

Public Document Pack

Planning and Highways Committee

Thursday, 15th June, 2023

6.30 pm

Meeting Room A, Blackburn Town Hall

AGENDA

- | | | |
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5.	National Planning Performance Tables	
	To present Members with an update on the recently published National Planning Performance Tables.	
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Date Published: Wednesday, 07 June 2023
Denise Park, Chief Executive

Agenda Item 2

PLANNING AND HIGHWAYS COMMITTEE

Thursday, 25 May 2023

PRESENT – Councillors, David Smith (Chair), Akhtar, Khan, Marrow, Baldwin, Desai, Imtiaz, Mahmood, McCaughran, Jackson, Patel, Whittingham (substitute for Casey) and Hardman (substitute for Slater).

OFFICERS – Gavin Prescott, Michael Green & Shannon Gardiner

RESOLUTIONS

1 **Welcome and Apologies**

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

Apologies were received from Cllr Jackie Slater who was substituted by Cllr Derek Hardman and Cllr Jim Casey who was substituted by Cllr Elaine Whittingham.

2 **Minutes of the Previous Meeting**

RESOLVED – That the minutes of the previous meeting held on 20th April 2023 be agreed and signed as a correct record.

3 **Declaration of Interest**

4 **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

4.1 **Planning Application 23/0030**

Applicant – Hippo Motor Group Ltd

Location and Proposed Development – Plot 4, Land off Millbank Road/Greenbank Terrance, Lower Darwen

Full planning application for erection of 1no unit for vehicle showroom (sui generis)

Decision under Town and Country Planning Acts and Regulations –

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

4.2 **Planning Application 23/0079**

Applicant – Blackburn with Darwen Borough Council

Location and Proposed Development – Blackburn Museum & Arts Gallery, Richmond Terrace, Blackburn, BB1 7AJ

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)

Decision under Town and Country Planning Acts and Regulations –

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

4.3 Planning Application 23/0080

Applicant – Blackburn with Darwen Borough Council

Location and Proposed Development – Blackburn Museum & Arts Gallery, Richmond Terrace, Blackburn, BB1 7AJ

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)

Decision under Town and Country Planning Acts and Regulations –

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

4.4 Planning Application 23/0143

Applicant – Blackburn with Darwen Borough Council

Location and Proposed Development – Junction of Holden Fold/Moor Lane/Chapels/Goose House Lane, Darwen

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).

Decision under Town and Country Planning Acts and Regulations –

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

4.5 Planning Application 23/0163

Speaker – Mr Iqbal (Objector)

Applicant – Annisa Asif

Location and Proposed Development – Unit 3 Brookhouse Business Centre, Whalley Range, Blackburn, BB1 6BB

Full planning application for propose change of use from training centre to dessert shop (class E) including new shop fronts

Decision under Town and Country Planning Acts and Regulations –

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

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

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

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.

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

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.

RESOLVED – That the petition be noted.

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

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

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.

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 brought the total to 204. Further signatures were received again on 19th May 2023 supporting the application bringing the total to 226. The petitions and covering letter are appended to this report.

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

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.

RESOLVED – That the petition be noted.

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed

DECLARATIONS OF INTEREST IN ITEMS ON THIS AGENDA

Members attending a Council, Committee, Board or other meeting with a personal interest in a matter on the Agenda must disclose the existence and nature of the interest and, if it is a Disclosable Pecuniary Interest or an Other Interest under paragraph 16.1 of the Code of Conduct, should leave the meeting during discussion and voting on the item.

Members declaring an interest(s) should complete this form and hand it to the Democratic Services Officer at the commencement of the meeting and declare such an interest at the appropriate point on the agenda.

MEETING: **PLANNING AND HIGHWAYS COMMITTEE**

DATE:

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

(Paragraphs 8 to 17 of the Code of Conduct for Members of the Council refer)

Material Consideration

“Material Considerations” are not limited to matters relating to amenity and can cover a range of considerations, in regard to public or private interests, provided that there is some relationship to the use and development of land.

Where it is decided that a consideration is material to the determination of a planning application the courts have held that the assessment of weight is a matter for planning judgement by the planning authority, rather than the court. Materiality is a matter of law for the Court, weight is for the decision maker. Accordingly it is for the Committee to assess the weight to be attached to each material consideration, but if a Council does not take account of a material consideration or takes account of an immaterial consideration then the decision is vulnerable to challenge in the courts.

By section 38(6) of the Planning & Compensation Act 2004 Act every planning decision must be taken in accordance with the development plan (taken as a whole) **unless material considerations indicate otherwise**. The policies and guidance contained in the hierarchy of planning documents are important material considerations and the starting point for the Committee in its assessment of development proposals and most decisions are usually taken in line with them.

However, the Committee is legally obliged to consider all material matters in determining a planning application and this means that some decisions will not follow published policy or guidance. In other words, the Committee may occasionally depart from published policy when it considers this is outweighed by other factors and can be justified in the circumstances of the particular case. Similarly, in making a decision where there are competing priorities and policies the Committee must exercise its judgement in determining the balance of considerations

The following provides a broad guide of what may and may not be material, though as with any broad guidance there will on occasions be exceptions

<u>MATERIAL:</u>	<u>NOT MATERIAL:</u>
Policy (national, regional & local)	The identity of the applicant
development plans in course of preparation	Superceded development plans and withdrawn guidance
Views of consultees	Land ownership
Design	Private Rights (e.g. access)
Visual impact	Restrictive covenants
Privacy/overbearing/amenity impacts	Property value
Daylight/sunlight	Competition (save where it promotes a vital and viable town centre)
Noise, smell, pollution	Loss of a private view
Access/traffic/accessibility	“moral issues”
Health and safety	“Better” site or use”
Ecology, landscape	Change from previous scheme
Fear of Crime	Enforcement issues
Economic impact & general economic conditions	The need for the development (in most circumstances)
Planning history/related decisions	

Cumulative impact	
Need (in some circumstances – e.g. green belt)	
Impacts upon and provision of open/amenity space	
existing use/permitted development rights/fall back	
retention of existing use/heritage issues	
fear of setting a precedent	
composite or related developments	
Off-site benefits which are related to or are connected with the development	
In exceptional circumstances the availability of alternative sites	
Human Rights Act 1998 & Equality	

Before deciding a planning application members need to carefully consider an application against the provisions of the Human Rights Act 1998.

