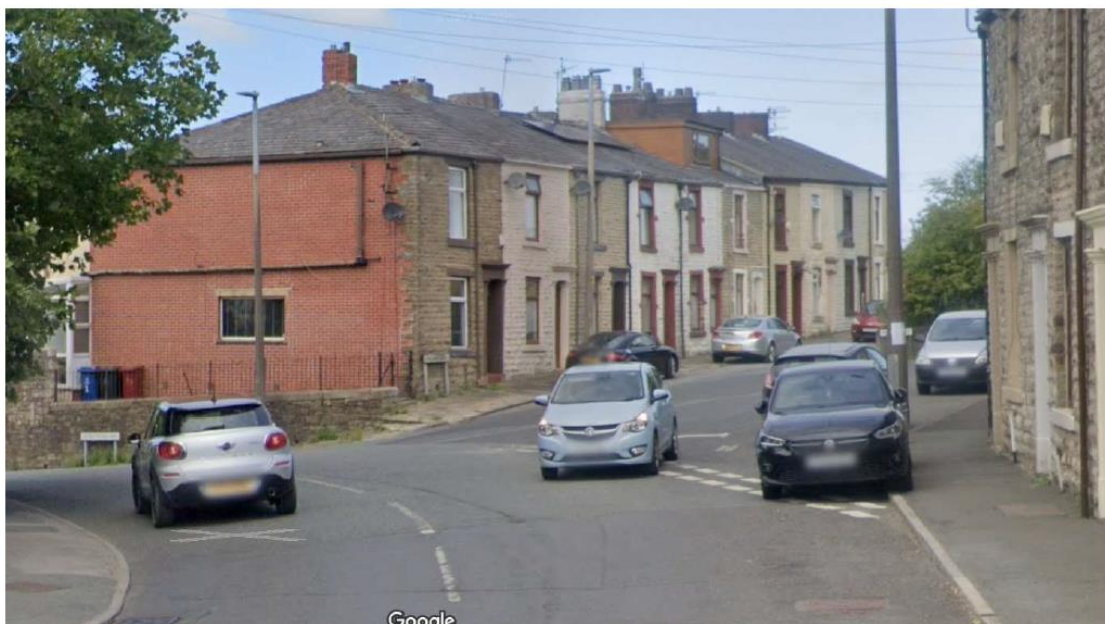
Policies CS22 and 10 requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced and that appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards.

3.5.8 Following a review, by the Council's Highways consultee of the original layout, an amended layout has been submitted together with A Highways Technical Note (the note). The amended layout addresses issues identified by the consultee, as set out in the 'Consultations' section of this report, at paragraph 6.1.

3.5.9 The note represents an evidenced based assessment of the proposals merits, in the context of highway safety and efficiency. The note sets out a modelling exercise undertaken to support the notion that the proposed layout can accommodate traffic demand. It should be acknowledged that the no additional demand will arise from the proposed works. Demand will, however, increase in the future if housing led development comes forward at the nearby housing allocation at Holden Fold.

3.5.10 Existing highway network conditions are summarised as follows:

3.5.11 On-street parking: Current on-street parking demand causes loss of carriageway width which can affect the movement of vehicles on the highway network. The following extract from the note illustrates the issue:



3.5.12 Visibility: At the Goose House Lane / Chapels junction there is a sharp deviation in route with poor forward visibility. However, the Knowle Lane arm is situated on the outside of the bend affording good visibility in both directions for and of vehicles emerging from Knowle Lane. The crashmap database has been reviewed with no recorded collisions having occurred at the junction within the most recent 5-year period.

3.5.13 Road Safety: The national road collision database www.crashmap.com has been interrogated and there have been no recorded road accidents at the Goose House Lane / Moor Lane / Chapels junction during the five year period 2016-2020. Two slight severity collisions were recorded on Goose House Lane a short distance from the junction, one in 2016 and one in 2018.

3.5.14 Traffic Flows: The route from Moor Lane to Knowle Lane and onto Goose House Lane is used by local commuters wishing to travel to and from the M65 J4 area. Additionally, this route provides a reasonable highway link, for motorised and non-motorised forms of transport, from the Pot House, Hoddlesden and Blacksnape areas of Darwen through to the town centre.

3.5.15 A traffic survey undertaken on June 7th 2021 indicates a tidal pattern to traffic flows with higher northbound flows in the AM peak period and higher southbound flows during the PM peak period.

3.5.16 The need for intervention arises from restricted movements, particularly for pedestrians and cyclists. Issues include:

- Restricted footway widths due to indiscriminately parked vehicles;
- Over wide junction resulting in an increased crossing time for pedestrians;
- Parked vehicles resulting in pedestrians crossing between vehicles;
- Lack of footway link on the north side of Moor Lane between Moor Lane and Knowle Lane;
- Loss of lane width resulting in cyclists taking primary position and adding to drivers perceived frustration; and
- Correctly positioned cyclists in the path of oncoming vehicles.

3.5.17 The proposed highway re-alignment and provision of off-street car parking will address these issues and increase efficiency on the highway network. Footways will be widened to provide a shared cycle-footway area and carriageway width will be improved. A more spacious route will be achieved.

3.5.18 A Swept Path Analysis demonstrates that the proposal will improve highway movement, to the extent that an articulated lorry can navigate through the layout.

3.5.19 It is confirmed the unadopted area of Knowle Lane, included within the proposal, is to be adopted.

3.5.20 The two proposed car parks would alleviate highway movements currently constrained by on-street parking. They would be available for local residents on a first come first serve basis 24 hours a day, every day of the year. No barriers will be installed and "Residents Only" signs would be erected as a deterrent to non-resident users. The signs would not, however, be supported by a 'Traffic Regulation Order' confirming a 'Residents Only Parking Scheme', due to the burden of associated costs.

3.5.21 The 7m width access / egress to the Holden Fold car park has been designed to allow unfettered egress into the car park whilst vehicles are waiting to exit. The intention is ensure that through traffic is not restricted. The form of the junction has been chosen to highlight this as a junction and for pedestrians to be aware of these manoeuvres. The footway crossover introduces additional

kerb-lines which are subject to loading and may suffer from early life failure if not constructed to the highest standard.

3.5.22 The 9m width internal car park lane will allow for central parking that may arise from visitor parking demand. The excess width will maintain the manoeuvring operation for the majority of the car parking spaces.

3.5.23 A significant amount of committed and anticipated housing development in the area, at Ellison Fold Way and Holden Fold, is acknowledged. Resultant traffic is likely to impact on the safe and efficient operation of the Goose House Lane / Chapels junction. A key requirement of the evidence base to support the Local Plan is to show that allocated sites are deliverable, this includes demonstrating that the necessary physical infrastructure is in place, or can be delivered, and will not constrain development coming forward. The proposal would assist in alleviating congestion at the junction and aiding traffic flow, resulting in a betterment for the local highway network, as well as for local residents.

3.5.24 Accordingly, highway impacts arising from the development are found to be acceptable, in accordance with the requirements of Policies CS22 and 10, and The Framework.

3.5.25 Amenity

Policy 8 requires development to make a positive contribution and to ensure a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; including reference to noise, vibration, odour, light, dust, other pollution or nuisance and privacy / overlooking.

3.5.26 Public objections have been received expressing concern over the potential for anti-social behaviour arising from the car parks, in particular the 18 space car park proposed between 19 West View, Knowle Lane and 3 Moor Lane. The likelihood of such an outcome is, however, considered to be unfounded and based entirely on assumption. The space is already publicly accessible albeit it currently exists in an informal state. Nonetheless, there is a pre-existing potential for anti-social behaviour occurrences. The proposal would serve to formalise the area as a community car park that would benefit from security lighting, aiding night time surveillance and acting as a crime prevention measure. Submission of a lighting scheme would be secured via condition. A scheme must be tailored to achieve appropriate levels of security for users whilst being sympathetic to the residential surroundings, with a particular emphasis on guarding against light intrusion.

3.5.27 The threat of householder's safety has also been cited in an objection; specifically the possibility of vehicles overshooting the Moor Lane car park into private gardens space. Such an eventuality is, however, considered extremely remote and one that should not constrain development. Whilst safety fencing around the perimeter of the car park is not proposed, it should be recognised that properties along West View Terrace, Knowle Lane and no. 3

Moor Lane are separated from the edge of the car park by approximately 7 metres.

3.5.28 Public objection has also been received against the removal of on street parking for residents of Knowle Lane and the potential for additional cost for residents of the lane if parking permits were to be introduced. It is, however, confirmed by the Council's Highways consultee that no such resident's only parking scheme is to be applied. The car parks would simply serve the community on an ad-hoc basis as a replacement for existing on street parking provision.

3.5.29 The Council's Public Protection consultee has reviewed the application and offers no objection, subject to securing the following information via conditions:

- Provision of electric vehicles charging points for each dwelling served by the car parks;
- Submission of an outdoor lighting / flood lighting scheme;
- A watching brief for discovery of unexpected ground contamination;
- Limited hours of construction - Mon to Fri: 08:00 - 18:00 hours; and Sat: 09:00 - 13:00 hours.

3.5.30 Provision of electric vehicle charging points for each dwelling served by the car parks is also recommended. This is, however, considered to be an unreasonable request that is not supported by policy. There is no defined number of dwellings served by the car parks, they are proposed for the local residents in general, though residents of Knowle Lane would have use the car park on Knowle Lane, in lieu of the loss of on street parking to the front of their houses. The proposal is for highway improvement works and car parks, with no increased residential use that may result in the need for air quality impact mitigation, such as electric vehicle charging points. Air quality impacts arising from any future application(s) proposing housing development will be assessed at that time. Accordingly, to require provision of the charging points is considered unreasonable and unnecessary.

3.5.31 No other identifiable adverse impacts are expected to arise from the proposal.

3.5.32 Accordingly, the development is found to make a positive contribution to the locality and to appropriately safeguard amenity levels, in accordance with the requirements of Policy 8, The Residential Design Guide SPD and The Framework.

3.5.33 Environment

Policies CS13, 9 and 40 require 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.

3.5.34 Flood Risk / Drainage:

The site is located within Flood Zone 1 (low risk of flooding). The area is, however, considered as being within a high flood risk management priority catchment area. A Drainage Strategy has been submitted with the application which proposes introduction of reasonable measures to reduce the developed surface water run-off rates to the of the existing greenfield values. The Council's Drainage consultee, as Lead Local Flood Authority, offer no objection to the strategy. Adequate drainage will, therefore, be implemented, ensuring no additional flood risk arising from the proposal.

3.5.35 Ecology:

A Preliminary Ecological Appraisal has been submitted with the application which has been reviewed by the Council's Ecology consultee. No significant ecological impacts arise from the proposal, with reference to protected habitat and species.

3.5.36 The proposal would, however, result in the loss of a section of hedgerow, some tree/ scrub and some rank grassland. A landscaping scheme has been submitted with the application which proposes replacement / enhancement planting. 5 low quality trees to be removed and replaced with approximately 15 trees. Defunct hedgerow will be replaced with a matching type and length in an adjacent location; and areas of low maintenance wildflower seeded areas and amenity grassed will be planted. Such provision is considered to amount to a net gain biodiversity across the site, satisfying the Framework requirement for development to achieve a net gain in biodiversity.

3.5.37 Removal of trees, shrubs, hedgerow and other vegetation should be prohibited during the bird nesting season (March to August inc.), via condition.

3.5.38 Trees:

A Tree Constraints Plan has been submitted with the application and reviewed by the Council's Arboriculture consultee. As noted above, 5 low quality would be removed to accommodate the scheme (Ash and sycamore) as well as Hawthorn hedging. It is considered that adequate compensation for tree and hedgerow loss will be achieved by implementation of a landscaping scheme. Although indicative landscaping details have been submitted, a detailed scheme confirming the precise location, species and density of planting should be secured via condition.

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

3.5.40 Design / Character & Appearance / Landscape Impact

Policy 11 requires a good standard of design which will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area. The Framework also requires high quality design to achieve "*high quality, beautiful and sustainable buildings places*".

3.5.41 The proposal has been sensitively designed. The larger Moor Lane Car Park will be a surface level, asphalted surface car park with positive drainage and additional lighting to compliment the street lighting in the surrounding area. The car park will be kerbed to the perimeter to retain the asphalt surface and provide a stopping reference to the vehicle users. A knee high perimeter timber birds mouth fence will be provided, set back from the kerb to allow overhang. All embankment batters will be grassed.

3.5.42 The smaller Knowle Lane car park will be in the form of an asphalted parking bay with falls towards the existing carriageway due to level constraints. Surface water run-off will be picked up with positive drainage channels and discharged into the highway drainage system. Embankments / batters will be grassed.

3.5.43 Carriageways will be surfaced in hot rolled asphalt.

3.5.44 As referenced above, a comprehensive soft landscaping scheme will be implemented to help assimilate the works into the natural surroundings.

3.5.45 Accordingly, the design of the development and its impact of the landscape is found to be acceptable, in accordance with the requirements of Policies CS16, 11 and The Framework.

3.5.46 Summary

This report assesses the Full Planning Application for highway re-alignment works incorporating associated improvements to drainage, street lighting and road markings, new footway along Moor Lane, together with creating off-street car parking areas on Knowle Lane (9no spaces) and Moor Lane (27no spaces). In considering the proposal, a wide range of material considerations have been taken into account to inform a balanced recommendation. The scheme is considered to promote a betterment for the area, through the introduction of necessary improvements to the highway network, including dedicated off-street car parking, together with general environmental enhancements in the form of soft landscaping; in accordance with the Council's strategic aims and objectives. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application or capable of being controlled or mitigated through planning conditions.

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 received 22nd February 2023 and with the following drawings / plans / information: *(to be added)*.

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

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

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

4. 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.

5. Prior to the installation of any external lighting a scheme detailing the location and specification of any luminaires shall be submitted to and approved in writing by the Local Planning Authority. The scheme must accord with the guidelines set out in the Institute of Lighting Engineers publication "Guidance Notes for the Reduction of Obtrusive Light". The approved scheme shall be implemented and adhered to for the duration of the approved use.

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

6. The construction of the development hereby permitted shall only take place between the following hours:
Monday to Friday: 08:00 to 18:00
Saturday: 09:00 to 13:00

Sundays or Bank Holidays: No site operations

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

7. No site clearance shall be undertaken between the 1st March and 31st August in any year, unless and until a detailed bird nest survey, undertaken by a suitably experienced ecologist, has been submitted to the Local Planning Authority in writing, confirming that no active bird nests are present.

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

8. The development hereby approved shall be implemented in strict accordance with the submitted Drainage Strategy, produced by WSP, dated 10th February 2023.

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

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

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

5.0 PLANNING HISTORY

5.1 No relevant planning history exists for the site.

6.0 CONSULTATIONS

6.1 Highways

Highways Layout

1) The location of pedestrian crossings indicated by tactile paving are not on pedestrian desire lines and are likely to be ignored. Could these be amended to serve the desire lines?

Please find attached a copy of the General Layout Drawing with amendments to the pedestrian crossing locations, drawing reference HOLDEN-WSP-HGN-KN-DR-CH-004_P04. Amendments have been made to the crossing point across the new development access to bring it closer to the desire line, whilst being mindful of vehicle swept paths and sight lines. An additional crossing has been added, across Chapels from approximately No. 11 to The Old School House. The other crossing points have been reviewed and are found to be acceptable in terms of being located on desire lines whilst noting the position of potential parking / drop off areas. It is noted that a pedestrian crossing point across Goose House Lane to the west of Knowle Lane has been discounted due to footway levels in that location.

2) There is no traffic modelling to support the choice of junction layouts. I did some early junction modelling work to support the concept proposals, but I am not aware that this has been updated to reflect the DD proposals. Has this been done by WSP, or would it be useful for me to update the models and prepare a technical note?

Walter to carry out traffic modelling

3) While double yellow lines are shown on the general arrangement are there any other (physical) measures to be introduced to prevent on-street / pavement parking from reoccurring in the area?

Blackburn with Darwen Borough Council are focused on removing street clutter on the highway. It is also noted that there is a move to reduce future maintenance costs on the highway by the removal of furniture that is surplus to requirements and prone to accidental / malicious damage. Footway parking will be monitored through the early life of the scheme and actions taken if necessary by the Local Authority

4) Is the unadopted area of Knowle Lane included within the proposals to be adopted?