Protocol 1 of Article 1, and Article 8 confer(s) a right of respect for a person's private and family life, their possessions, home, other land; and business assets. Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their representation, and comments,

In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Head of Growth & Development has concluded that some rights conferred by these Articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that interference is proportionate, in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. Furthermore he believes that any restriction on these rights posed by the approval of an application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Other duties have to be taken into account in determining planning applications for example the promotion of measures to reduce crime, the obligation not to act in a discriminatory manner and promote equality etc.

NB: Members should also be aware that each proposal is treated on its own merits!

Reasons for Decision

If members decide to go against officer recommendations then it is their responsibility to clearly set out their reasons for doing so, otherwise members should ask for the application to be deferred in order that a further report is presented setting out the background to the report, clarifying the reasons put forward in the debate for overriding the officer recommendation; the implications of the decision and the effect on policy; what conditions or agreements may be needed; or just to seek further information.

If Members move a motion contrary to the recommendations then members must give reasons before voting upon the motion. Alternatively members may seek to defer the application for a further report. However, if Members move a motion to follow the recommendation but the motion is lost. In these circumstances then members should be asked to state clearly their reasons for not following the recommendations or ask that a further report be presented to the next meeting



BwD Council - Development Control

General Reporting

REPORT NAME: Committee Agenda.

REPORT OF THE STRATEGIC DIRECTOR OF 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: 15/06/2023

Application No	Applicant	Site Address	Ward	Application Type
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10/22/1135

Persimmon Homes
Lancaster Business Park
Caton Road
Lancaster
LA1 3RQ

Land at Roe Lee
off Ramsgreave Drive
Blackburn

Roe Lee

Variation/Removal of Condition/Minor Material Amendment for Variation of Condition Nos. 18 and 20 pursuant to planning application 10/19/0802 to update the AIA and Landscaping Scheme to allow for removal of dangerous trees and compensatory planting

RECOMMENDATION: Permits

10/23/0101

Autolab UK
Mr M Sulaman
2 Gate Street
Blackburn
BB1 3AQ

Land at Carl Fogarty Way (Plot 3)
Blackburn

Little Harwood & Whitebirk

Full Planning Application (Regulation 4) for Construction of a new car showroom (Sui Generis) with ancillary offices including the formation of a new site access, associated landscaping and car parking for staff and vehicle display

RECOMMENDATION: Permits

10/23/0111

Blackburn With Darwen Borough Council
Mrs Carol Grimshaw
10 Duke Street
Blackburn
BB2 1DH

Roe Lee Park Primary School
Emerald Avenue
Blackburn
BB1 9RP

Roe Lee

Full Planning Application (Regulation 3) for Extension to existing staff and visitor car park

RECOMMENDATION: Permits

Application No	Applicant	Site Address	Ward
Application Type			
10/23/0239			
Mrs Emma Garner 842 Livesey Branch Road Livesey Blackburn BB2 5EG	842 Livesey Branch Road Livesey Blackburn BB2 5EG	Livesey With Pleasington	
Full Planning Application for Double storey side extension, single storey rear extension and conversion of rear garage to habitable room			
RECOMMENDATION: Permits			
10/23/0243			
Fairmont PM Nassima Mogra Business First Davyfield Road Blackburn BB1 2QY	Hollins Industrial Park Hollins Grove Street Darwen	Darwen East	
Variation of Legal Agreement/S106 for Variation to S106 Agreement pursuant to planning application 10/20/0107 "Hybrid planning application for Full permission for 37 dwellings including creation of a new vehicular access to the Southern end of the site and Outline permission with 'Access' (with all other matters reserved) for B1, B2, and B8 uses including alterations to the existing access to the Northern end of the site" - proposed residential units replaced by commercial unit			
RECOMMENDATION: Permits			
10/23/0277			
Kingswood Homes UK (Ltd) Kieran Blaydes 8 Bridge Court Liverpool New Road PR4 5JT United Kingdom	Former Hoddlesden Mill Johnson New Road Hoddlesden, BB3 3NT	West Pennine	
Variation/Removal of Condition/Minor Material Amendment for Variation of Condition No.1 "approved drawings" and Condition No. 4 "Boundary Treatments" pursuant to planning application 10/22/0064 "Approval of the reserved matters for the appearance, layout, scale and landscaping for the erection of 72 residential units comprising 58 detached and semi-detached dwellings and 14 apartments pursuant to application 10/21/0008" - to make amendments to: Plots 5 & 42 (set back 1m further from the road); Plots 12 & 13 (slight repositioning of plots); Plot 14 (handing of the property); Plots 20 & 21 (plots swapped and handed/incl of bin store/relocate rear stepped access); Plots 30, 65 & 69 (update to windows and door due to site levels); Boundary treatment to rear Plots 1-22 (rail up to 1.1m high across boundary); Boundary treatment to rear Plots 30-39 (addition of 800mm sleeper along rear gardens with 1.8m high acoustic fence to Plots 30-32 and 3m close boarded fence to Plots 33-39; Apartment building - updates to doors/windows/materials - structural design requirements & Building Regulations			
RECOMMENDATION: Permits			
10/23/0282			
Blackburn With Darwen Borough Council Mr Paul Fletcher The Bungalow Davyfield Road BB1 2LX United Kingdom	Former Blakewater Lodge Rest Home Swallow Drive Blackburn BB1 6LQ	Blackburn Central	
Variation/Removal of Condition/Minor Material Amendment for Variation of Conditions 2 (Electric Vehicle Charging Points), 3 (Construction Method Statement), 4 (Surface Water Drainage), 6 (Tree Protection Measures) and 8 (Approved Drawings) and removal of Conditions 1 (Commencement Date) and 5 (Ecological Mitigation) pursuant to planning application 10/20/0080 "Construction of a car park on land between Swallow Drive and Whalley Range including new vehicular access from Swallow Drive, landscaping and boundary fencing" - to all for alterations to the car parking layout and design			
RECOMMENDATION: Permits			
10/23/0284			
The Department for Education 20 Great Smith Street London SW1P 3BT	Blackburn College Blakey Moor Blackburn BB2 1LH	Blackburn Central	
Variation/Removal of Condition/Minor Material Amendment for Variation of Conditions 1 (Temporary Permission), 2 (Approved plans), 4 (Construction Method Statement), 6 (Parking layout), 7 (Scheme relating to public sewer), 8 (Scheme relating to water main) and 9 (Sustainable surface water drainage scheme) pursuant to planning application 10/22/0921 'Temporary siting of modular accommodation for education use during period of works for refurbishment of the Victoria Building' - to amend layout/position of the cabins and provide supplementary information relating to technical matters			
RECOMMENDATION: Permits			