Confirmed that it is to be adopted.

Car Parks

1) Are the parking spaces within the new parking areas to be allocated to individual properties or operated on a resident permit scheme or is it expected that spaces are to be occupied on a first come first serve basis? Have residents been consulted on this?

Car Parking spaces will be allocated on a first come first served basis. Residents have been consulted on the parking arrangements and it was confirmed to them that a Resident Parking Scheme would not be introduced. Residents Only parking signs would be erected at the entrance to the car parks to deter casual use by non-residents.

2) The 7m wide access to the Holden Fold car park seems excessive and could result in higher vehicle speeds turning in and out of the car park to the detriment of pedestrians and other vulnerable road users. Has a footway crossover been considered? (See MfS2 9.4.14). #

As outlined in Section 4.5 of the Design and Access Statement, the entrance has been designed to allow unfettered egress into the car park whilst vehicles are waiting to exit. The intention is ensure that through traffic is not restricted. The form of the junction has been chosen to highlight this as a junction and for pedestrians to be aware of these manoeuvres. The footway crossover introduces additional kerb-lines which are subject to loading and may suffer from early life failure if not constructed to the highest standard.

3) The 9m width of the access road within the car park seems excessive and has the potential to encourage indiscriminate parking within the car park. Reducing the access and the internal road width within the car park to 6m would discourage misuse and could increase the areas available for landscaping / biodiversity. Has this been considered, or can further justification be provided for the increased internal road width?

The issue of multiple car use by some premises, plus the need for visitor parking was raised several times at the Consultation Event. It is noted that several residents advised that they thought a resident based monitoring system could be utilised to increase the number of vehicles parking on the car parking by blocking known cars in. The additional 3m width in the corridor will allow for this central lane parking whilst maintaining the operation of the majority of the car parking spaces.

6.2 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:

Comments: Air Quality & Traffic Noise Amenity Impacts

I note previous memo comments dated 13/06/22 made at pre-application consultation stage (Ref: 09961) ie that these residential amenity concerns are not material considerations in respect of this development. They will be addressed in respect of application(s) for future developments in the locality that these highway improvements will facilitate.

Comments in the Design & Access Statement submitted with this application suggest that the proposed car parks will form part of the proposed residential development at Holden Fold:

“Green Infrastructure – the area of land, designated as open space, replaced by the car parking area will be included in the adjacent Housing Development area. Small areas of green space are created adjacent to the highway as shown on the Landscaping Plan HOLDEN-WSP-ELS-KN-DR-CH001_P01 (Appendix J)”

If the proposed car parks are within the red edge for the proposed ‘adjacent Housing Development Area’ development site then provision for electric vehicle charging points (EVCPs) can be required as appropriate via these future development(s), otherwise - I would like the following condition requiring EVCPs as follows in respect of this application:

Condition – Car Park EVCPs for extant dwellings

There shall be one electric vehicle charging point (EVCP) for each dwelling served by the car parks. They shall be installed prior to the commencement of the approved use and retained for the duration of this use. An appropriate charging point will have a Type 2 connector and a minimum rating of 3.7kW 16A. EVCPs will be weatherproof and have an internal switch to disconnect electrical power.

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.

Car Park Floodlighting

Should the proposed car parks include lighting I would recommend the following condition:

Condition – Floodlighting (other than street lights, as appropriate)

An outdoor floodlighting scheme shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The floodlights shall be installed in accordance with the agreed scheme.

Reason

To minimise potential loss of amenity due to intrusive light pollution affecting residents.

Informative:

When assessing potential loss of amenity the Local Authority shall make reference to the lighting levels provided in 'Guidance Notes for the Reduction of Obtrusive Light' GN01 produced by The Institution of Lighting Professionals, available at: <https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2020/>

NB: The proposed development is within an E3: Medium district brightness area.

Condition - Unforeseen Ground Contamination

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

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

INFORMATIVE:

- All reports shall be prepared in accordance with BS10175:2011 (as amended), CLR 11 and any other relevant, appropriate and authoritative publications.
- The Local Planning Authority will not accept any liability for remediation works.
- The responsibility for the safe development and occupancy of the site, at all times, rests with the developer.
- Failure to comply with above condition may result in enforcement action being taken by the Local Authority under the Environmental Protection Act 1990.
- You are strongly advised to contact the Environmental Protection Team of the Public Protection Service to discuss the requirements of the Contaminated Land Condition (Karen Huddart tel: 01254 267632 or David Johnson tel: 01254 267631).
- The guidance documents entitled '**Contaminated Land Planning Guidance**' & '**Validation Policy Document**' should be read before you investigate the site. This guidance is available on the Council web site. These hyperlinks will give you direct access :

www.blackburn.gov.uk/upload/pdf/Contaminated_Land_Guidance.pdf

www.blackburn.gov.uk/upload/pdf/Validation_Policy_Document_FINAL.pdf

- A suitably qualified, competent & impartial person shall fulfil the requirements of the condition.

NOTES FOR PLANNING

When a condition is recommended by the Environmental Protection Team to be attached to the consent, guidance should be sent out to the applicant outlining how this condition should be addressed. The guidance is also available on the website:

www.blackburn.gov.uk/upload/pdf/Contaminated_Land_Guidance.pdf

www.blackburn.gov.uk/upload/pdf/Validation_Policy_Document_FINAL.pdf

It should be made clear that it is the responsibility of the developer to undertake an adequate risk assessment of the site, and to propose measures to ensure that these risks are appropriately addressed for the safe development of the site. The developer is also responsible for ensuring that appropriate competent professional advice is available. Those providing expert advice to developers should be aware of the future reliance that may be placed on it.

If requested, and where appropriate, written confirmation that parts, or indeed all, of the condition has been satisfied should be provided by the Head of Planning after consultation with the Environmental Protection Team. Some conditions should be ongoing, however, where there is no obvious end point, for example where ongoing monitoring of contamination or of the continued integrity of a remedial scheme is necessary. Any such written confirmation should be provided, clearly stating which part(s) of the condition have been satisfied. Also, it should be stated that “the decision as to whether the condition has been satisfied has been taken by the Head of Planning on the basis of the information supplied by the developer. However, this does not mean that the land is free from contamination”, and that “the responsibility for the safe development and secure occupancy of the site rests with the developer”.

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.

Informative - Construction/Demolition Noise

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

6.3 BwD Drainage (Lead Local Flood Authority)

LLFA Position: We have no objections to the proposals.

6.4 BwD Arboriculture Officer

Assessment:

I have considered the scheme with regard to the tree survey information and tree constraints plan.

The proposed car park is located on existing BwDBC open space adjacent to 3 Moor Lane would require the removal of G6 Ash trees and T6 Sycamore which are lower value trees.

The car parking off Knowle Lane on BwDBC land will require the removal of a group of Hawthorn G11 and a Single Hawthorn T10.

The Proposals include new planting which will compensate for the tree loss.

Conclusions.

The scheme will lead to the loss of open space and several trees. New tree planting and other landscaping provision can provide adequate compensation and maintain visual amenity values.

A condition for full landscaping details will be appropriate with approval of the scheme.

6.5 Ecology

Thank you for your consultation on the above application for highway re-alignment works at Chapels.

As you are aware the information submitted with the application includes a Preliminary Ecological Appraisal, although the habitat map appears to be missing from the report. Overall the scheme appears to result in the loss of a section of hedgerow, some tree/scrub and areas of rank grassland. No landscaping plans appear to have been submitted so there does not appear to be any compensation for these losses. In addition at the pre-application stage we advised that the scheme should achieve a net gain for biodiversity which, again as there are no landscaping plans, this has not been demonstrated. Further information is therefore required prior to the determination of the application as the scheme currently appears to result in a net loss for biodiversity and is contrary to the National Planning Policy Framework.

Notwithstanding the above, as the proposal will affect habitats that could be used by nesting birds, we would advise that the following condition be attached to any permission, should it be granted:

No removal of or works to any hedgerows, trees, shrubs or other vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Should you have any queries relating to the above advise, please do not hesitate to contact me again.

6.6 Public consultation

73 letters were posted to the local community on 22nd February 2023 and site notices were also displayed. 5 objections and 1 general comment were received; see Summary of Representations (Section 9.0).

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

8.0 DATE PREPARED: 11th May 2023.

9.0 SUMMARY OF REPRESENTATIONS:

Objection – Anne & Greg Bell, 2 Bury Square, Darwen. Received: 27/02/2023

Mr Prescott

I write to oppose the decision to build a car park on Moor Lane at the rear of our property. The siting of this car park will be a hotspot for car crime and allow ease of access to adjoining properties.

My neighbours and I are now having to spend thousands of pounds to upgrade security measures in an effort to make our houses safe.

I believe that this opposition will fall on deaf ears as you have already started clearing the land but it would be unwise not to speak out as when crimes occur in the new area we can have an avenue with which to complain.

Ann & Greg Bell
2 Bury Square

Objection – Neil Walsh, 3 Moor Lane, Darwen. Received: 07/03/2023

RE: Planning Application 10/23/0143

Proposal: *Highway re-alignment works incorporating associated improvements to drainage, street lighting and road markings, new footway along Moor Lane, together with creating off-street car parking areas on Knowle Lane (9 Spaces) and Moor Lane (27 spaces).*

Dear Sir.

Thank you for the planning notification regarding the above proposal for planned improvement works.

I live at No 3 Moor Lane and believe the proposed Moor Lane car park and its 27 potential parking spaces are planned to be sited on the piece of land immediately adjacent to my house.

This has raised a number of concerns for me and I wondered if you could give them some consideration.

1. Security, currently there is no public access to the land adjacent to my property but the plans will open the land up to public access giving complete and unrestricted access to the boundaries of my property.
2. Safety is a concern, I am greatly concerned about general garden life: there will be a fear that a vehicle may come through the fence at any

time. Are there plans to erect sturdy safety fencing along the property perimeters to prevent this from happening?.

3. How will the car park allocation of the 27 spaces be managed, I have a worry that the fair use of the available spaces will not be followed and neighborly disagreements would follow unless there are strict conditions applied.
4. Will the car park be lit at night and if so until what time. I have a small child and would prefer not to have car park lighting shining on my house affecting his sleep pattern.
5. Will any compensation be offered to the households on Moor Lane and in particular to those properties that will be affected the most by this proposal.

Many thanks for the opportunity to share our concerns and I look forward to hearing how the planning intends to cover my concerns and no doubt other concerns from my neighbors.

Regards

Neil Walsh
3 Moor Lane
Darwen
BB3 OEJ

Objection – Natasha Ryan, 3 West View, Knowle Lane, Chapels, Darwen. Received: 14/03/2023

Good afternoon Gavin,

I write this email in objection of the proposal for highway re-alignment works at the junction of Goose House Lane/Moor Lane.

REF 10/23/0143

I am a resident of West View, Knowle Lane and have been for over 29 years. (Since birth)

During this time I have seen the road gradually get busier, particularly during rush hour.

My concern for the proposal is that the traffic is only going to worse due to the new housing development and the back log of traffic, particularly during rush hour will be horrendous.

I am also led to believe this will be the main entrance to the housing estate and there are no proposed plans for a road to eccleshill. Along with the housing estate being built on Baileys field, the traffic flow will be at a standstill, more so than it is now.

Currently, between 7.45am and 8.15am on a weekday there are cars queuing past my house and up to the punch pub in order to get to either lower Darwen or the Motorway (M65). This creates problems at the junction of moor lane and Goose House Lane as cars are also queuing up there.

In relation to the parking spaces, there are not enough spaces being allocated for the houses in the area as I believe there will be yellow lines being placed outside our houses and surrounding area.

The car park is not behind my house as it is for others on the street but a short walking distance. As a mother with a baby and x2 dogs, it would be difficult for me to get from the car to the house, particularly in winter when the back area isn't lit and the ground is very muddy and slippery. As well as my child I have at least 2 bags each day to carry from the car and it's just not feasible.

Please listen to the residents and come along and see for yourself just how ridiculous this idea is.

It really is already unable to take the amount of traffic flow and this proposal will only make matters worse, especially if and when the new housing development is built.

Please do not hesitate to get in touch if you need photo evidence or further information.

Kind regards,

Natasha Ryan
3 West View, Knowle Lane,
Chapels
Darwen
BB3 0EG

Objection – Elizabeth Taylor, 1 West View, Knowle Lane, Darwen. Received: 14/03/2023

Good afternoon Gavin,

I write this email in objection of the proposal for highway re-alignment works at the junction of Goose House Lane/Moor Lane.

REF 10/23/0143

I am a resident of West View, Knowle Lane and have been for over 20 years.

During this time I have seen the road gradually get busier, particularly during rush hour.

My concern for the proposal is that the traffic is only going to worsen due to the new housing development and the back log of traffic, particularly during rush hour will be horrendous. I am also led to believe this will be the main entrance to the housing estate and there are no proposed plans for a road to Echillshill. Along with the housing estate being built on bBaileys field, the traffic flow will be at a standstill, more so than it is now.

Currently, between 7.45am and 8.15am on a weekday there are cars queuing past my house and up to the punch pub in order to get to either lower Darwen or the Motorway (M65). This creates problems at the junction of Moor Lane and Goose House Lane as cars are also queuing up there.

Although you may be widening the road, the roundabout will cause more problems as the cars already have nowhere to go.

I suggest someone from the office visits the area a couple of times a week to witness this before making a decision to go ahead.

Please understand this will not benefit the residents or the road user.

In relation to the parking spaces, there are not enough spaces being allocated for the houses in the area as I believe there will be yellow lines being placed outside our houses and surrounding area.

The car park is not behind my house as it is for others on the street but a short walking distance. As a mother with a baby and dog, it would be difficult for me to get from the car to the house, particularly in winter when the back area isn't lit and the ground is very muddy and slippery. As well as my child I have at least 2 bags each day to carry from the car and it's just not feasible.

Please listen to the residents and come along and see for yourself just how crazy this idea is. It really is already unable to take the amount of traffic flow and this proposal will only make matters worse, especially if and when the new housing development is built.

Please do not hesitate to get in touch if you need photo evidence or further information.

Kind regards,

Elizabeth Taylor
1 West View, Knowle Lane,

Comment – Michael Hunt, Received: 23/03/2023

Hello

I have seen the plan for improvements to Chapels, Darwen junction. In view of the extra traffic that will affect Moor Lane and Holden Fold are there going to be parking restrictions along this, soon to be, main route to the M65?

Thank you

Michael Hunt

Objection – Jakes Miles & Elaine Dagg, 16 Knowle Lane, Darwen. Received: 06/03/2023

16 Knowle Lane
Darwen Lancashire
BB3 0EG

Reference 10/23/0143

Dear sir

I object most strongly to the proposed removal of on street parking for the residents of Knowle Lane. Further that having said parking replaced by a similar number of parking spaces on a new car park situated on Knowle Lane should not entail additional cost to the residents in the form of parking permits. In the current economic crisis it is unfair to add a further burden to the home owner. I feel that the proposed changes will devalue properties currently having parking to their front. That if the proposed parking spaces are allocated by permit this will be to the disadvantage of residents who do not currently have a car and the future resale value of their properties. Having spoken with Safina Alam of the Highways Dept she envisaged the use of the proposed new car park on Moor Lane as an overspill for visitors, but if parking was to be allocated by permit this would create further problems not just arising from friends and family but significantly in the case of health visitors and carers etc. My late neighbour had constant visits from health professionals and carers for the last couple of years of her life and had this happened under the proposed changes it would have caused considerable distress and inconvenience to both her and the professionals involved.

In the move towards net zero and the general adoption of electric vehicles the proposed removal of on street parking will effectively prevent the residents of Knowle Lane from owning and charging electric vehicles further devaluing properties and making the residents of Knowle lane second class citizens at the whim of the council. In fact the great unfairness of this will only reveal itself fully in the future. Every homeowner chooses to invest in a property in the knowledge of its amenities, value and potential for the future. For this to be arbitrarily changed by the council is manifestly unfair.

I would also like to register my disgust at the recent destruction of part of the hedgerow bordering Knowle Lane by agents of B w D council. These ancient Hawthorn trees were completely destroyed and removed a week before we received our letter of notification of the planning application. This is in my opinion a blatant and cynical act unworthy of B w D council no doubt intended to remove any environmental concerns before the application process and frankly makes a mockery of the whole process. The high handed action of the Highways Department suggests that in this case the planning process is only a formality but I would still like to register my objections in the hope that they will be considered.