Application No	Applicant	Site Address	Ward
Application Type			
10/23/0377			
Blackburn with Darwen Borough Council Community Safety Team 3rd Floor Old Town Hall King William Street Blackburn BB1 7DY	Shadsworth Leisure Centre Shadsworth Road Blackburn BB1 2HT	Blackburn South East	
Full Planning Application (Regulation 3) for Temporary pod accommodation (10 sleeper & 2 dining pods)			
RECOMMENDATION: Permits			

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/22/1135

Proposed development: Variation/Removal of Condition/Minor Material Amendment for Variation of Condition Nos. 18 and 20 pursuant to planning application 10/19/0802 to update the AIA and Landscaping Scheme to allow for removal of dangerous trees and compensatory planting

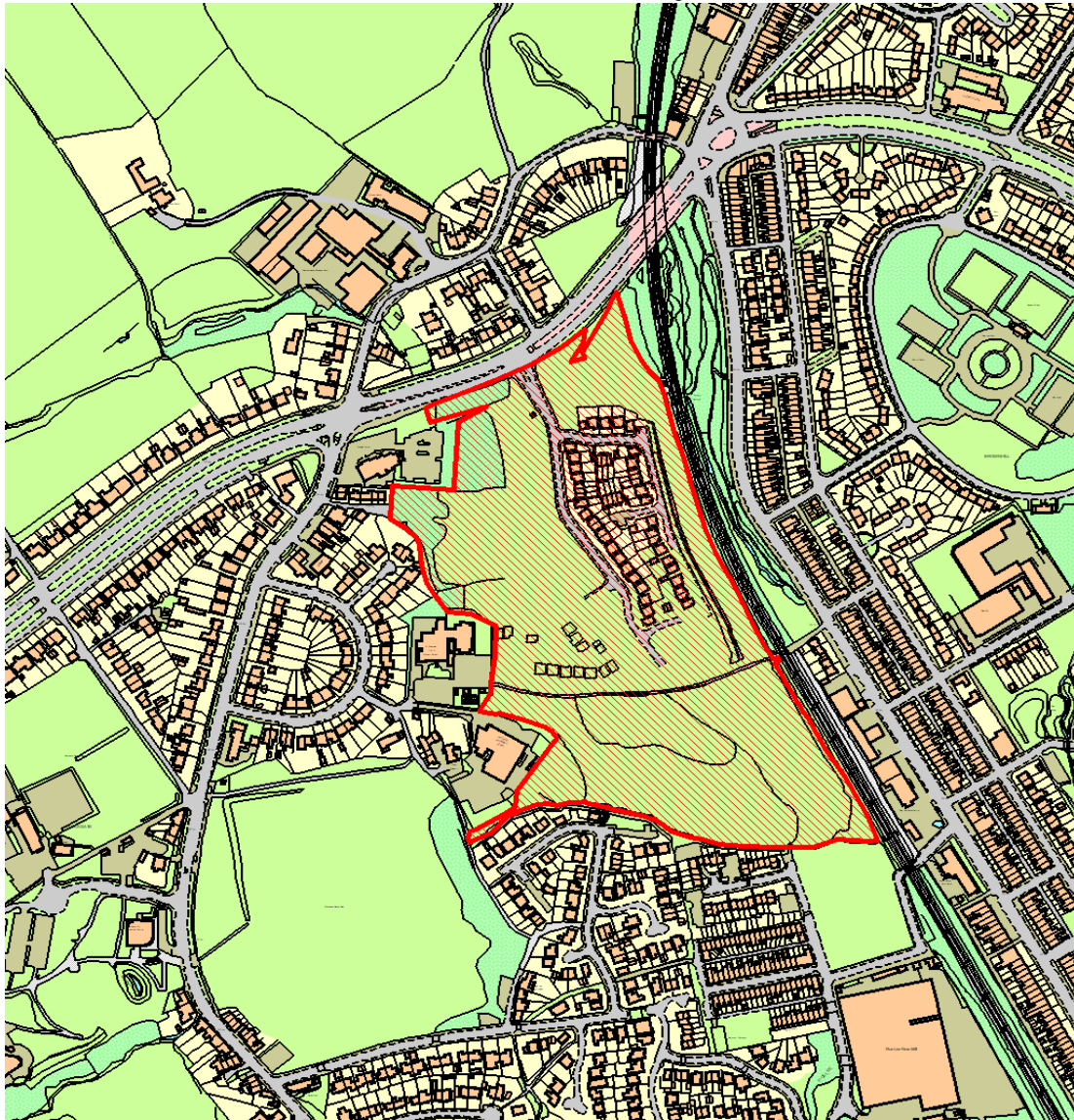
Site Address:

**Land at Roe Lee
off Ramsgreave Drive
Blackburn**

Applicant: Persimmon Homes

Ward: Roe Lee

**Councillors: Phil Riley
Sylvia Liddle
Saj Ali**



1.0 SUMMARY OF RECOMMENDATION

- 1.1 **APPROVE** subject to the amendment of conditions 18 and 20 imposed upon extant planning approval 10/19/0802.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is before the Planning & Highways Committee as it represents an amendment to a large-scale major residential planning application. The proposal seeks to amend conditions 18 (arboricultural impact assessment) and 20 (landscaping) of planning approval 10/19/0802, which itself represented a variation to planning approval 10/18/0895: "Development of 155 dwellings and associated landscaping and highways works". There are no changes to the number of units or the agreed layout.
- 2.2 The amendments represent modest changes to the previously approved development, pertaining to the removal of 3 trees within plots 122-124, 127 and 128 and the use of compensatory planting within the affected plots and adjacent to the pedestrian access from Pleckgate Road. The changes will continue to deliver a high quality bespoke housing development, which will widen the choice of family housing in the Borough, consistent with the planning strategy for housing growth as set out in the Core Strategy and Local Plan Part 2.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site forms the northern section of housing land allocation 16/3: which is referred to as the Roe Lee Development Site. The site measures 9.13 hectares and has an undulating form, rising to the north, traversed by PROW's 25, 26, 27, 28 and 31 that provide connectivity from Whalley New Road to the primary schools on the western edge of the site. The periphery of the site has a mix of 19th century terrace properties, inter and post-war semi-detached houses and a variety of modern properties on the southern edge. The eastern boundary is formed by a railway line and an A3 restaurant also lies in close proximity to the site's north west corner.
- 3.1.2 Construction of the previously approved development, as varied by planning permission 10/19/0802, has been ongoing for a number of years and is substantially complete.



Image 1 - Extract from submitted landscape masterplan of the whole development site.

3.2 Proposed Development

- 3.2.1 The current application seeks to modify conditions imposed upon the extant permission. The affected conditions are detailed below;
- 3.2.2 Condition 18: This condition details a requirement for development to proceed in accordance with agreed working practices and recommendations set out within the arboricultural method statement submitted in support of the original application.
- 3.2.3 The current proposal seeks to update the agreed method statement to provide for the removal of 3 existing trees within plots 122 to 124, 127 and 128. The trees are identified for removal due to conflicts arising from land levels and adverse impacts on future occupants due to overshadowing and the relationship between the tree canopies and the new properties.



Images 2 and 3: Affected trees within plots 122-124

- 3.2.4 Condition 20: This condition requires development to proceed in accordance with an agreed landscaping scheme, which identifies both retained vegetation and new planting
- 3.2.5 The submission provides for updated landscaping plans to replace the previously agreed plans. The proposals seek to compensate for the loss of the trees within plots 122-124 with replacement tree planting (species: *Betula utilis jacquemontii*). In addition, the landscaping scheme has also been updated with the continuation of a hedge (species: *Viburnum Opulus*) adjacent to the public footpath that links to Pleckgate Road.

3.3 Development Plan

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

3.3.2 Local Plan Part 2:

- Policy 9 – Development and the Environment

3.4 Assessment

3.5.1 Condition 18 amendment: Condition 18 of 10/19/0802 set a requirement for the development to proceed in accordance with working practices and recommendations detailed within the arboricultural method statement submitted in support of the original application, 10/18/0895.

3.5.2 Through the subsequent development on site, and specifically construction of plots 122-124 and 127-128, conflicts arising from site levels and the proximity to the new housing have been identified that would cause maintenance and safety concerns to future occupants of the affected plots. Additionally, evidence of Ash die-back has also been noted within the affected group. These concerns have led to the current application which seeks to remove 4 trees, providing mitigation through replacement planting.

3.5.3 The Council's arboricultural consultant has indicated that the proposed tree works and tree removal can be justified in accordance with good arboricultural practice, subject to mitigation to offset adverse impacts on visual amenity. Accordingly, the proposal can be considered to meet the relevant requirements of Local Plan Policy 9

3.5.4 Condition 20 amendment: Condition 20 of 10/19/0802 detailed the requirement for development to proceed in accordance with agreed landscaping plans. The agreed plans identified both retained trees and supplementary planting.

3.5.5 The proposed tree removal, identified above in relation to condition 18, also has ramifications for the previously agreed landscape proposals controlled by condition 20. It is proposed to offset the loss of the trees within plots 122-124 and 127 with replacement planting of heavy standard *Betula utilis jacquemontii*. Furthermore, to offer additional enhancements, it has also been agreed that supplementary planting of native hedging, *Viburnum Opulus*, shall be introduced adjacent to the green space adjoining the pedestrian link to the site from Pleckgate Road.



Image 4: Excerpt from landscape plan detailing location of new planting

3.5.6 The proposed level of planting and chosen species have resulted from dialogue between the developer, planning section and arboricultural consultants acting for both parties. Furthermore, given the ratio of planting, the proposals are consistent with Policy 9 (part 14) which indicates that where tree removal can be justified planning conditions will require an equivalent number or more trees to be planted on or near the site.

4.0 RECOMMENDATION

That delegated authority is given to the Strategic Director of Growth & Development to approve planning permission, subject to the amendment to the wording of the previously imposed planning conditions:

Condition 18

The development hereby approved shall be undertaken in accordance with the working practices and recommendations set out in in the arboricultural impact statement (Amenity Tree Care: ref version 2 – 10.11.2022), submitted 30th November 2022, and the 'Compliance Statement', received 15th May 2023, unless alternative working practices are approved in writing by the Local Planning Authority.

REASON: To ensure the proposal safeguards ecological features and protected species in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2 and the National Planning Policy Framework.