Yours Faithfully

Jake Miles

Elaine Dagg

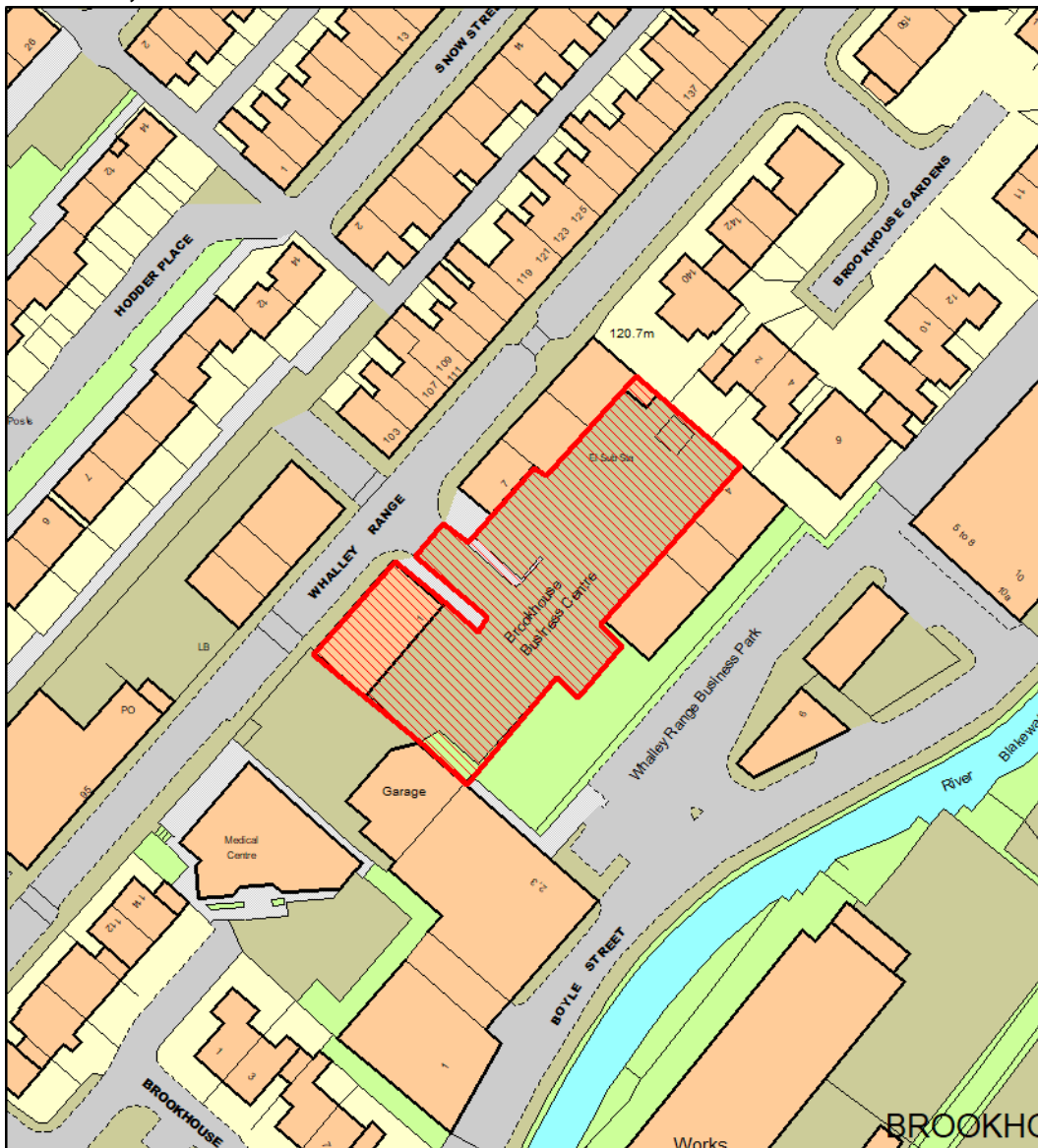
Proposed development: Full Planning Application for Proposed change of use from training centre to dessert shop (class E) including new shop fronts

Site Address:

**Unit 3 Brookhouse Business Centre
Whalley Range
Blackburn
BB1 6BB**

Applicant: Mrs Annisa Asif

Ward: Bastwell & Daisyfield Councillor Parwaiz Akhtar; Councillor Iftakhar Hussain; Councillor Shaukat Hussain



1. SUMMARY OF RECOMMENDATION

- 1.1 The proposed development is recommended to be approved subject to the conditions detailed in Section 5.

2. KEY ISSUES

- 2.1 This application seeks permission for a change of use of Unit 3 of the former Brookhouse Business Centre, from training centre (formerly Use Class D1, now Use Class F1), to a dessert parlour (now Use Class E). The application site is part of the same building and directly adjacent to the existing / recently approved dessert parlours at Units 1 and 2 (ref 10/22/0920) by the Committee at the meeting in February 2023. The application site lies within the Whalley Range District Centre, in secondary retail frontage, within the Inner Urban Area of Blackburn, in relative close proximity to the Town Centre, in a Coal Low Risk area.
- 2.2 The single storey commercial unit is in an accessible and highly sustainable location, and has the added benefit of a large shared car park to the rear of the unit, which is owned by the owner of the former Brookhouse Business Centre site (not the applicant). The majority of units in the wider Whalley Range District Centre do not have any off street parking, and parking is known to be a problem in the Whalley Range area. A number of objections have been raised by local residents, including a petition, citing highway safety/parking, infrastructure, public health and amenity concerns. The Highways Authority has also objected to the proposal, and a letter has been received from the local MP. These are discussed in the main body of this report.
- 2.3 Members will recall planning permission was granted for a retrospective café at Units 7 and 7A (ref 10/22/1004), and a separate application was also approved for a dessert parlour at Units 1 and 2 (ref 10/22/0920) at the 16th February 2023 Planning and Highways Committee, subject to conditions. Prior to that meeting, there was a Committee site visit on 14th February 2023, which secured, with agreement from the applicant, a condition attached to the café at Units 7 and 7A Brookhouse Business Centre (ref 10/22/1004) to provide a managed car park for use by all the units in the former Brookhouse Business Centre. Given the known parking issues in the area, officers and members considered this was a reasonable and necessary step to ensure adequate parking for staff and visitors and to ensure the car park is managed appropriately. Users of the proposed dessert parlour at Unit 3 will also have access to this car park and should permission be granted, a duplicate condition is therefore not considered necessary for this present application at Unit 3.
- 2.4 In summary, there would be recognised social, environmental and economic benefits arising from the proposal, which play a part in weighing up the planning balance. Factors weighing in favour of the application include the District Centre location of the former Brookhouse Business Centre; its former B1 (Light industry / offices) use; recent changes to the Use Classes Order which introduce more flexibility for town centre uses (including the creation of a new Use Class E); the additional benefit of a managed shared rear car park; as well as recent approvals, conditions, and appeal decisions for similar uses/units in the

immediate area. On balance, the scheme is considered acceptable for the reasons set out in this report.

- 2.5 Should members approve this application, conditions can be attached to ensure a degree of control over the use of the application site, such as hours condition, whereas presently there are no restrictions provided the use is a lawful use.
- 2.6 This application is presented to the Planning and Highways Committee due to a combination of the site history, a letter from the local MP, a petition from local residents, and an objection from the Highways Authority.
- 2.7 The key issues to be addressed in determining this application are;
- Principle of Development (including legislation, policy, site history, and health);
 - Highways issues, access, parking, and servicing;
 - Design and visual amenity;
 - Residential amenity;
 - Other matters;
 - Planning balance, including recent planning approvals and appeal decisions in the area.

3. RATIONALE

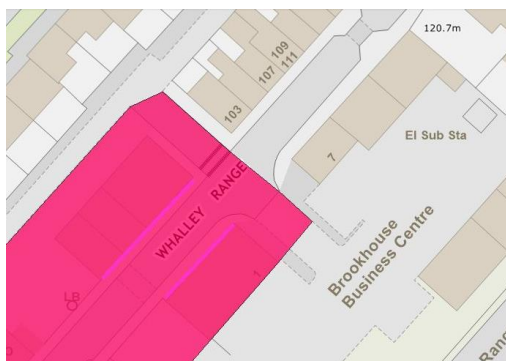
3.1 Site and Surroundings

- 3.1.1 The application site lies within a commercialised setting, with a range of shops and local services present. The wider surrounding area is mixed, with some residential dwellings also in the vicinity. The application site comprises an existing single storey commercial unit, which is just one of a number of units within the former Brookhouse Business Centre, within the Inner Urban Area of Blackburn, on the south/eastern side of Whalley Range, in a Coal Low Risk area.
- 3.1.2 Unit 3 sits wholly within the Whalley Range District Centre, as identified in the Local Plan Proposals Map. The Whalley Range frontage also sits within identified secondary retail frontage on the Proposals Map, as shown in the images below:

Figure 1 (below): Existing Site plan



Figure 2 (below): Local Plan Proposals Map



3.1.3 As can be seen in the location plan above, Unit 3 is positioned at the south west end of a detached row of 3 units on the Whalley Range frontage of the former Brookhouse Business Centre, south-west of the access road to the shared rear car park. The only other premises that the application site directly adjoins is the recently approved dessert parlour at Units 1 and 2, to the north-east.

3.2 Proposed Development

3.2.1 This application seeks permission for a change of use of Unit 3 of the former Brookhouse Business Centre, from training centre (formerly Use Class D1, now Class F1), to a dessert parlour (Class E), including external alterations / new shop front and predominantly glazed frontage, comprising aluminium powder coated shop front and doors. Colour to be Anthracite/Black.

3.2.2 The proposed changes to the elevations reflect the use applied for, essentially introducing more glazing to create a more modern, open and active frontage, which would also be wholly in keeping with the directly adjoining Units 1 and 2.

3.2.3 As with Units 1 and 2, the main pedestrian access into the building would be taken from the shared car park, to the rear. The only access from the Whalley Range frontage would be emergency access and egress, which can be

conditioned. The existing and proposed elevations can be seen below, in Figures 3 - 6:

Figure 3: Existing Floor plan

Units 1-3 are all shown below, for context. Unit 3 (this current application) is on the right side of the floor plan below (whereas the previously approved Units 1 and 2 are greyed out):

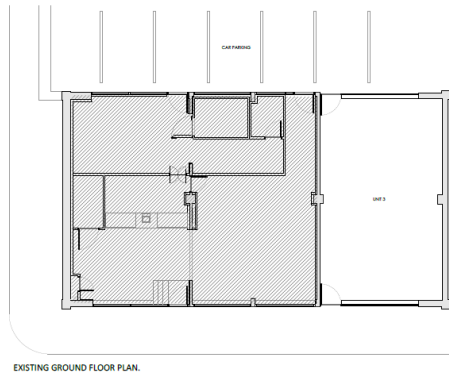


Figure 4: Proposed floor plan

Note: Again, Units 1-3 are all shown for context - Unit 3 (this current application) is on the right side of the floor plan (Units 1 and 2 are greyed out):

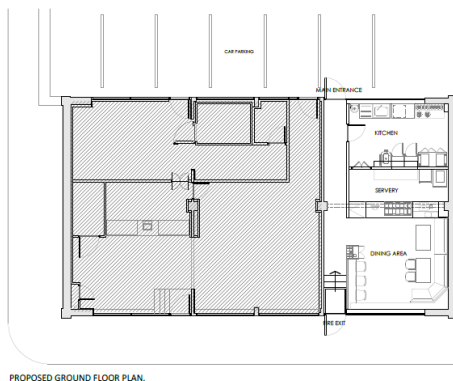


Figure 5: Existing elevations

The existing elevations are shown below. Unit 3 is on the right of the front elevation, and on the left side of the rear elevation (this is demarcated by the vertical lines in the images below):

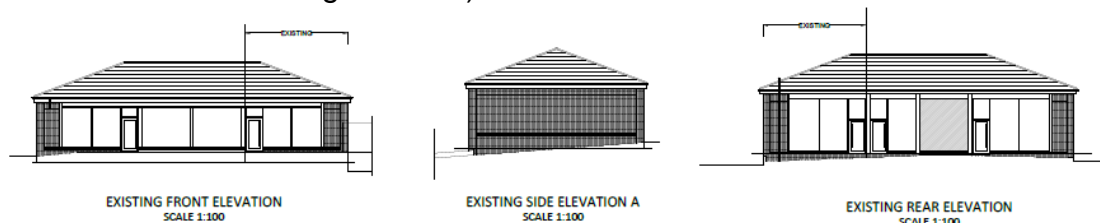
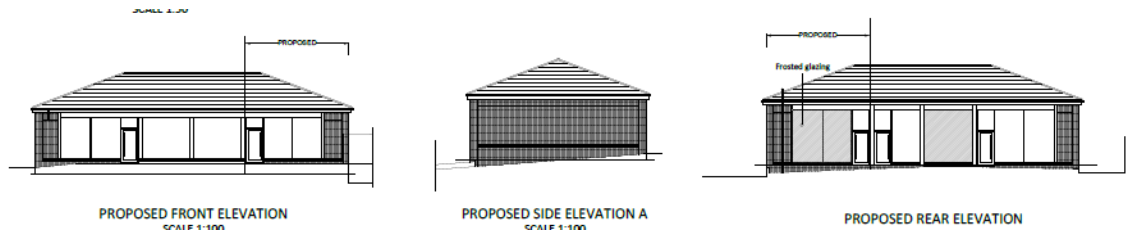


Figure 6: Proposed elevations

The proposed elevations are shown below. As with the existing elevations, Unit 3 is on the right side of the front elevation, and on the left side of the rear elevation (again demarcated by the vertical lines):



3.2.4 The Floorspace area for Unit 3 is 118 sqm. It is estimated that the business will employ circa 3 full time staff.

3.2.5 Hours of operation applied for are 09:00hrs to 23:00hrs Mon-Fri, and 10:00hrs to 23:00hrs Sat, Sun and Bank Holidays (i.e. the same as the existing / previously approved dessert parlours at Units 1 and 2).

3.2.6 The existing parking arrangements are to remain (the car park is to be managed by a planning condition attached to the approval for a café at Units 7 and 7A). The rear car park is shared by all users of the units within the former Brookhouse Business Centre. Although 6 spaces are shown adjacent the unit in the proposed site plan, there is no definitive parking allocation for the individual units.

3.3 Site Photos

Front view, from Whalley Range: (Unit 3 is on the right in the photo)



Rear view, from shared car park: (Unit 3 is on the left in the photo)



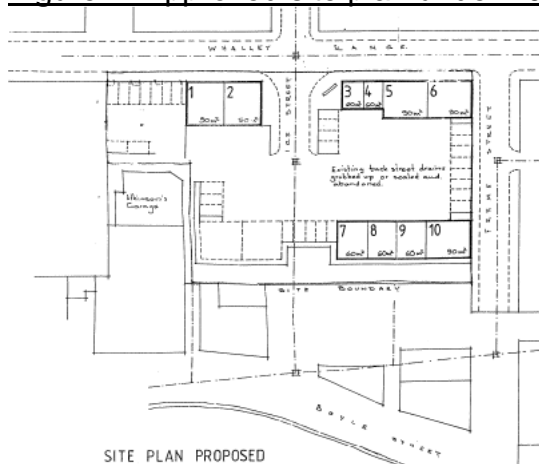
3.4 Planning history

3.4.1 Historic planning records demonstrate that the Brookhouse Business Centre, of which Unit 3 forms a part, was granted planning permission in 1992, for Training Workshop & Office Units. This permission is known to have been implemented:

- 10.92/0889 - Proposed Training Workshop & Office Units – Brookhouse Business Centre - Approved 25/08/92.

3.4.2 The above approval for the Brookhouse Business Centre was subject to a standard 5 year condition for commencement, and a materials condition. There were no other conditions attached. The current proposal for Unit 3 (as it is now known) only includes circa one third of the area previously shown as Units 1 and 2 in the approved site plan for 10.92/0889, below.