Condition 20

The development hereby approved shall be undertaken in accordance with the landscape plans ref: LDS433-01G; LDS433-02G; LDS433-03G; LDS433-04G, and Landscape Specification ref LDS433(g)-LS, received 15th May 2023. Trees and shrubs shall be planted on the site in accordance with the landscaping scheme during the first available planting season. Trees and shrubs dying or becoming diseased, removed or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs. REASON: To ensure that there is a well laid scheme in the interests of amenity in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

5.0 PLANNING HISTORY

- 5.1 10/18/0895 - Development of 155 dwellings and associated landscaping and highways works (Approved December 2018).
- 5.2 10/19/0279 - Erection of temporary sales cabin for 6 months and associated works (Approved July 2019).
- 5.3 10/19/0389 - Discharge of Condition Nos 2, 3, 4, 5, 7, 9, 10, 21 pursuant to planning application 10/18/0895 (Approved November 2020).
- 5.4 10/19/0606 - Discharge of Condition Nos 8, 13, 14 and 15 pursuant to planning application 10/18/0895 (Approved September 2020).
- 5.5 10/19/0802 - Variation of Condition No.29 pursuant to planning application 10/18/0895 - replace drawing no: RLB:PL01 Rev with drawing no: RLB: PL01 Rev F - for addition of a sub-station and revised and additional footpaths (Approved September 2020).
- 5.6 10/20/0404 - Non-material amendment pursuant to planning application 10/18/0895 - reorientation of Plot 83 due to location of cable. (Approved September 2020).
- 5.7 10/21/0095 - Non Material Amendment pursuant to planning application 10/18/0895 'Development of 155 dwellings and associated landscaping and highway works' to amend positioning of bay window for plots 1 and 83 (Approved March 2021).

- 5.8 10/21/1031 - Non-material amendment pursuant to planning application 10/18/0895 "Development of 155 dwellings and associated landscaping and highways works" - amendment of surface treatment plan for drives, changing to brindle red block paving on private driveways (Approved December 2021).
- 5.9 10/22/0491 - Variation of condition No. 29 pursuant to planning application 10/19/0802 - to amend house types on plots 51-90 (Withdrawn).

6.0 CONSULTATIONS

- 6.1 Public Consultation: A press notice has been issued and site notices displayed. No representations have been received.
- 6.2 Arboricultural Officer: The affected trees include one early mature Ash tree, which is displaying some symptoms of Ash die-back.

The proposed scheme has been assessed in line with guidance provided in BS 5837:2012 in order to achieve a harmonious relationship between trees and structures that can be sustained in the long term.

On balance the proposed tree removal can be agreed, subject to the compensatory planting detailed in the submission.

7.0 CONTACT OFFICER: Martin Kenny, Planning Officer

8.0 DATE PREPARED: 1st June 2023

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/23/0101

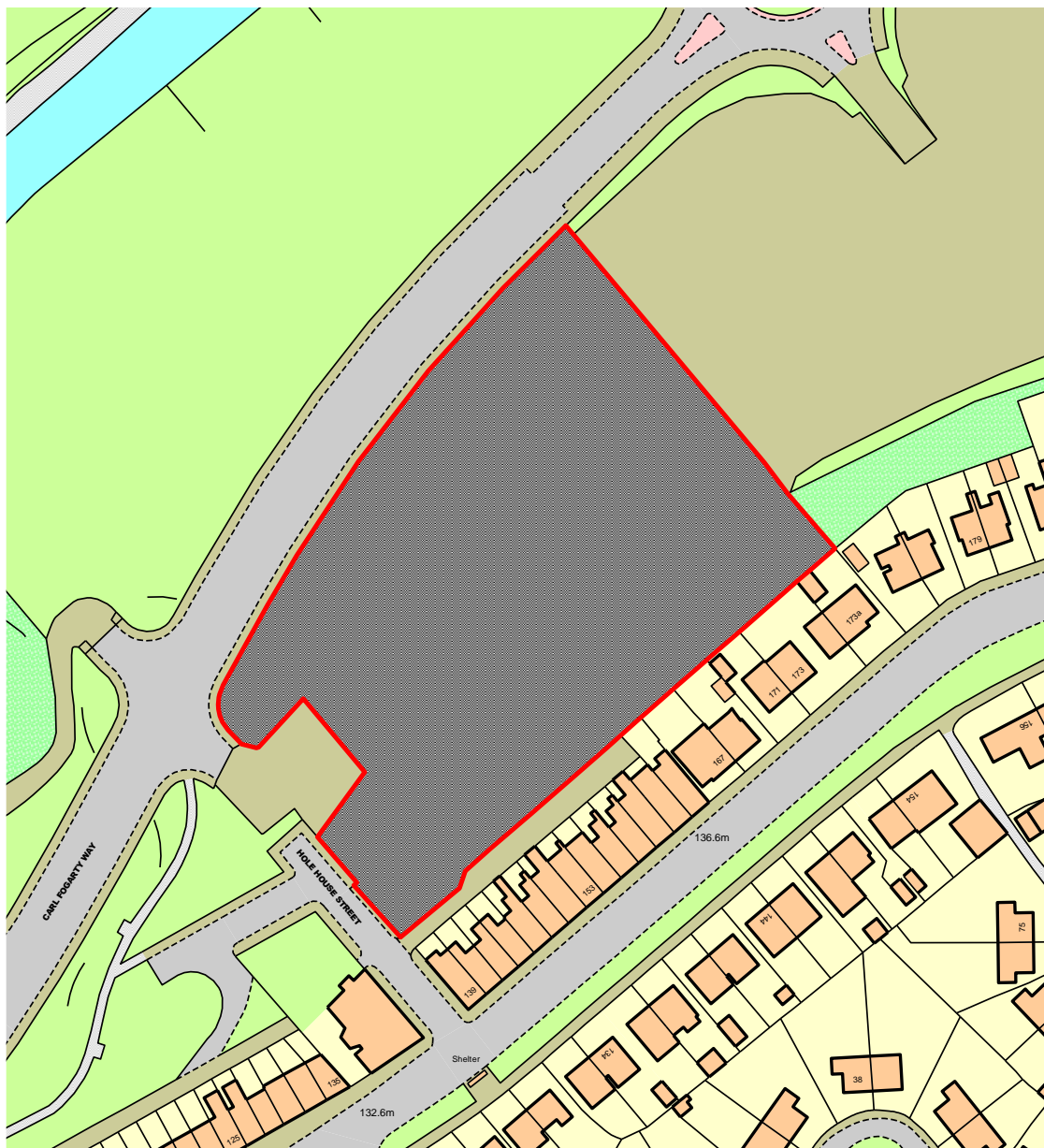
Proposed Development: Construction of a new car showroom (Sui Generis) with ancillary offices including the formation of a new site access, construction of valet garage, associated landscaping and car parking for staff/visitors and vehicle display

Site Address: Land at Carl Fogarty Way (Plot 3), Blackburn

Applicant: Autolab UK

Ward: Little Harwood and Whitebirk

Councillor Sonia Khan
Councillor Abdul Patel
Councillor Mustafa Desai



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Council's Constitution, and given that the application site is currently within the ownership of the Council.
- 2.2 The proposed development has been publicised through letters to residents and occupants of the nearest 51 adjacent properties on 29th March 2023. A site notice was displayed outside of the site on 11th April 2023. In addition, all residents and occupants were reconsulted on 24th May 2023 given the receipt of amended information. 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 new commercial/employment development and associated works, provided they constitute sustainable development and accord with the development plan when taken as a whole.
- 2.4 The proposals would deliver a two-storey car showroom (Sui Generis) with ancillary offices on the ground and first floor. The formation of a new site access, valeting garage, carpark, and associated landscaping is also proposed. The majority of the external parking area would be used for the retail display of vehicles.
- 2.5 On balance, the proposals would be satisfactory from a technical point of view, with all issues having been addressed during the course of the application process, or capable of being controlled or mitigated through appropriately worded planning conditions.
- 2.6 The key issues to be assessed in determining this application are as follows;
- Establishing the principle for development
 - Finalising the required level of financial contributions
 - Design and assessing visual amenity impacts
 - Assessing impacts on nearby heritage assets
 - Safeguarding the amenities of residential neighbours
 - Assessing highways and parking provisions
 - Assessing the potential for flood risk
 - Foul and surface water drainage considerations
 - Safeguarding nearby utilities infrastructure
 - Ensuring ecological harm is appropriately minimised
 - Assessing the potential for land contamination

- Minimising the proposals impacts on climate change and air quality
- Ensuring the potential for crime is appropriately minimised

3.0 RATIONALE

3.1 Site and Surroundings

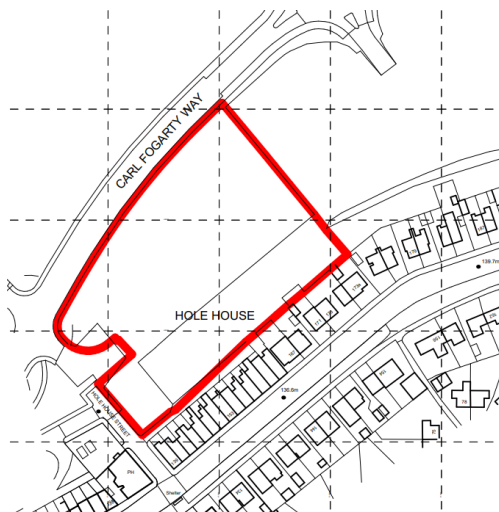
- 3.1.1 The application site is a plot of undeveloped land located within the defined inner urban area of Blackburn, the Burnley Road Primary Employment Area and the Gorse Street Employment Land Allocation. The site previously housed a mill and workshops. The site is currently enclosed by low-level timber fencing. A number of trees and shrubs intersperse various areas the site. Access is gained to the west from Carl Fogarty Way (A678), via a recently formed bellmouth access point.

Figure One – Satellite image of the site



- 3.1.2 The site covers an area of circa 2.3 acres. Dwellings along Burnley Road are positioned to the southeast with commercial land uses positioned to the northeast. Open land is positioned to the northwest and southwest. The Grade II listed Imperial Mill and canal are positioned further afield to the northwest.

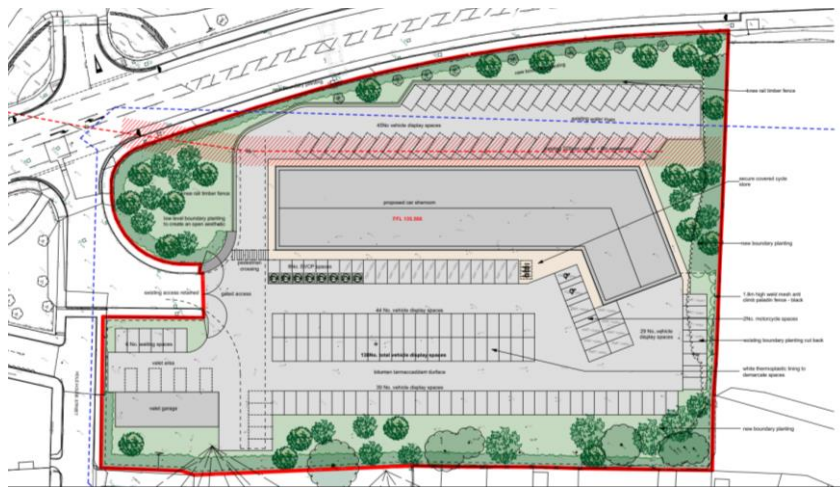
Figure Two – Location Plan showing the extent of the site



3.2 Proposed Development

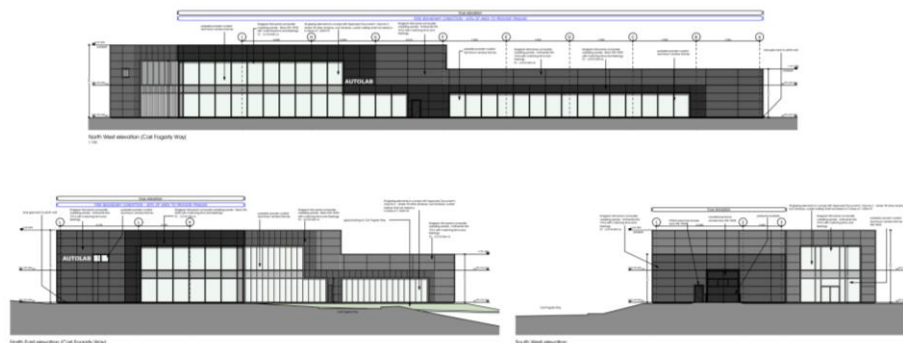
- 3.2.1 As detailed above, this application seeks full planning permission for the erection of a two-storey car showroom (sui generis). The site is currently owned by the Council and the developer was the 'Preferred Bidder' as part of the land disposal agreement. The development would comprise of a single building built in a contemporary style. A relatively large carpark area would be formed around the building, which would be accessed via a modified and gated vehicle entrance point. 138 car sales plots would be provided within that area alongside a further 29 spaces for staff and visitors. A valet garage would also be provided to the south corner of the site complete with 6 waiting spaces. Supplementary planting would be provided around the site peripheries.