Figure 7: Approved site plan under 10.92/0889 (below):



3.4.3 Adjacent units – recent applications

- 10/22/0920 - Proposed Change of Use from Training Centre to Dessert Shop (Class E) including New Shop Fronts (Units 1 & 2) - Approved by the Planning and Highways committee on 16th February 2023.
- 10/22/1004 - Retrospective café at Units 7 and 7A Brookhouse Business Centre - Approved by the Planning and Highways committee on 16th February 2023, with a condition for a car park management plan, worded as follows:

“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.”

3.5 Supporting documents

- 3.5.1 The following documents were submitted in support of this application:
- Planning, Design and Access Statement.

3.6 **Development Plan**

3.6.1 Blackburn with Darwen Core Strategy

- Policy CS1: Targeted Growth Strategy
- Policy CS16: Form and Design of New Development

3.6.2 Local Plan Part 2 (adopted 2015):

- Policy 1: The Urban Boundary
- Policy 2: The Inner Urban Area
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 27: District Centres – a Framework for Their Development
- Policy 29: Assessing Applications for Main Town Centre Uses
- Policy 31: Development in Defined Shopping Frontages
- Policy 33: Health

3.6.3 **Other Material Planning Considerations**

BwD adopted Parking Standards
Borough wide Design Guide SPD
Planning for Health SPD
Shopfront Design and Security SPG
National Planning Policy Framework

4 **ASSESSMENT**

4.1 **Principle of Development (including legislation, policy, site history, and health)**

Legislative context

- 4.1.1 The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 were introduced on 1st September 2020, making significant changes to the previous system of Use Classes, and permitted changes of use under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- 4.1.2 The introduction of these changes was to provide greater flexibility between certain uses and provides a more agile planning framework so that high streets and commercial uses can respond to changes in the commercial market. This was introduced by the government as a response to the Covid19 pandemic.
- 4.1.3 Schedule 2 of these regulations created a new broad 'Commercial, Business and Service' use class (Class E), which incorporated a number of previous commercial, business and service uses into a single Use Class.

Site history context

- 4.1.4 The original planning approval for the whole Brookhouse Business Centre was for Training Workshop & Office Units. The applicant initially suggested that an application for a change of use to Class E for Unit 3 did not require planning permission because the whole site benefitted from a Class B1 use (Office/Light Industry), which has now been subsumed into Class E.
- 4.1.5 However, officers advised the applicant that Unit 3 was last used as a training workshop, which if in use today, would fall under the new Use Class F1. Therefore, officers advised that an application for a change of use was required. Although not entirely in agreement, the applicant agreed to submit an application to regularise the use proposed. If approved, this will also allow the Council to retain a degree of control over the site with the imposition of planning conditions.

Policy context

- 4.1.6 Policies 1 and 2 of the Local Plan identify the inner urban area as the preferred location for new development.
- 4.1.7 The application site also lies wholly within the Whalley Range District Centre. Policy 27 of the Local Plan supports development where it encourages mixed uses, and where it responds to the scale and function of the centre. Proposals involving conversion and adaptation of premises or involving changes of use should take place within existing buildings and frontages in order to consolidate and strengthen the vitality of the centre. They should retain or provide shop fronts in order to maintain active frontages and retain the character and vitality of the centre.

Policy 27. District Centres – a Framework for Their Development	
1.	Within and adjacent to the District Centres as shown on the Adopted Policies Map, and listed in the table below, development will be supported where it encourages mixed uses, and where it responds to the scale and function of the centre in question. Proposals which fulfil these requirements will be permitted in the following circumstances:
i)	New build proposals should be proportionate to the scale and function of the centre. New retail, leisure, office and service use developments should demonstrate that they cater for local needs, and should be accompanied by an impact assessment if they involve the creation of new floorspace above the thresholds set out in Policy 29. The assessment should consider the impact of the proposal on existing, committed and planned public and private investment in the centre and other nearby centres.
ii)	Proposals involving conversion and adaptation of premises or involving changes of use should take place within existing buildings and frontages in order to consolidate and strengthen the vitality of the centre. They should retain or provide shop fronts in order to maintain active frontages and retain the character and vitality of the centre.

4.1.8 The proposed development encourages mixed uses and responds to the scale and function of the centre. As a change of use of existing premises, criteria 1 ii) of Policy 27 applies. The proposal would introduce a more active frontage, and have a positive impact on the character and vitality of the centre.

4.1.9 The pre-amble to Policy 27 states that District Centres principally provide for local needs shopping. The Core Strategy further promotes a concept of multi-functional district centres which are also the focus for local services as well as retailing. District centres have faced particular challenges in adapting to changing retail patterns. The Core Strategy identifies the Whalley Range area as having the potential to perform an enhanced function as a destination, as well as a local shopping centre. Within the Whalley Range District Centre there are streets which form the main shopping area of the centre, and others which perform a wider function in addition to retail. The Council wishes to consolidate this pattern of development.

4.1.10 Policy 27 goes on to apply additional policy considerations for the management of the district centres, as shown below.

2. Within the Whalley Range District Centre (reference 27/5) as shown on the Adopted Policies Map and the Whalley Range Inset Map, the following additional policy considerations will apply:

- i) Within the Primary Shopping Frontages as defined on the Whalley Range Inset Map, proposals for the change of use of ground floor/pedestrian level premises, to uses falling within Use Classes A2, A3 or A5, will be permitted provided that the proposal would not, in isolation or in combination with other completed or committed development, undermine the function of those frontages as a main retail area.
- ii) Within the Secondary Shopping Frontages as defined on the Whalley Range Inset Map, proposals for service uses falling within Use Classes A2, A3 or A5 will be permitted provided it would not, in isolation or in combination with other completed or committed development, have an unacceptable impact on the level of shopping provision or lead to a change in the character of the street.
- iii) Exceptions to Criteria i) and ii) may be made where the number of empty units within a frontage block/group of shops is high and the trend in vacancy levels is prolonged.

4.1.11 The site lies within a defined secondary shopping frontage, therefore criteria 2 ii) of Policy 27 applies. The proposal would bring vacant premises back into use, and would not have an unacceptable impact on the level of shopping provision or lead to a change in the character of the street, particularly given the directly adjoining units (Units 1 and 2) are in the same dessert parlour use, and share a uniform appearance with the application site. Therefore there is no conflict with Policy 27.

4.1.12 Furthermore, criteria iii) of Policy 27 refers to the benefits of ensuring vacancy levels are high. The proposal would ensure the premises are brought into active use, which would have wider social, environmental, and economic benefits, and are a material consideration.

4.1.13 Subject to being satisfactory in all other respects, the proposal is considered acceptable in principle, and in accordance with Policies 1, 2, and 27 of the Local Plan.

Health

- 4.1.14 Policy 33 of the Local Plan states that where a form of development has the potential to impact on public health, with particular reference to obesity and related disorders, and illnesses associated with alcohol or smoking, the Council will require the developer to demonstrate how public health issues have been taken into account in formulating the development proposal and how any impacts are to be mitigated.
- 4.1.15 Potential adverse health impacts of the proposed development have been raised by local residents, (including a letter from the local MP), including a concern that there is an over saturation of such uses in the area. Health concerns have also been expressed by the Council's Public Health team (although not a formal objection).
- 4.1.16 The proposal is for dessert parlour, and whilst it is acknowledged that this could potentially impact upon public health, the associated Health SPD, which is underpinned by Policy 33, identifies specific types of uses that are most likely to have adverse impacts on health. Notably the Health SPD makes particular reference to hot food takeaways and shisha cafes. Dessert parlours are not specifically referenced. Arguably, other uses such as convenience stores are just as likely to have as much of an impact as dessert parlours in terms of encouraging the intake of unhealthy food (including sales of chocolate and fizzy drinks to school children for example).
- 4.1.17 There is no policy basis for refusing an application based on an over provision of dessert parlour uses. Aside from Policy 33 and the associated Health SPD, the main general policy consideration is more one of not unduly restricting the main purpose and diversity of uses within the district centre.
- 4.1.18 Notwithstanding this, the public health concerns expressed by local residents and Public Health (refer to Paragraph 6.4 of this report for the full comments) are acknowledged. There are already a high number of takeaways, dessert bars and cafes in the area, and it is noted that the Bastwell and Daisyfield ward is a deprived ward which experiences poor health. There are also number of schools and nurseries in close proximity, as can be seen below:

Figure 8: 400m exclusion zone around schools, showing takeaways:

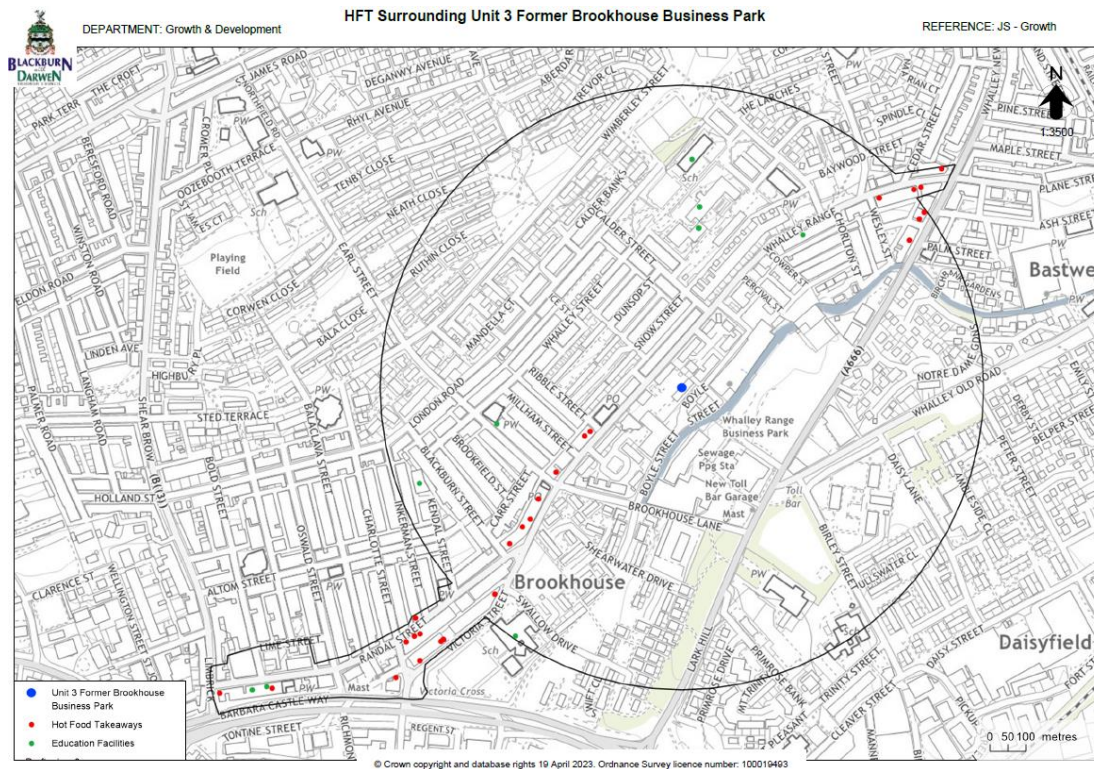


Figure 9: Schools within 400m of the application site:

ORGANISATION	SAO_TEXT	PAO_TEXT
		SEVEN TREES NURSERY SCHOOL
		BROOKHOUSE PRIMARY SCHOOL
MINORITY ENTERPRISE DEVELOPMENT TRUST	AGE UK	BANGOR STREET YOUTH AND COMMUNITY CENTRE
HAZRAT SULTAN BAHU TRUST		
MINORITY ENTERPRISE DEVELOPMENT TRUST	APNA GHAR	BANGOR STREET YOUTH AND COMMUNITY CENTRE
		SEVEN TREES CHILDRENS CENTRE
		BROOKHOUSE PRE SCHOOL
SHINING STARS NURSERY		
MASJEED - E- TAUHEEDUL ISLAM GIRLS HIGH SCHOOL	GROUND FLOOR	
		ST MICHAEL WITH ST JOHN CHURCH OF ENGLAND PRIMARY SCHOOL
		NOORANI EDUCATION CENTRE

Figure 10: Takeaways within 400m of the application site:

ORGANISATION	ID	PAO_TEXT	PAO_STA	PAO_END	DESCRIPTION
FUSION	1		84		RANDAL STREET
AL-LAZEEZ	2	TAKEAWAY KIOSK ADJ 97			VICTORIA STREET
NAAFIAH EXPRESS	3		81		VICTORIA STREET
OODLES CHINESE BLACKBURN	4		99		VICTORIA STREET
OODLES CHINESE BLACKBURN	5		99	101	VICTORIA STREET
SHAH JALAL FISH BAZAAR	6		55		WHALLEY NEW ROAD
EASTERN DELIGHT	7		67		WHALLEY NEW ROAD
KEBABISH	8		83		WHALLEY NEW ROAD
HAJIS TAKE AWAY FOOD SHOPS	9		358		WHALLEY RANGE
ELAF	10		336		WHALLEY RANGE
SHAHI KEBAB HOUSE	11		360		WHALLEY RANGE
SHANDAR SWEETS	12		63		WHALLEY NEW ROAD
ELAF	13		336	338	WHALLEY RANGE
CHUNKY CHICKEN	14		17		WHALLEY RANGE
SULTAN FAST FOOD	15		47		WHALLEY RANGE
CHUNKY CHICKEN	16		23		WHALLEY RANGE
SIAM ZAPP AUTHENTIC THAI NOC	17		65		WHALLEY RANGE
PEPE'S PIRI PIRI	18		143		VICTORIA STREET
MANCHESTER SWEET CENTRE A	19		3	5	WHALLEY RANGE
KHYBER RESTAURANT	20		35		WHALLEY RANGE
AL QUDS	21		69		WHALLEY RANGE
HHEBA'S FAST FOOD LIMITED	22		80		RANDAL STREET
LALAS	23		27	31	RANDAL STREET
SHANDAR TANDOORI	24		69		VICTORIA STREET
TASTE	25	GROUND FLOOR	12		RANDAL STREET
TAIBA INN	26		28		LIMBRICK
GRILLER	27		74		RANDAL STREET

- 4.1.19 Although the prevalence of uses that have the potential to adversely affect public health are noted, it would be extremely difficult to demonstrate that the addition of this one relatively small dessert parlour would tip the balance of acceptability in terms of the cumulative impact of the whole district centre. It is further noted that the flexibility of Use Class E means that the ability of the Council to restrict such uses would be incredibly difficult in any case.
- 4.1.20 It could also be argued, with some substance, that an additional dessert parlour use adjacent to an existing dessert parlour use (in an area where there are numerous other such uses) would have less impact than a new standalone use in an area where there are no similar uses. The proposal would be more likely to just increase choice, which would be welcomed.
- 4.1.21 Public Health have stated their desire to encourage a food environment which offers a variety of healthy options and enables choice, and have recommended that the owner engages with the Recipe 4 Health programme and gains this award as part of their social responsibility to residents and visitors to the area. An informative can be attached to remind the applicant of this social responsibility.
- 4.1.22 On balance, the wider benefits arising from the proposal are considered to outweigh any potential health impacts.

4.2 **Highways issues, Access, Parking, and Servicing**

- 4.2.1 Policy 10 outlines a general requirement for all development proposals not to prejudice road safety, or the safe and convenient movement of highway users. Parking should also be provided in accordance with the BwD Parking Standards. In addition to avoiding unacceptable impacts on highway safety, the Framework also seeks to ensure that the cumulative impact of development on the highway network is not severe.
- 4.2.2 As with the recent approvals for Units 1 and 2, and Units 7 and 7A, the Highway Authority raised an objection to this application on the basis that no bespoke parking is offered for Unit 3 to support the increase in vehicle movements (compared to the previous training centre use), and that there are ongoing issues with the highway network in the immediate locality, and that the existing parking in the adjacent streets is fully saturated.
- 4.2.3 The Highways Authority recognised that the site is sustainable, but suggested that not all visitors will be from the immediate area. The concerns about both inherent parking and congestion on Whalley Range close to this site has led the Highways Authority to conclude that the proposal would be detrimental to highway safety, and therefore contrary to Policy 10 of the Local Plan.
- 4.2.4 However, as with the recent approvals at the adjacent units, there are several mitigating factors. Fundamentally, the application site is located within a District Centre in a highly sustainable and accessible location. The District Centre designation recognises not only the sustainable location but also the potential for linked trips. Many trips to the centre will be multi-purpose, and trips to the dessert parlour will therefore not create substantial new parking

demand as a standalone destination in its own right, but will largely be used by people who are already in the area, either visiting other shops in the District Centre, and/or who live locally and will arrive on foot.