Figure Three – Proposed Site Plan (amended)



- 3.2.2 2060 square metres of floorspace would be provided within the proposed showroom building and it would have a sequence of flat roofs at 6m and 9m in height. Black and grey insulated cladding would be used to externally finish the elevations with open glazed curtain wall panels serving the showroom and office areas. Four roller shutter doors would be installed to the rear elevation serving the showroom. The proposed valet garage would have a footprint of circa 19.6 square metres and a flat roof 4m in height. Black and grey insulated cladding would be used to externally finish the elevations and four sectional doors would be installed to the northwest elevation.

Figure Four – Proposed front and side elevation plans (amended)



3.3 Case Officer Site Photos



3.4 Development Plan

3.4.1 Core Strategy Part 1 (2011):

- Policy CS21: Mitigation of Impacts/Planning Gain

3.4.2 Local Plan Part 2 (adopted December 2015):

- Policy 1: The Urban Boundary
- Policy 2: The Inner Urban Boundary
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 12: Developer Contributions
- Policy 13: Employment Land Allocations
- Policy 14: Primary Employment Areas
- Policy 36: Climate Change
- Policy 39: Heritage

3.4.3 BwD Parking Standards

- Wholesale Car Sales: 1 car space per 50 sqm internal showroom area

4.0 **ASSESSMENT**

4.1 Principle of Development

- #### 4.1.1
- The site is located within the defined inner urban boundary of Blackburn, the Furthergate Phase 1 Employment Land Allocation and the Burnley Road Primary Employment Area, as detailed above. The defined urban boundaries

are the preferred locations in the Borough for all new employment and commercial development.

- 4.1.2 Regarding the requirements of Policy 13, the development would have a good relationship with the adjacent transport network as it would form part of a wider strategic initiative to develop a number of plots along a newly formed link-road. Those requirements are covered in a greater level of detail below in Section 4.6. Furthermore, the design of the scheme, potential impacts on residential properties, land contamination, and impacts on Imperial Mill are all covered below.
- 4.1.3 Regarding the requirements of Policy 14, the proposals involve the provision of a car showroom, which has a sui generis use. Such a use is not prioritised within Primary Employment Areas. That said, wider support is given for uses that do not fall within a prioritised use provided it is demonstrated that the development, in isolation or in combination with other completed or committed development, will not prejudice the maintenance and overall balance of uses within the Primary Employment Area, having regard to the overall objectives of Policy 14 to provide land for B1 (now E[g]), B2 and B8 uses.
- 4.1.4 The Burnley Road Primary Employment Area covers a relatively large piece of land between the Leeds and Liverpool Canal and Burnley Road, at circa 27 acres. With the exception of some relatively small scale retail and motor servicing premises adjacent to Burnley Road, the majority of completed development within the allocation falls within the prioritised uses. In addition, any committed development adjacent to Thornley Avenue would align with those uses.
- 4.1.5 For those reasons, and when the undeveloped nature of much of the land within the Burnley Road Primary Employment Area is taken into account, the construction of car showroom at this site would not adversely prejudice the maintenance or overall balance of uses within the allocation. It should also be noted that offices are to be provided within much of the building and such a use accords with the priorities detailed within Policy 14. The proposed development is therefore acceptable in principle, in accordance with the relevant requirements of Policies 1, 2, 13 and 14.
- 4.1.6 In accordance with the presumption in favour of sustainable development detailed in the Framework, and Policy 7, development proposals should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of the proposal are identified; subject to assessment of the following matters;

4.2 Developer Contributions

- 4.2.1 All relevant new development is expected to contribute to mitigating its impact on infrastructure and services, through s106 contributions, as per the requirements of Policy CS21. Policy 12 requires the Council to seek a financial contribution from a developers where required by policy. Those requirements are also reinforced by Policy 10 in relation to the provision of enhancements for

the transport network. In response to those requirements an amount of £60,000 (+ 1% monitoring fee) has been agreed with the developer through an s106 agreement. For clarity, the monies will be used for;

1. Improvement to the sites accessibility by active modes and public transport including the proposals to improve pedestrian and cycle crossing facilities at the Carl Fogarty Way /A6119 Whitebirk Road (Red Lion) Roundabout. – £29,000
2. Local Cycling and Walking Infrastructure Plan (LCWIP) contribution – £31,000

4.2.2 Subject to that agreement being finalised, the proposed development would be acceptable in relation to developer contributions, in accordance with Policies CS21 and 12 together with the relevant requirements of Policy 10.

4.3 Design and Visual Amenity

4.3.1 The site is positioned within an area that has a relatively varied streetscene. In general terms, Policy 11 requires all development proposals to represent a good standard of design through demonstrating an understanding of the site's wider context and making a positive contribution to visual amenity. The site occupies a prominent position in its immediate setting being positioned on open land and adjacent to a main thoroughfare. The site also forms part of one of the main gateways into the town centre. Any development proposals at this site must therefore be appropriately designed and landscaped.