- 4.2.5 Furthermore, the majority of businesses on Whalley Range do not have any off street parking. The shared car parking area to the rear takes parking pressure off Whalley Range. If the units in the former Brookhouse Business Centre fell into vacancy, the car park could be permanently closed for example, and this would be to the detriment of the wider District Centre.
- 4.2.6 Unit 3 already benefits from a commercial use, and recent changes to the Use Classes Order (introducing a much broader Class E use) mean that most conversions involving town centre uses do not even require planning permission. Although the proposal would see a shortfall in the amount of parking that is required to accord with the Council's adopted parking standards (there is no bespoke parking offered - the rear car park is shared by all businesses within the Former Brookhouse Business Centre), the applicant argues, with some justification, that the standards are several years old, with particular regard given to the recent legislative changes to the Use Classes Order. Rigid application of the 2014 Parking Standards is therefore, in this instance, not considered appropriate.
- 4.2.7 The Highways authority also referenced illegal parking on Whalley Range, and a need to keep the area clear from intensive movements, for safety reasons. Vehicles are known to be parking on the double yellow lines to the front of the premises along Whalley Range, and parking in the adjacent streets is also known to be saturated. However, pavement parking is not enforceable by Local Authorities. It is classed as an obstruction of the highway and this is currently only enforceable by the Police. It is further noted that recent appeal decisions in the vicinity that were allowed by the Planning Inspector, have also referenced vehicles parking on yellow lines as being a traffic enforcement issue rather than a planning matter. The restrictions across the whole of Whalley Range from Barbara Castle Way to Whalley New Road are under review and should any changes be required, this will go out to consultation before a change to, or implementation of, a Traffic Regulation Order is made.
- 4.2.8 Fundamentally, the site lies within a District Centre, in a highly sustainable location. Some people will arrive on foot, others will already be visiting other facilities in the area, thereby not increasing demand to the same extent.
- 4.2.9 Furthermore, the submitted drawings show that the main access to the premises will be via the car park, with the access on the frontage to Whalley Range only be used for emergency purposes. This is considered to be material as it will encourage users arriving by car to park on the car park to the rear. A condition will be also be imposed relating to the access to the premises. Providing on-site parking within District Centres is not a prerequisite of Policy 27, which sets out a framework for development in District Centres.

- 4.2.10 In conclusion, proposals should only be refused on highways grounds where there is a demonstrable unacceptable detrimental impact on highway safety, and/or the cumulative impact of development on the highway network is severe. In this case it is not considered that these thresholds are met.
- 4.2.11 On balance, the site lies within a District Centre in a highly sustainable location, and the impact on highway safety as a result of this application in isolation is not considered to be unacceptable, and the cumulative impact of development on the highway network is not considered to be severe.
- 4.2.12 It is therefore considered that the proposal is acceptable on highways grounds, in accordance with Policy 10 of the Local Plan, and the NPPF.

Waste

- 4.2.13 Waste will be stored in the waste collection area on site and collected via a commercial refuse collection service, so not requiring full access by waste vehicles. A local 'Waste management' company will pick up mainly cardboard and plastic packaging waste three times a week. A system will be implemented whereby all the cardboard is 'flattened' and stored in the store area and the rear door opened to allow waste to be loaded on a medium sized panel van.
- 4.2.14 The Council's Cleansing team raised no objections to the proposal. However, a condition can be attached to secure a scheme for a waste bin at the premises.
- 4.2.15 From an enforcement point of view any waste and litter that accumulates on the car park will be the responsibility of the land owner. The Environmental Crime Team can issue letters and notices asking/telling them to clean their land, otherwise fixed penalties can be issued, or even court action can be taken.

4.3 Design and Visual Amenity

- 4.3.1 In general terms, Core Strategy Policy CS16 require and Local Plan Policy 11 requires all development proposals to represent a good standard of design through demonstrating an understanding of the sites wider context and making a positive contribution to visual amenity.
- 4.3.2 The alterations essentially involve the introduction of more glazing into the elevations. There is no change to the floor space or size, scale and massing of the building. The materials would comprise modern aluminium powder coated shop front and doors, in Anthracite/Black. The amount of glazing and the materials to be used are considered acceptable, and the alterations would have a positive impact and mirror the adjoining units in terms of appearance.
- 4.3.3 The proposed alterations would result in modern elevations that are more in keeping with the function, character and vitality of the Whalley Range District Centre. It is therefore considered that the proposal would have a positive impact on the existing building, and would not have any detrimental impact on

the mixed character of the wider area / street scene, thereby meeting the requirements of Policy 11 of the Local Plan and Policy CS16 of the Core Strategy.

4.4 Residential Amenity

- 4.4.1 Policy 8 of the Local Plan states that all development proposals must secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself, with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy/overlooking, and the relationship between buildings. Also that it will, in isolation and in conjunction with other planned or committed development, contribute positively to the overall physical, social, environmental and economic character of the area in which the development is sited.
- 4.4.2 The site lies within a designated District Centre on a busy road, where a degree of noise and disturbance is to be expected. No residential premises directly adjoin the site, and staff and visitors to the building would come and go from the rear car park, apart from in emergencies. As well as focussing comings and goings to the rear, this will also assist in terms of increasing natural surveillance to the car park at the rear, bringing further benefits in terms of reducing potential crime and antisocial behaviour.
- 4.4.3 The Council's Public Protection team raised no objections to the proposal, subject to appropriate conditions and informatives. The Public Protection Officer also recommended a temporary approval to allow monitoring of the amenity impacts of the proposed opening hours. However, it would be extremely difficult to ascertain to what extent any impacts are a direct result of the proposed use at Unit 3 and which are from existing / recently approved uses. For this reason, a temporary condition is not considered reasonable, especially as a temporary condition was not attached to the recently approved adjoining units.
- 4.4.4 Furthermore, the hours applied for (23:00 hours) are considered reasonable given the setting, and the context of other approvals in the area. Restricting hours to earlier in the evening would likely be harmful to the viability of the business, and would be unduly restrictive in a District Centre location. Similar approvals in the area, including appeal decisions, have also allowed nearby businesses to open later. For example, Le Glacier, at 51-53 Whalley Range, was granted planning permission to open until 23:00 hours (which was extended to 00:15 hours, on a 12 month trial basis, at a subsequent appeal). This, and other examples of relevant appeal decisions, are referenced later in this report.
- 4.4.5 Therefore, the hours applied for (23:00 hours) by the applicant are not considered unreasonable, and would be similar to other businesses in the area. A condition can be attached to this effect.

4.4.6 Other matters within the jurisdiction of Public Protection, such as any dumping of waste, vermin, and/or statutory noise nuisance are being investigated under separate powers / legislation.

4.4.7 From a planning perspective, the proposal is therefore considered to have an acceptable impact in terms of residential amenity, subject to conditions, and accords with Policy 8 of the Local Plan.

4.5 **Other matters**

4.5.1 Various matters raised by local residents include statutory noise nuisance and environmental concerns, and alleged breaches of operating hours of nearby businesses. Noise nuisance and environmental impacts are being considered under separate legislation by the Council's Public Protection team. Alleged breaches of planning control in the area by existing businesses are also being investigated by the Planning Enforcement team. Illegal parking is a matter for the Police. None of these issues relate specifically to planning issues at the application premises.

4.6 **Planning balance, including recent appeal decisions in the area**

4.6.1 Relevant appeal decisions

4.6.2 In addition to the recent approvals at Units 1 and 2, and Units 7 and 7A, there are also a number of recent appeal decisions in the local area which give weight in favour of approving this application. These include:

- 10/16/1299 – Le Glacier, 51-53 Whalley Range (Removal of conditions 1 and 3 of previously approved planning application 10/15/1402) - Appeal Allowed 30th June 2016 (12 month temporary trial).

4.6.3 Key points taken from the above appeal decision 10/16/1299:

- Hours condition previously approved under 10/15/1402 (limiting opening hours to 23:00 hours) extended to 00:15 hours on a 12 month trial basis.
- Quote from Inspector, at Paragraph 15: "*I note the comments made about about people parking on the double yellow lines and blocking the road. I have no photographic or video evidence to show that this was entirely associated with the appeal premises , or in any event, if this now occurs routinely. In any event, there are separate enforcement powers available to deal with unauthorised parking on the highway.*"
- Quote from Inspector, at Paragraph 16 of Inspector's report: "*..it must be recognised that the appeal property falls within a District Centre and fronts a relatively busy main road. Hence it is reasonable to expect that levels of noise and activity would be higher than in areas which are more residential*".
- Quote from Inspector, at Paragraph 19: "*Despite the fact that the site is within a District Centre there are nonetheless residential properties very close by. It is therefore important that the occupiers of such properties are afforded reasonable levels of peace and quiet during times when they wish to sleep.*"

- 10/15/0241 – 47a Whalley Range - Demolition of garage and erection of two storey retail building with shop front and roller shutters - Appeal Allowed 16th November 2015.

4.6.4 Key points taken from the above appeal decision 10/15/0241:

- Quote from Inspector, at Paragraph 5 of Inspector's report: "*.. there are parking restrictions all along Whalley Range and almost none of the other small shop units in the vicinity has off-street parking*".
- Quote from Inspector, at Paragraph 7: "*This is a highly accessible retail centre, principally serving the local community. As such it seems to me that the proposed use is unlikely to give rise to significant additional demand for parking*".
- Quote from Inspector, at Paragraph 9: "*I conclude that, although the proposal would not accord with Local Plan policies.. which, among other things, require appropriate provision for off street servicing and parking, the lack of such facilities would not have an unacceptable impact on highway safety and the free flow of traffic.*"

- 10/09/0752 – 23 Whalley Range – Change of use of ground floor to hot food takeaway – Appeal Allowed 1st February 2010.

4.6.5 Key points taken from the above appeal decision 10/09/0752:

- Hours condition: 07:30 hours – 23:00 hours Monday-Sunday;
- Quote from Inspector, at Paragraph 7 of Inspector's report: "*Although yellow lines may from time to time be ignored by motorists, I do not believe that the consequences would be significant, and could, in any event, be addressed by enforcement of the regulations. Any parking generated by a new hot food takeaway would be a marginal addition to that which already takes place. Parking in the evening would be at a time when the demand is less than at other times during the day.*"

4.6.6 Planning balance

4.6.7 The objection from the Highways Authority is acknowledged, and has been given due consideration in reaching this recommendation.

4.6.8 The application involves the change of use from one commercial use to another. In general terms, the Government is keen to support greater flexibility between town centre uses, evidenced by the introduction of the new Use Class E. Indeed, the applicant disputed whether planning permission was even required for the use now proposed. Most town centre uses would not need to apply for planning permission under the recent Use Class changes. Notwithstanding this, by approving this application, a degree of control can be achieved, with appropriate conditions attached to limit highway/amenity impacts. As things stand, there are no restrictive conditions attached to the former Brookhouse Business Centre.

4.6.9 Another factor to be considered is, should this application be refused, what would the building be used for. It would be likely that the building would fall vacant, and investment in the application site / former Brookhouse Business

Centre / wider area would be stunted. Significant weight is given to the wider economic benefits of the proposal, and if the unit were to fall vacant and/or other units did likewise, the car park would also be likely to close, having an even greater detrimental effect on parking availability in the area. A Class E use within a District Centre is an appropriate use in this location / context.

- 4.6.7 Fundamentally, the location within the District Centre is a key consideration, and the proposal is acceptable in principle. There is no requirement under Policy 27 of the Local Plan to provide any off street parking within a District Centre. The recent changes to the Use Classes Order, introducing the new Class E and its greater flexibility between uses, were introduced far more recently than the Parking Standards which were adopted in 2014. It is therefore considered that only limited weight can be given to the parking standards in this context.
- 4.6.8 Furthermore, there is a managed car park to the rear, controlled by a planning condition attached to one of the recent approvals on of the adjacent Units (Units 7 and 7A) which offers shared parking provision for the Units of the Former Brookhouse Business centre, which is far in excess of what most other businesses on Whalley Range have to offer (most businesses have none), and this helps to ease the impact on Whalley Range and surrounding streets. Recent appeal decisions have allowed similar uses in the area, and Inspectors have been clear that illegal parking should be dealt with under separate powers / legislation.
- 4.6.9 The concerns about health and amenity impacts are also noted. However, it is considered that the benefits would outweigh any demonstrable detrimental impacts.
- 4.6.10 Examples of the aforementioned benefits include bringing a former commercial building back into active use; the continued use of the shared car park to the rear; the wider economic benefits / job creation it would bring to the local area; the visual and social benefits; improving the range and choice of local facilities and services; and making a positive contribution to the vitality of the District Centre.
- 4.6.11 On this basis, it is recommended that the application be approved, subject to the conditions referred to in Paragraph 5, below.

5. RECOMMENDATION

5.1 APPROVE subject to the following CONDITIONS:

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

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

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

Project no. 013 / WSA / 2023, Dwg no. 03: Location Plan.

Project no. 013 / WSA / 2023, Dwg no. 02: Proposed Floor Plans and Elevations.

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

3. The use hereby permitted shall not take place outside the hours of 09:00hrs to 23:00hrs Mon-Fri, and 10:00hrs to 23:00hrs Sat, Sun and Bank Holidays.

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

4. The external construction materials shall be as stated on the application form and approved drawings and they shall not be varied without the prior written consent of the Local Planning Authority.

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

5. Prior to the use hereby permitted first commencing, a scheme for the installation of a litter / waste bin, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented in accordance with the approved details prior to commencement of the approved use, and shall be permanently retained thereafter.

REASON: To ensure adequate facilities are provided at the site, to reduce litter, in accordance with Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2.

6. Access to and from the premises shall be from the rear of the premises, adjoining the shared rear car park. Access to/from the front of the premises, adjoining the Whalley Range footway, shall only be used in the event of an emergency.

REASON: To discourage visitors to the premises from parking illegally on Whalley Range, in the interests of traffic and highway safety and the free flow of traffic, in accordance with Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2.

7. The application premises shall only be used for the purposes included within Class E (b) of The Town and Country Planning (Use Classes) Order 1987 (as amended), and for no other purpose, including any other purpose in Class E

of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

REASON: In the interests of highway safety, and to ensure appropriate parking levels in accordance with the Council's adopted standards, and to safeguard the amenities of occupiers of residential properties in the area, in accordance with Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

6. CONSULTATIONS

6.1 Highways

6.1.1 OBJECTION:

Parking

In accordance with adopted parking standards. The area for public use is used to equate the required parking allowance to support the business. This exercise has been undertaken and the total area 27sqm, this is then measured against a requirement of 1 car space per 7sqm, which provides a required allowance of 4 spaces.

The details received accompanying the application set out a provision of 6 spaces to support the proposal. However the location plan received suggests more than 6 spaces. Please could we seek clarification on what number of spaces are being provided to support this application?

On recent site visits it has been noted that vehicles are still parking on the double yellow lines to the front of the premises along Whalley Range.

I would reiterate the car parking within the Brookhouse Business Centre was always for the use of the tenants of the units and not for other businesses along Whalley Range. Before being sold the business centre tenants were largely small business/office spaces. The introduction of a food retail attracts a total different demographic and also larger number of customers more so when taking into account the opening hours which run from early morning though to late night (mon – fri (9.00 -2300) & Sat- Sun (10.00 -23.00).

We acknowledge the recent introduction of the Managed ANPR car parking system, but are yet to see what difference this is making, as cars are still parking on Whalley Range. Please provide further evidence on how this is managed and controlled.

In addition to the above, no parking provision for the disabled is provided. 10% of the total number of spaces should be allocated and designated for disabled users.

Furthermore no provision for cycle and ptw parking has been provided. This should be located near the entrance of the building, covered and secure.

Access

The car park to the rear of the units support the needs of the unit in question

No change for vehicle movement is proposed

We do however note a change to the existing Building. A New pedestrian entrance has been created into the units to serve the public from Whalley Range. This will in our opinion further exacerbate the abhorrent and illegal parking that currently occurs along this highway. Whalley Range is heavily trafficked throughout the day and is further supported by restriction to prevent parking to ensure free flow movement of traffic is maintained at all times. Please review and present further details.

To conclude

The property is located on the fringe of the Whalley Range Bazaar Area. The existing parking in the adjacent streets is fully saturated. It is recognised that the site is sustainable, however not all visitors will be from the immediate area, as the bazaar does attract visitors from a wider area and also from outside the borough.

There are ongoing issues with the highway network in the immediate locality, this has culminated in joint departmental investigations being undertaken, involving the Police, Neighbourhood Teams, traffic and parking. The attached emails represent their concern on both inherent parking and congestion on Whalley Range close to this site.

We would offer strong reservation to the application, however we would give the applicant the opportunity to respond to the above concerns before issuing a formal decision.

6.2 Public Protection

- 6.2.1 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:

Comment: Noise Nuisance Loss of Amenity

The EP unit has an on-going noise nuisance investigation that relates to alleged nuisance arising at the Brookhouse Business Centre car park and Whalley Range. Recent planning applications (10/22/0920 & 10/22/1004) for eateries have been assessed with these complaints in-mind. Consequently, a precautionary approach has been taken in respect of hours of use at these premises; I have recommended limiting evening opening hours to 20:00hrs. I note that the above mentioned applications were approved with hours of use upto 23:00hrs. Clearly, for planning reasons, this is considered to be the appropriate closing time for these eateries. However, I am still minded to advise a precautionary approach to opening hours. I would suggest a temporary period of approved use upto 23:00hrs so that the EP investigation can determine any serious adverse amenity impact arising from customer noise in the car park & at Whalley Range.

Condition – Temporary Hours of Use Restriction (to be reviewed)

The approved use shall be restricted to the following times:

Monday to Friday: 09:00 – 23:00 hours

Saturdays/Sundays: 10:00 – 23:00 hours

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

Reason

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

Floodlighting

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

Condition – Floodlighting (as appropriate)

An outdoor floodlighting scheme shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The floodlights shall be installed in accordance with the agreed scheme and retained for the duration of the approved use.

Reason

To minimise potential loss of amenity due to intrusive light pollution affecting residents.

Informative:

When assessing potential loss of amenity the Local Authority shall make reference to the lighting levels provided in 'Guidance Notes for the Reduction of Obtrusive Light' GN01 produced by The Institution of Lighting Professionals, available at:

<https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2020/>
NB: The proposed development is within an E3: Medium district brightness area.

Condition – Air Quality (Small Commercial Development)

Prior to commencement of the development hereby approved, a scheme for the provision of charging points for low emissions vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to commencement of the proposed use and retained thereafter.

Reason: In accordance with Policy 36 of the Blackburn with Darwen Borough Local Plan Part 2 and Paragraph 110 of the National Planning Policy Framework 2019, which states that developments should be designed to enable charging plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. This condition implements the requirements of Council's Air Quality PAN and the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality. These are readily achievable mitigation measures that reflect current good practice and help to reduce the cumulative impact of current and future developments.

Informatives:

Informative: Roller Shutters

Roller shutter(s) fitted to a shop window &/or door must NOT cause a noise nuisance at residential premises during opening/closing operation of the shutter(s) in accordance with the Environmental Protection Act 1990. Electrically operated shutters are recommended.

Informative - Construction/Demolition Noise

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

Informative – Asbestos Control

Any application site demolition works must not cause a public health risk arising from any asbestos containing materials at the site. Full compliance with the Control of Asbestos

Regulations 2012 and British Standard (BS) 6187: 'Code of practice for full and partial demolition' is essential.

6.3 Cleansing

6.3.1 No objections.

6.4 Public Health

6.4.1 No formal objection, but concerns expressed about the potential cumulative health impacts of such uses in this area:

Public health are concerned to see another food establishment offering food and drink high in fat, salt and sugar in an area which already has a high number of hot food takeaways, desert bars and cafes. The Bastwell and Daisyfield ward, where this establishment is located, is a deprived ward which experiences some of the poorest health outcomes in Blackburn with Darwen. Bastwell and Daisyfield has the highest number of deaths and emergency hospital admissions relating to coronary heart disease in the borough and the North primary care network area, in which this ward sits, has the highest diabetes prevalence rate in the borough. There are a number of schools and nurseries in close proximity including St Michaels and St John's (SMSJ) and Brookhouse Primary Schools which have easy access to this establishment. Almost 6 in every 10 five years olds at SMSJ (59%) and Brookhouse (57%) have decayed missing or filled teeth and half of all Year 6 pupils in these schools are overweight. All the issues highlighted here are directly related to a high consumption of food and drink high in fat, salt and sugar.

We appreciate that this type of food and drink is readily available in convenience stores but we would be keen to encourage a food environment which offers a variety of healthy options and therefore enables choice. We would strongly recommend that the owner engages with the Recipe 4 Health programme and gains this award as part of their social responsibility to residents and visitors to the area.

7. Publicity

7.1 The proposed development has been publicised through letters to 34 properties and businesses in the immediate area, and a site notice was displayed on 2nd March 2023.

7.2 As a result of this, 2 objections were received, including a petition signed by 17 signatories.

7.3 The following concerns were expressed in the letter of objection:

- Parking concerns - would cause a significant increase in traffic to the area, which would put a severe strain on the limited parking facilities already available. It would exacerbate the existing problem.
- Lack of parking enforcement.

- Amenity - Negative impact on the local community's quality of life
- Litter.

7.4 The Petition was accompanied by a covering letter. The covering letter referred to:

- Over provision and over development of Dessert bars in the Whalley Range area.
- Unacceptable impact on neighbours due to customers frequently coming and going during the morning, afternoon, and late into the night, and traffic issues and noise problems.
- The current infrastructure on Whalley Range is inadequate to cope with anymore such developments.
- The applicant fails to show how it would mitigate public health issues associated with unhealthy food.

7.5 The Petition (see Section 10) attached to the covering letter stated:

“This is a petition against the exponential rise of desert and tea shops and business in Blackburn and especially the Whalley Range area. This onslaught in the rise of business without proper planning permission is very alarming and amounts to gentrification of our community and neighbourhood. We demand a moratorium on any new business outlets as they are bringing in high levels of traffic and noise as well as litter and vermin infestations into our neighbourhood. The current infrastructure is already overwhelmed and cannot support any more businesses without thought for parking, litter and other hazards that are imported into the area.”

7.6 MP letter

7.7 In addition to the above, a letter was also received from Kate Hollern, MP, on behalf of one of her constituents (who has submitted their own objection letter, raising similar issues, referenced above) – see Section 10.

7.8 The MP letter highlights the concerns of the local resident, suggesting there are grounds for refusal based on traffic and parking issues; and an overdevelopment of dessert parlours; and sending out the message that unhealthy eating habits are acceptable.

7.9 All the matters raised have already been addressed in the body of this report.

8. CONTACT OFFICER: Tom Wiggans - Planning Officer

9. DATE PREPARED: 12th May 2023

10. SUMMARY OF REPRESENTATIONS



KATE HOLLERN MP

Constituency Office, First Floor, Community Hub,
35 Railway Road, Blackburn. BB1 1EZ
Tel: 01254 52317
Email: kate.hollern.mp@parliament.uk

Mr Martin Kelly
Strategic Director of Growth & Development
Blackburn with Darwen Borough Council
Town Hall
Blackburn BB1 7DY

9 March 2023

My Ref: KH/KH54680DT

Dear Martin

Planning application: 10/23/0163

I write on behalf of my constituent, Mr Asif Iqbal, of 140 Whalley Range, Blackburn, BB1 6NL.

Mr Iqbal has visited my office to note and express concern at another application for a dessert outlet near to his home on Whalley Range. This application has been submitted within the same period that a retrospective application was approved by Blackburn with Darwen Council's Planning and Highways Committee.

Whilst my constituent fully understands that the Council is not responsible for individuals submitting applications, and must process these according to the rules and procedures of planning law, Mr Iqbal expresses deep concern that the Whalley Range area is being perceived as a location where any application for a food outlet will be approved.

Apart from my constituent's continued concerns as regards worsening traffic and parking issues in the area Mr Iqbal once again highlights his view that by allowing more dessert outlets the Council is sending a message that unhealthy eating habits are acceptable.

It is my constituent's view that Councils can in fact bring to bear matters relating to public health when considering planning applications, and that in cases such as this there would be clear grounds for refusal on the basis of overdevelopment. Mr Iqbal noting that the situation of this outlet (which is already advertising 'opening soon' on its windows) is a matter of less than 50 metres from that which has only just been approved, considers that if anything would be classed as overdevelopment of a certain type of business this must be.

I understand that my constituent will be submitting a formal objection to the application, but on his request I am writing to set out the general points of concern about such matters.

In light of this, I would be most grateful for your comments.

With all good wishes

Yours sincerely

Objection - Mohammed Patel, 7 Brookhouse Gardens, Blackburn. Received: 20/03/2023

Dear Council,

I am writing to express my strong opposition to the recent planning permission application for the proposed development. While I appreciate the potential benefits that this development could bring to the local area, I have significant concerns regarding parking.

The proposed development would cause a significant increase in traffic to the area, which would put a severe strain on the limited parking facilities already available. As someone who lives and works in this area, I know first-hand that parking is already a significant issue, and this development would only exacerbate the problem.

I understand that the applicant has suggested alternative parking arrangements, but these are not adequate to address the concerns that I and many others have regarding parking. I believe that this development would have a significant negative impact on the local community's quality of life and must be rejected.

Despite having 'car parking' and 'waste' plans, it simply will not work without causing chaos in the area. Currently, on a daily occurrence I observe an individual walking outside of KQF, Chaiwala and Mi Chaii picking up litter at 6:30am. This should not have to be the case; it is not his job.

Furthermore, there is no sense of policing in the area resulting in a complete loss of control regarding the car parking

I hope that the voice of the neighbours are listened to and not ignored. I strongly urge you to reject this planning permission application and to prioritize the needs and concerns of the local community.

Thank you for your attention.

Regards,
Mohammed Patel,

Petition – Asif Iqbal. Received: 22/03/2023

Dear Tom

I am writing this email to object to the above planning application. The reason for this objection is over provision and over development of Dessert bars in the Whalley Range area. The Dessert bar would have an unacceptable impact on neighbours due to customers frequently coming and going during the morning, afternoon, and late into the night and traffic issues and noise problems. The current infrastructure on Whalley Range is hopelessly inadequate to cope with anymore such developments. The applicant fails to show how it would mitigate public health issues associated with unhealthy food. I attach a petition from the neighbourhood residents also objecting to this business.

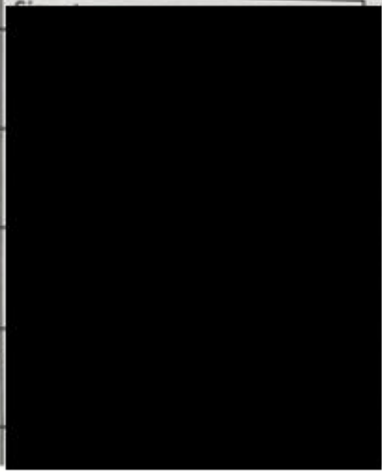
Yours Sincerely

Asif Iqbal

This is a petition against the exponential rise of dessert and tea shops and businesses in Blackburn and especially the Whalley Range area. This onslaught of the rise of businesses opening without proper planning permission is very alarming and amounts to a gentrification of our community and neighbourhood. We demand a moratorium on any new business outlets as they are bringing in high levels of traffic and noise as well as litter and vermin infestations into our neighbourhood. The current infrastructure is already overwhelmed and cannot support anymore businesses without thought for parking, litter and other hazards that are imported into the area.

Name	Address	Signature
ASIF IQBAL	140, WHALLEY RANGE	
M. GHEEWAN	10. BROOKHOUSE GARDEN	
H. Khanat	6 Brookhouse Gardens	
Abid	144 W. Range	
GHAIB	146 Whalley Range	
IRFAN	150 WHALLEY RANGE	
MUSA I. PATEL	152 WHALLEY RANGE	
SADIQ MOHAMMED	5 Brookhouse Gardens	
Acif Patel	2. Brookhouse Gardens	
Mohammed Ayaz	105 WHALLEY RANGE	
Samim Patel	7 Brookhouse Gardens	
AZAR IQBAL	9-11 Brookhouse Gardens	
M-farooq	1- Brookhouse Gardens-	

Name	Address
Rubina yesmin	8. Brook House gardens
Abubakar Siddique	8 Brookhouse gardens
EMALID KHAN .	109 WHARLEY RANGE
MOHAMMED SIDDIQUE	12 BROOKHOUSE GARDENS



DEPARTMENT OF GROWTH & DEVELOPMENT

ORIGINATING SECTION: Planning

REPORT TO: Planning & Highways Committee

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

'Retention of shed to front terrace to be used as food bank (Use Class F2)' – Ref: 10/23/0207, at

74 Queens Park Road
Blackburn
BB1 1SE

WARD: Audley and Queens Park

Councillor: Altaf Patel
Councillor: Ehsan Raja
Councillor: Salim Sidat

1.0 **PURPOSE OF REPORT**

1.1 To inform Members of the receipt of a petition objecting to a current planning application relating to the retention of shed to front terrace to be used as food bank (Use Class F2). The application premises is 74 Queens Park Road, Blackburn, BB1 1SE.

1.2 The application is submitted by Mr Mohammed Kathrada.

2.0 **BACKGROUND AND DETAILS**

2.1 The planning application (Ref: 10/23/0207) was received by the Council on 12th March 2023, and was subsequently validated on 05th April 2023. 8 notification letters were sent to the neighbours of the closest adjacent properties. The statutory 21 day consultation period expired on 28th April 2023 for those letters. A site notice was also displayed outside of the site on 17th April 2023, which expires on 12th May 2023.

2.2 The petition was received by the Council on 26th April 2023. The petition objects to the application. The objections received within the covering letter principally concern visual implications due to the siting of a shed within a front terrace, potential disturbance from comings and goings, the presence of highways obstructions, and increased littering. Allegations are also made regarding the sale of products from the foodbank. The petition contains 25 signatures, which have been provided by residents of nearby addresses. The petition and covering letter are appended to this report. Reference is made to

a further petition yet only one version has been received objecting to the application.

- 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. Once finalised, the Officer Report will be forwarded to the Committee Chairman to clarify whether or not the application should be referred to Planning and Highways Committee for determination. The statutory 8 week determination period expires 30th 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 10/23/0207.

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

- 6.0 **DATE PREPARED:** 11th May 2023

Mrs Kulsum Begum

70 Queen's Park Road,

Blackburn,

BB1 1SE.

Reference: 10/23/0207

Regarding Charity Stall on Queen's Park Road

Dear Christian Barton,

I am e-mailing you regarding the charity stall/business which is being run from this property. The issues the community have noticed are as follows:

- Increased traffic from people driving to visit the property, which has resulted in anti-social parking.
- It is no longer a small community endeavour: there is now a business van and the business is also selling numerous goods which are distinctly not related to charity (given an example).
- The business is open until 23:00.
- There have been issues of drunk people and/or drug users attending the property, waiting for food to be put out.
- The pavement is partially blocked owing to the stall set out.
- The shed which has been erected is unsightly, and is not in-line with other properties in the area.
- There has been an increase of litter with people picking up food from the stall and throwing it in the street: bread packets and other items from the business have been found in the park and in the local area. This has also resulted in an increase in rats scavenging food.

I am unclear why the charity cannot be run from a more suitable local premises: the Adult Learning Centre, Audley Community Centre and Nurul Islam Mosque are all in close proximity.

I trust you can look into the above concerns. Whilst I appreciate the good intention behind the initial charity endeavour, it is evident it has outgrown the premises and as it stands, it is effectively a shop being run on the front garden, extending onto the street.

Kind Regards,

Mrs Kulsum Begum

Signed: 

Date: 22-4-23

TOWN AND COUNTRY PLANNING ACT 1990

Petition against Full Planning Application (Retrospective) Proposal: Retention of shed to front terrace to be used as food bank (Use Class F2) Location: 74 Queens Park Road, Blackburn, BB1 1SE.

Date: 23/4/23

Full Name: [REDACTED]

Address: 95 Queens Park Road, Blackburn, BB1 1SE.

Date: 23/4/23

Signature: [REDACTED]

Full Name: [REDACTED]

Address: 86 Queens Park Road, Blackburn, BB1 1SE.

Date: 23/4/23

Full Name: [REDACTED]

Address: 84 Queens Park Road, Blackburn, BB1 1SE.

Date: 23/4/23

Signature: [REDACTED]

Full Name: [REDACTED]

Address: 80 Queens Park Road, Blackburn, BB1 1SE.

Date: 23/04/23

SIGNATURE [REDACTED]

Full Name: [REDACTED]

Address: 124 Queens Park Road, Blackburn, BB1 1SE.

Date: 23.04.2023

Petition against Full Planning Application (Retrospective) Proposal: Retention of shed to front terrace to be used as food bank (Use Class F2) Location: 74 Queens Park Road, Blackburn, BB1 1SE.

Date: _____

Full Name: [Redacted]

Address: 89 Queens Park Road, Blackburn, BB1 1SE.

Date: 22/4/23

Signature: [Redacted]

Full Name: [Redacted]

Address: 116 Queens Park Road, Blackburn, BB1 1SE.

Date: 29-4-23 [Redacted]

Full Name: [Redacted]

Address: 96 Queens Park Road, Blackburn, BB1 1SE.

Date: 22-4-23 [Redacted]

Signature: [Redacted]

Full Name: [Redacted]

Address: 88 Queens Park Road, Blackburn, BB1 1SE.

Date: 24/4/23

[Redacted]

Full Name: [Redacted]

Address: 12 Queens ~~Bank~~ Road, Blackburn, ~~BB1~~1SE.

Date: 24/4/23 [Redacted]

TOWN AND COUNTRY PLANNING ACT 1990

Petition against Full Planning Application (Retrospective) Proposal: Retention of shed to front terrace to be used as food bank (Use Class F2) Location: 74 Queens Park Road, Blackburn, BB1 1SE.

Date: _____

Full Name:

[Redacted]

Address: 103 Queens Park Road, Blackburn, BB1 1SE.

Date: _____

Signature: _____

Full Name:

[Redacted]

Address: 107 Queens Park Road, Blackburn, BB1 1SE.

Date: _____

Full Name:

[Redacted]

Address: 118 Queens Park Road, Blackburn, BB1 1SE.

Date: 23.04.23

Signature: _____

Full Name:

[Redacted]

Address: 90 Queens Park Road, Blackburn, BB1 1SE.

Date: 23-4-23

Full Name:

[Redacted]

Address: 108 Queens Park Road, Blackburn, BB1 1SE.

Date: 23-4-23

* Did not sign.
he says he sign first
petition nothing been done *

* On holiday sign on
first petition

TOWN AND COUNTRY PLANNING ACT 1990

Petition against Full Planning Application (Retrospective) Proposal: Retention of shed to front terrace to be used as food bank (Use Class F2) Location: 74 Queens Park Road, Blackburn, BB1 1SE.

Date: 23/4/2023

Signature: [Redacted]

Full Name: [Redacted]

Address: 100 Queens Park Road, Blackburn, BB1 1SE.

Date: 23/4/2023

Full Name: [Redacted]

Address: 102 Queens Park Road, Blackburn, BB1 1SE.

Date: 23/04/23

Signature: [Redacted]

Full Name: [Redacted]

Address: 74 Queens Park Road, Blackburn, BB1 1SE.

Date: _____

Full Name: [Redacted]

Address: 121 Queens Park Road, Blackburn, BB1 1SE.

Date: 23-4-23

Signature: [Redacted]

Full Name: [Redacted]

Address: 119 Queens Park Road, Blackburn, BB1 1SE.

[Redacted]

TOWN AND COUNTRY PLANNING ACT 1990

Petition against Full Planning Application (Retrospective) Proposal: Retention of shed to front terrace to be used as food bank (Use Class F2) Location: 74 Queens Park Road, Blackburn, BB1 1SE.

*

Date: 23/09/2023
Signature: [Redacted]
Full Name: [Redacted]
Address: 126 Queens Park Road, Blackburn, BB1 1SE.

Date: _____
Full Name: [Redacted]
Address: 123 Queens Park Road, Blackburn, BB1 1SE.

Date: 22/4/2003
Signature: [Redacted]

TOWN AND COUNTRY PLANNING ACT 1990

Petition against Full Planning Application (Retrospective) Proposal: Retention of shed to front terrace to be used as food bank (Use Class F2) Location: 74 Queens Park Road, Blackburn, BB1 1SE.

Date: 23/4/2023
Full Name: [REDACTED]

Address: 98 Queens Park Road, Blackburn, BB1 1SE.
Date: _____

Signature: _____
Full Name: [REDACTED]

Address: 117 Queens Park Road, Blackburn, BB1 1SE.
Date: 24.4.23

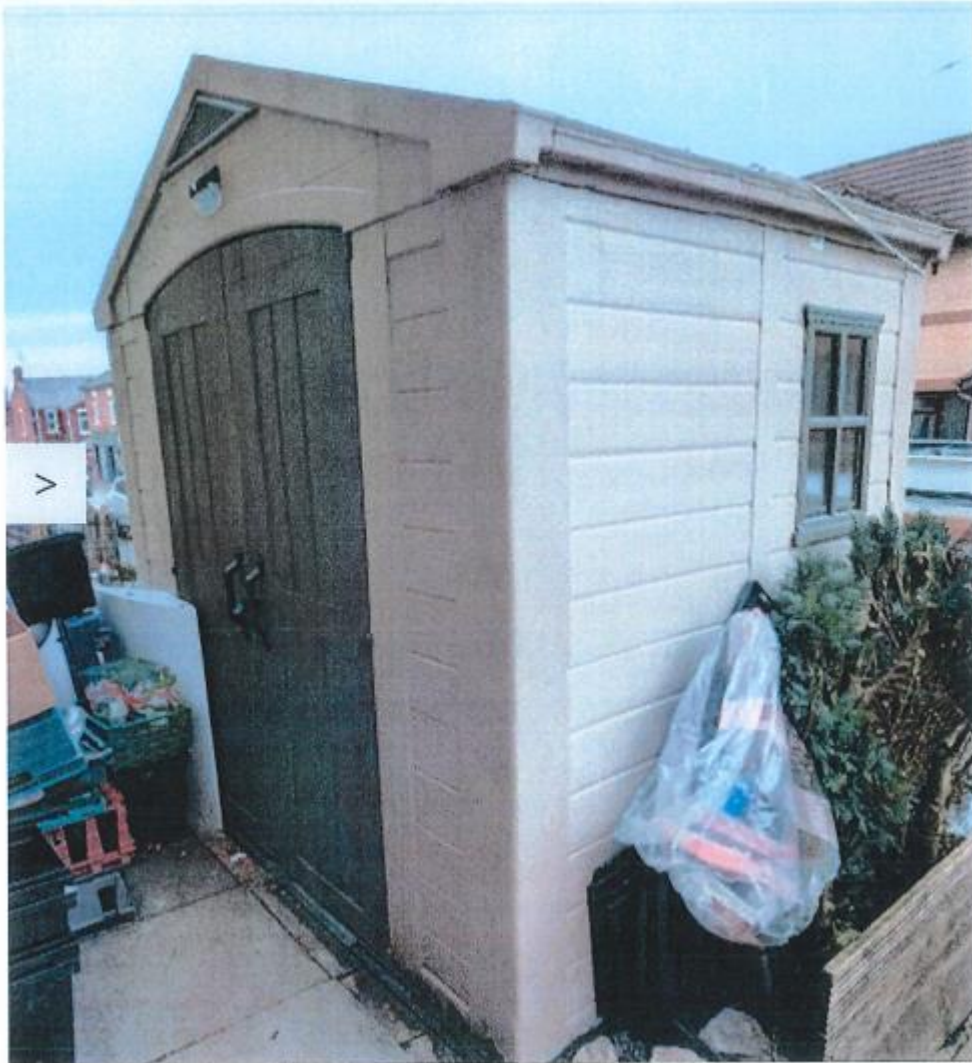
Full Name: [REDACTED]

Address: 112 Queens Park Road, Blackburn, BB1 1SE.
Date: 24-4-23

Signature: [REDACTED]

Full Name: [REDACTED]

Address: 122 Queens Park Road, Blackburn, BB1 1SE.
Date: 24/4/23







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:

'Retention of shed to front terrace to be used as food bank (Use Class F2)' – Ref: 10/23/0207, at

74 Queens Park Road
Blackburn
BB1 1SE

WARD: Audley and Queens Park

Councillor: Altaf Patel
Councillor: Ehsan Raja
Councillor: Salim Sidat

1.0 **PURPOSE OF REPORT**

1.1 To inform Members of the receipt of a petition supporting a current planning application relating to the retention of shed to front terrace to be used as food bank (Use Class F2). The application premises is 74 Queens Park Road, Blackburn, BB1 1SE.

1.2 The application is submitted by Mr Mohammed Kathrada.

2.0 **BACKGROUND AND DETAILS**

2.1 The planning application (Ref: 10/23/0207) was received by the Council on 12th March 2023, and was subsequently validated on 5th April 2023. 8 notification letters were sent to the neighbours of the closest adjacent properties. The statutory 21 day consultation period expired on 28th April 2023 for those letters. A site notice was also displayed outside of the site on 17th April 2023, which expires on 12th May 2023.

2.2 The petition was initially received by the LPA on 2nd May 2023. The petition supports the application. The comments received generally support the services offered by the food bank to the community. Sheets containing 115 signatures were initially received, which have been provided by residents and occupants of nearby addresses. Additional sheets were subsequently received on the 5th, 9th and 11th May, containing a further 89 signatures, which brings the total to 204. The petitions and covering letter are appended to this report.

2.3 The grounds of support are summarised as:

- Great need for the foodbank due to food poverty and cost of living crisis;
- Project been running since Covid pandemic;
- Project run by volunteers

2.4 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. Once finalised, the Officer Report will be forwarded to the Committee Chairman to clarify whether or not the application should be referred to Planning and Highways Committee for determination. The statutory 8 week determination date expires 30th 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 10/23/0207.

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

6.0 **DATE PREPARED:** 11th May 2023



Blackburn with Darwen Youth Awareness Project
74 Queens Park Road
Blackburn
Lancashire
BB1 1SE

04/05/2023

**Covering letter Blackburn with Darwen Youth Awareness Project – Community Fridge
Shed planning reference: 10/23/0207**

Intro -The Shed – The shed has been put up to stock surplus foods rescued from branded supermarkets within Blackburn and Darwen and Lancashire-wide that would usually be thrown into waste when stores close, the surplus foods are made up of Breads, fruits, vegetables, and at times ready meals that have passed their best before date on the night of collection. These foods are checked and stored in crates and covered inside the shed overnight, for security, health, and safety purposes including hygiene. The shed also has chilled cooler boxes to temporarily store any ready meals overnight should the project collect any.

During the day, in the morning the project has a rota of volunteers with a minimum 2 volunteers and a maximum of 3, Volunteers are women who are residents from Audley and Queens Park wards, Volunteers are trained up to Level 2 food hygiene and safety qualification.

The volunteers, prepare the foldable plastic food counters to be placed outside of the garden beside the property fence, usually two plastic counters are placed, or two counters and one table to place vegetable crates. During the time of preparation no public or service users are allowed to come and wait on the public footpath or on the property door step, the lead volunteer would otherwise ask them to come back at an allocated time, the setting of the food counters can take anywhere from 10mins to half an hour set-up, depending on the volume of surplus foods received.

Once set up and food has been placed inside the counters or on the table, the counters are open to the general public, residents, and service users to access. At least 2 volunteers are on hand to support and oversee the public accessing the counters making sure there are no or reduced single file cues, no loud chatting, or individuals loitering about. The volunteer also checks for any rubbish left on the public footpath before and after the counters are put out to ensure no wrapping, packaging, or other rubbish is left. At least 2 volunteers stay within the shed premise for up to an hour whilst individuals come and collect the free surplus foods for the purpose of anyone needed help, support, and information.

Usually, the food counters become empty within the first hour of the counter becoming available to the public, each service user has about 5 minutes or less to collect so those who are waiting around can also access the surplus foods. Once empty or half empty, if the project has more surplus food in the shed, this would then be put out by a volunteer. If there is no surplus, then the food counters would be taken down and put away inside the shed.

The food counters and a table is out most days, as the project collects each night, and usually by 7pm the counters are taken down Monday to Friday, during weekends by 5 pm or earlier.

Email Address: [REDACTED]

Follow us on Facebook: [REDACTED]

Tel [REDACTED]



All of our volunteers, a trained to deal with individuals with mental health issues and those affected by Drugs and Alcohol and are able to signposts for local services support, Spark Recovery, CommunityCVS, and Nightsafe for young people.

Surplus food collections – Blackburn with Darwen Youth Awareness Project – have registered with the supermarket charities surplus instore food scheme to allocate surplus from Asda and Tesco stores. The project received text alerts from 7.30 pm until 8 pm for any surplus collection request and allocated time to collect, our project collection slot is from 8.30 pm until 10 pm. We have two Volunteer drivers and food collectors who go out and collect the surplus allocated. Once collected from each supermarket surplus foods are brought back to be placed in crates and covered inside the Shed. By 10:30 pm the surplus food is stored, and the shed door is closed, the project does not operate after this time.

Food Packs – The project provides free food packs; referral is made through the social media platform and a text message to the project mobile phone for Blackburn with Darwen residents aimed at those who are moving into rented accommodation from homeless accommodations, families who are seeking refuge and asylum, individuals in safe houses who are vulnerable, elderly individuals isolated from local services, from GP surgeries and mental health and wellbeing services. The project provides an allocated time during the day for referrers and support workers to collect from the Shed, as the food packs are pre-ready meaning handover is within one minute of collection so there is no waiting time.

Project Contribution offers – The project is registered with Fareshare Recycling Lives where the project pays a membership fee to purchase Ambient items in bulk made up of tins, soft drinks, snacks, and chilled items. Every Thursday from 5 pm until 7 pm from the shed we open these products to the service users at a minimum contribution cost, the contribution raised from this activity goes towards the membership fee, fuel cost, and volunteer experiences. We have 2 volunteers supporting this activity during the allocated times ensuring there is reduced noise, queuing is small, also a quick and easy collection for individuals, The project would post on the broadcast virtual notice board through Whatsapp. The project volunteer travels to the fareshare warehouse in Preston and collects the product to bring back to the project.

Insurance, policies and procedures – Blackburn with Darwen Youth Awareness Project and all of its activities including the food project are covered by appropriate and up-to-date liability insurance under the project name this covers volunteers' and service users' policies including equipment usage.

All volunteers participating in the delivery of the food project are trained to level 2 food hygiene and are all up to date with their qualifications and learning as well as trained in conflict resolution and mental health awareness.

The project is registered with Blackburn with Darwen Council Food standard agency since we started, however because of the issue with Neighbour at No 76 and trying to sort out the shed through Planning, we have been unable to contact the Food Standard agency to check our service and provide an up to date report and rating, this will be done once the project knows the outcome from the Council Planning team on the Community Fridge Shed.

Inside Shed – Shed has been ventilated with silver bubble foils on the ceiling and walls to retain cool air and heat ensuring tins and fresh produce are correctly stored at as correct room temperature, there are 3 cooler boxes to place chilled-only items in with ice packs. There is a portable sink installed with a water storage attached, this is the one used for camping outdoor usage. There is a space area for the plastic foldable counters to be placed alongside folding tables. The is regulated with daily temperature checks ensuring all foods are okay to consume.

Email Address: [REDACTED]

[REDACTED] us on Facebook: [REDACTED]

Tel [REDACTED]



Waste including food waste – The project under the name of Mohammed Kathrada, has a waste permit issued by the council and has access to the property waste and recycling bins, any other rubbish left on a public footpath and not just from the side of food counters volunteers would collect and place in the public bins provided on the side of the street on Queens Park Road, or place in large bin bags to place in the property bin.

Food waste – any leftover food waste would be taken back to the supermarkets to be disposed of safely each night including cardboard boxes.

We, on behalf of Blackburn with Darwen Youth Awareness Project hope this cover letter provides insight into the delivery of our reduction of food waste project for our community. We asked that the planning panel takes into consideration the petitions provided, and the letter of support sent out by neighbours, residents and service users to councillors in support of this well-needed and established project. We would also encourage councillors and the planning team to come and visit our food project to see it first-hand.

Please find below photographic images of the delivery of the project in support of the planning application for the shed to stay.

Regards,

Riyaz Patel

Chairperson

Mohammed Kathrada

Treasurer

(Homeowner 74 Queens Park Road)



Please find below photographic images of the sort of support we are providing in the community in such a positive way



YAP community engagement cleaning up a land. Filled with fly-tipping bags and waste, volunteers. And YAP young people support residents to cleaner up the unused land.



YAP project engaging with children at a local Youth club at a mosque in area. Providing foods from surplus rescued food products



One of the project food counters located inside Spark Recovery Centre

Email Address: [REDACTED]
 Follow us on Facebook: [REDACTED]
 Tel [REDACTED]



One of the project food counters located inside CommunityCVS building.



The project food counters are located on Queens Park Road with residents collecting from all walks of life. Men and Women collecting.



Meet Irlene one of the project's eldest volunteer who has been assisting in the delivery of the food project and has gained Level 2 food hygiene qualification at the age of 76 years pictured in the centre alongside the female volunteer lead in the right and Sharon from Social care in the left.



@gmail.com

Te

28-04-23 - 29-04-23

Petition summary and background	Blackburn with Darwen Youth Awareness Project Community Fridge Shed – Planning Reference: 10/23/0207
Action petitioned for	We, the undersigned, are concerned residents of Blackburn with Darwen who urge our councillors to act now to prevent the BwD Youth Awareness Project Fridge Shed to be taken down, there is a great need within our community located in the Audley and Queens Park ward with regard to Food poverty and the higher rise in housing living cost. This project has been running since Covid Pandemic first start and has been highly appraised of the daily running of the project by local volunteers, children, young people and families. We Need the shed to continue operating and providing a great needed service in our community. Please Save our Community Fridge Shed.

Printed Name	Signature	Address	Comment
1	[Redacted]	47 WALTER ST, BB11 5U Blackburn	
2	[Redacted]	54, Accrington Rd Black Burn	
3	[Redacted]	91-1. Queens P. Road	
4	[Redacted]	22 Queens Park close	
5	[Redacted]	Queens RD	
6	[Redacted]	Queens RD	
7	[Redacted]	Q RD.	
8	[Redacted]	66 a P.R	
9	[Redacted]	16 Queens park close	
10	[Redacted]	2 Beacon - 1	They provide excellent service
11	[Redacted]	Communitycus	WE NEED THIS SERVICE TO PROVIDE SUPPORT FOR OUR CLIENT GROUP.
12	[Redacted]	Communitycus	Please don't take down the shed it would stop the food bank to do the good for

28/04/23

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Printed Name	Signature	Address	Comment
13	[Redacted]	45/45 Railway road, Blackburn BB1 1Z.	Please don't let this shut down. It is needed in the community
14	[Redacted]	45 railway road	It helps a large amount of people eat / survive.
15	[Redacted]	45 Railway Road	helps people with no food
16	[Redacted]	113 Sudellside street	
17	[Redacted]	45 railway road	
18	[Redacted]	45 Railway Road	Community Support.
19	[Redacted]	45, RAILWAY ROAD.	SUPPORTING THE COMMUNITY
20	[Redacted]	45 Railway Road	Provides support when no one else can
21	[Redacted]	45 railway Road.	Community support
22	[Redacted]	45 Railway Road	Community Support
23	[Redacted]	45 railway road	It is helpful for those that are struggling such as families etc.
26	[Redacted]	45 Railway road	Don't shut it down as it helps so many people who can't afford food.

20/04/23

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Printed Name	Signature	Address	Comment
25		11 Ripon St	
26		WALTER ST.	
27		33 Shear Brow	
28		179 Shearbrau	
29		22 MPV ST.	
30		3 Beale Close Blackburn	With the living costs this community fridge is vital to support homeless
31		12 Jura Street	
32		Lincoln Rd	
33		Accrington road	
34		11 LANGDEN BROOK SQ Accrington Local	This can help me so much keep it
35		Queens Road	This community fridge is a important support in the current climate
36		48 Ripon St	

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Printed Name	Signature	Address	Comment
37		46 Newport St Nelson B39 TRW	This is a great provision community relay on.
38		45 Railway road	
39		24 Randolph St	
40		22 Croasdale Square	We need this in our community.
41		37 BORFOWDALE AVE	We need this community FRIDGE
42		12 LAXEY RD	
43		Reading Close	helps those who need help.
44		OBAN DRIVE	LIFE SAVING.
45		QUEENS RD	A great way to help vulnerable people
46		52-54 Walter St	
47		200 Pringle St	Very helpful.
48		19A LAMMACK RD	Excellent service for the Community - a very selfless couple

24/04/23

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Printed Name	Signature	Address	Comment
49		84 St. MARCARET'S WLP	EXTREMELY BENEFICIAL, ESPECIALLY IN THESE TIMES
50		# 72 QUEENS PARK ROAD QUEENS	VERY HELPFUL
51		72 QUEENS PARK ROAD	OUTSTANDING WORKS
52		79 QUEENS PARK ROAD BB1 1SE	Great gifts + selection of foods. great volunteers
53		81 WALTER ST BLACKBURN BB1 1SW	BENEFITS ALL IN THE COMMUNITY WITH FOOD
54		13 CROMWELL Street	Beneficial us with the need
55		11 CROMWELL Street	Very kind and helpful
56		23 RANDOLPH STREET	Helpful when I need something urgently.
57		123 Queens Park road	Helpful
58		239 Accrington	
59		80 Q.P. Rd	Helps community + local
60		210 Pringle St	

24/04/23

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Printed Name	Signature	Address	Comment
61		304 Audley Range	
62		304 Audley Range	
63		37 ACCRINGTON ROAD	
64		54 ACCRINGTON ROAD	
65		54 ACCRINGTON ROAD	
66		54 ACCRINGTON ROAD	
67		239, auras Rd.	very useful
68		37 Queens Rd	
69		16 St Thomas St	
70		29 Queens Park.	
71		1/C QUEENS PARK ROAD	PLEASE DON'T CLOSE
72		Audley Church	This scheme BAP Project has served our community since during Covid 19

29/04/23

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Printed Name	Signature	Address	Comment
73		COMMUNITY 45 Railway Road Station.	A lot of families I work with rely on this from Sunday evening until the end of the week.
74		78 Queens Park RD	
75		640 Q.P.D. BBL 15G	
76		51 LEWIS ROAD REAR	This project has done a much better job than the council. Essential for the community.
77		Pringle street	Very helpful chaps - should continue to serve the locals
78		N/A	
79		10 APTAGEN DRIVE	-
80		31, ELLMAN CLOSE	100% SUPPORTING THE COMMUNITY. A WIN WIN!
81		22 Dunlee Drive	
82		28 Skirshaw close	
83		99, Lambeth St.	good for community
84		13 Longolthn St	very good service for the community.

29/04/23

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Printed Name	Signature	Address	Comment
85		15 EDITH ST	The community fridge has helped me immensely
86		13 EDITH ST	Very helpful.
87		35 Westgate	community fridge has been a great asset to the community
88		33, Ripon St	Very helpful
89		33, Ripon St	Very helpful
90		143 Q.P.Rd	Superb service
91		143 Q.P.Rd	Lovely service for community
92		143 Q.P.Rd	TOP Notch service
93		33 Walter St.	We are counting on this support
94		33 Walter St.	With the living cost crisis v. helpful.
95		52 Walter St.	v. helpful.
96		Homeless no fix address	Need service to serve on street.

3-24-23 - 01/04/23

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Printed Name	Signature	Address	Comment
97		SALVATION Army Homeless	The YAP Project Form a service that salwinn can stream to them.
98		Salvation Army Homeless	Please dont stop the shed.
19		Salvation Army on site	Why do you want to stop the good thing.
100		71 Chester Close BOPRE	For us its very benefit, in time of increasing prices of everything
101		6 Kingsmead	Very beneficial for the community
102		12 Phyl Avenue	Kind people, very helpful for the community. THEY NEED YOU!!!
103		Phyl Avenue	Very good people, very helpful
104		ERT Park Rd.	Lovely people Excellent support to the community.
105		19 Woodlands Ct	Lovely people Excellent to community
106		Woodlands Close	Helpful in community, help Red Army consistently friendly community
107		25 Moor St	Excellent service for the community.
108		29 Woodlands Close	Very supportive and lovely service
109		66 QUEEN PARK ROAD	

01-05-23 - 02-05-23

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Printed Name	Signature	Address	Comment
113		Nightsafe	This is a well needed provision for families that young people - one of the most deprived areas of Blackburn
114		34 Walsh Street, 81 Burn.	deprived area
115		6 St Gabriel's Av	This area is in need of more support with the col crisis
116		48 Hastings Close	Helps the community out alot with cost of living.
117		60 Hastings Close	Helps Everyone.
118		48 Hastings Close	Very helpful
119		64 Queens Rd	Thank you
120		60 Hastings	Great help.
121		110 Queen's Park Road	BEAST
122		24 William St	Dont stop this project
123		24 William St	This is a great project
124		152 Abraham St.	Cost of living is very high. This communit really helps

02-03-28 - 03-05-28

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Printed Name	Signature	Address	Comment
125	[Redacted]	1 Campbell place Blackburn	This is such a vital in helping poor families + saving waste
126	[Redacted]	120 Lincoln Rd, Blackburn	This is a great service for families during this time
127	[Redacted]	120 Lincoln Rd, Blackburn	Vital during this cost of living crisis - helping poor families
128	[Redacted]	4 Skye crescent	This helps families and others for many years
129	[Redacted]	4 Skye Crescent	been helping with cost of living + food security
130	[Redacted]	101 Queens Park Road	
131	[Redacted]	Queens Park Close	Helped with feeding my family with healthy ingredients
132	[Redacted]	Lambeth Street	I pick up for my elderly neighbour and it helps her pay bills
133	[Redacted]	Lammas road	being a pensioner helps me alot - this
134	[Redacted]	Lammas road	
134	[Redacted]	Pringle Street	I manage 3 to 4 meals a week with this help.

03-05-28

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Printed Name	Signature	Address	Comment
135	[Redacted]	97 WALTERST	
136	[Redacted]	BILLINGE STREET	
137	[Redacted]	BILLINGE ST. BB11LE	
138	[Redacted]	QPR. BB11SE	
139	[Redacted]	THORN HILL CLOSE BB11Yg	
140	[Redacted]	0, QUEENS PARK RD	
141	[Redacted]	4 QUEENS PARK RD.	
142	[Redacted]	1 Cromwell Street	
143	[Redacted]	57 Pringle Street	
144	[Redacted]	Wood Lands close	
145	[Redacted]	Wood lands close	

04-05-25

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Printed Name	Signature	Address	Comment
		85 QUEENS Park road	very helpful to the community
		" "	
		" "	Caring + concentrate to people in need
		" "	Helpful to everyone and provide's excellent service
		Spark Recovery	We need the food shed and cover its food for some low
		spark recovery	This is a some heads for me as I struggle with anxiety and depression this has been
		Spark Recovery	Great Place to visit, Support straight away
		SPARK Recovery	THIS Service IS NEEDED AT SPARK.
		Spark Recovery	
		Spark Recovery	
		Spark Recovery	

04-05-25-05-2022

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Printed Name	Signature	Address	Comment
		38 back Hag Lane Nr BB1 9AD	No Objection
		3 ST JAMES ST	NO OBJECTIONS
		Buttenside cle	NO objection
		30 Sunnyside Drive	no objection
		16 wild Mall	w o objection
		4 Sky Crestant	w o objection
		3, St James St	"
		3, St James St	"
		3 St James Street	"
		50 Mulberry Ave	"
		29 Laxey Rd	No objection
		8 Tever Rd	"

05-05-23 - 06-05-23

Petition summary and Background Blackburn with Darwen Youth Awareness Project Community Fridge Shed - Planning Reference: 10/23/0207

Action petitioned for We, the undersigned, are concerned residents of Blackburn with Darwen who urge our councilors to act now to prevent the BwD Youth Awareness project Fridge Shed to be taken down, there is a great need within our community located in the Audley and Queens Park ward with regard to Food poverty and the higher rise in housing living cost. This project has been running since Covid Pandemic first started and has been highly appraised of the daily running of the project by local volunteers, children, young people, and families including local mental health and wellbeing services. We Need the shed to continue operating and providing a greatly needed service in our community. Please Save our Community Fridge Shed.

Printed Name	Signature	Address	Comment
[Redacted]	[Redacted]	313 Pringle St	The community shed help save lives
[Redacted]	[Redacted]	35 Devon Road	The community shed help ppl
[Redacted]	[Redacted]	111 Palmvir Road	The shed saves lifes
[Redacted]	[Redacted]	111 Palmvir Road	The shed is helping many families
[Redacted]	[Redacted]	18 Cedar Avenue	Keep the shed as it is saving lives
[Redacted]	[Redacted]	18 Cedar Avenue	The shed is doing a great job
[Redacted]	[Redacted]	6 Pender Drive	We need this shed and please don't let it be closed
[Redacted]	[Redacted]	54 Water Street	Please don't let the shed be closed
[Redacted]	[Redacted]	12 Queens Park Road	Direct support, good value and money well in community
[Redacted]	[Redacted]	14 Queens Park Road	Please save this shed
[Redacted]	[Redacted]	12 Queens Park Road	It has saved many lives and will save more

Petition summary and background Blackburn with Darwen Youth Awareness Project Community Fridge Shed - Planning Reference: 10/23/0207

Action petitioned for We, the undersigned, are concerned residents of Blackburn with Darwen who urge our councilors to act now to prevent the BwD Youth Awareness Project Fridge Shed to be taken down, there is a great need within our community located in the Audley and Queens Park ward with regard to Food poverty and the higher rise in housing living cost. This project has been running since Covid Pandemic first start and has been highly appraised of the daily running of the project by local volunteers, children, young people and families. We Need the shed to continue operating and providing a great needed service in our community. Please Save our Community Fridge Shed.

	Address	Comment
180	2 Shekford Close BB12 1JP	Please don't shut this down its needed so bad
181	19 St Georges Lane BB2 4PH	Charity is need most now!
182	31 Burg Street	It helps people
183	27 The Emergents BB2 5AN	People need feeding
184	27 The Emergents BB2 5AA	Its a good cause
185	64 Shorrick Lane	
186	2 Skye Crescent BB1 2JW	Makes such a big difference to the community which is still struggling
187	2 Skye Crescent BB1 2JW	what a diff that project has made to help us as a family get fresh fruits etc as well as helping others
189	4 Skye Crescent	People need this its a great project
190	103 Piccadilly Lane	Helps people that don't get help they need
191	Tydene, pot house lane	Good cause that helps to good unfortunate people who need a help
192	11 Scott Close	
193		

05-25-2020

Petition summary and Background	Blackburn with Darwen Youth Awareness Project Community Fridge Shed – Planning Reference: 10/23/0207
Action petitioned for	We, the undersigned, are concerned residents of Blackburn with Darwen who urge our councilors to act now to prevent the BwD Youth Awareness project Fridge Shed to be taken down, there is a great need within our community located in the Audley and Queens Park ward with regard to Food poverty and the higher rise in housing living cost. This project has been running since Covid Pandemic first started and has been highly appraised of the daily running of the project by local volunteers, children, young people, and families including local mental health and wellbeing services. We Need the shed to continue operating and providing a greatly needed service in our community. Please Save our Community Fridge Shed.

Printed Name	Signature	Address	Comment
[Redacted]	[Redacted]	Accy Road Community Centre	The Shed helps our Parents all the time. Good service to us.
[Redacted]	[Redacted]	Accy Road Community Centre	Needs done for the shed. Do not let it go!
[Redacted]	[Redacted]	Accrington Road Community Centre	Down street or project
[Redacted]	[Redacted]	Accrington Road Community Centre	
[Redacted]	[Redacted]	Accrington Park Community Centre	Great service. Good vol. Had no issues.
[Redacted]	[Redacted]	Accrington Road Community Centre	The shed is good for health in the community.
[Redacted]	[Redacted]	Accrington Road Community Centre	
[Redacted]	[Redacted]	Accrington Road Community Centre	This project is a great one and as seen by the good service. Do not close.
[Redacted]	[Redacted]	Volunteer Centre	YAP provides a good service in community.
[Redacted]	[Redacted]	Volunteer Centre	Helps with services in community.
[Redacted]	[Redacted]	Volunteer Centre	The project has been a great asset in Blackburn with Darwen Community. Don't close.