4.3.2 The proposed building would form a statement piece of architecture within its immediate setting through the use of an open glazing arrangement to three elevations, a flat roof and modern construction materials, which would all provide a distinctly contemporary design. At up to 9m in height, it would appear as an overtly prominent building within the streetscene. That said, large commercial buildings form part of the prevailing character of the area and a similar building has been recently approved at Plot 1. On that basis, the proposed building would be acceptable in the context of this site. A condition is recommended to control the quality and finish of the external construction materials to be used in order to ensure a satisfactory form of development is achieved.

4.3.3 As detailed above, soft landscaping would be introduced along the site peripheries. Such measures would provide visual enhancements around the site. In addition, they would soften the massing of the building from key vantage points along Carl Fogarty Way. An acceptable Landscaping Strategy has been submitted during the course of the application. The strategy includes the retention of the majority of the existing trees, as requested by the BwD Arboricultural Advisor. A further condition is recommended to ensure the development is implemented in accordance with that strategy. In addition, a condition is recommended to agree the scope and design of any required boundary treatments and gates. Subject to compliance with those conditions, the proposed development would be acceptable with reference to design and

visual amenity, in accordance with the relevant requirements of Policies 11 and 13.

4.4 Heritage Assets

- 4.4.1 The Grade II listed Imperial Mill is positioned in excess of 100m to the northwest of the site, which is a designated heritage asset. Policy 39 states that development with the potential to affect any designated heritage asset, either directly or indirectly including by reference to their setting, will be required to sustain or enhance the significance of the asset.
- 4.4.2 A review of the proposals has been undertaken by the BwD Heritage Advisor. It is undeniable that the proposals would form a modern and noticeable addition within the streetscene. Nevertheless, as noted in the Design and Access and Planning Statement, there is some distance between the application site and the listed building, which also has some visual separation due to the intervening Carl Fogarty Way and Leeds and Liverpool Canal.
- 4.4.3 The proposals will cause some harm to the contribution made by the setting to the significance of the listed building. However, as the historic setting has already been significantly compromised and eroded by the surrounding modern changes, the level of harm caused as a result of the proposed scheme would be slight (less than substantial test). In this situation, Policy 39 states that development that will negatively impact on the significance of an asset will only be permitted where the impact is outweighed by the public benefit arising from the development.
- 4.4.4 As detailed above, the proposals form part of a wider strategic initiative to develop a number of plots along a newly formed link-road. They would provide a valuable contribution to the local economy alongside the employment of 10 fulltime members of staff, as per the submitted application form. Such outcomes provide public benefits and when they are considered alongside the levels of separation involved, the proposals would not compromise the setting of the listed building to a level where a refusal would be justified. For those reasons, the proposed development is acceptable in relation to heritage assets, in accordance with the relevant requirements of Policies 13 and 39.

4.5 Residential Amenity

- 4.5.1 Dwellings are positioned to the southeast and safeguarding the amenities of those neighbours is an important material planning consideration. Policy 8 states that all development proposals must secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself, with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy/overlooking, and the general relationship between buildings.
- 4.5.2 Owing to ample separation, the massing of the proposed building would not appear overbearing or cause any unacceptable losses of light for the immediate neighbours. In addition, no adverse privacy impacts would be caused for the

immediate neighbours when the levels of separation are considered alongside the nature of the proposed building.

4.5.3 In relation to noise, a Noise Impact Assessment has been submitted in support of the application. BwD Public Protection has reviewed the merits of the assessment and no objections have been raised. A condition is recommended to limit the opening hours of the showroom to 8:00 – 18:00 in order to minimise the potential for disruptions to occur for neighbours. A further condition is recommended to ensure the valeting garage only operates between those hours Monday – Saturday, as requested by BwD Public Protection.

4.5.4 Further conditions have been advised to control sources of external lighting, construction working hours, impacts associated with any required pile-driving operations (or similar), any various impacts associated with the construction phase. It is recommended that all of those conditions are added in order to safeguard the amenities of the immediate neighbours during the construction and operational phases of the development. Subject to compliance with those conditions, the proposed development would be acceptable with reference to residential amenity, in accordance with the relevant requirements of Policies 8 and 13.

4.6 Highways, Servicing and Parking

4.6.1 As detailed above, the proposals involve the use of a modified access point from Carl Fogarty Way alongside the formation of parking, manoeuvring and vehicle valeting areas. Policy 10 requires all development proposals to not prejudice road safety, or the safe, efficient and convenient movement of all highway users. Off-street vehicle parking should also be provided in accordance with the adopted Parking Standards.

4.6.2 An updated Transport Statement has been submitted in support of the application that appraises the highways and parking merits of the amended layout. A review of the proposals has been undertaken by BwD Highways and no objections have been raised regarding the potential for the development to compromise the safety and capacity of the local highways network.

4.6.3 A request for visibility splays to be provided has been made. However, the site access point is set back from the bellmouth junction and vehicles will only be travelling at slow speeds when accessing/egressing the site. A condition is recommended to ensure the visibility splays around the access point remain free obstructions. Subject to compliance with that condition, the proposed access arrangements would be acceptable.

4.6.4 Regarding off-street vehicle parking, an acceptable level is proposed for staff and visitors. In addition, three mobility impaired spaces and three cycle racks are proposed, which is acceptable in the context of this development. A condition is recommended to ensure those facilities are provided prior to the development becoming operational.

- 4.6.5 A detailed above, a condition is recommended to control the logistics of the construction phase. The condition is also necessary on highways grounds in order to minimise the potential for disruptions to be caused from the construction phase of the development. Subject to compliance with those conditions, the proposed development would be acceptable with reference to highways, servicing and parking, in accordance with the relevant requirements of Policies 10 and 13 together with the adopted Parking Standards.

4.7 Flooding, Drainage and Utilities Infrastructure

- 4.7.1 The site is at a low risk from sources of fluvial flooding yet parts of the site are at high risk from sources of surface water flooding. Policy 9 requires all development proposals to avoid unacceptable impacts on environmental assets or interests, including flood risk. Development with the potential to create significant amounts of new surface water run-off will be expected to consider and implement where required, sustainable drainage systems (SuDS) or other options for the management of the surface water at source. A Flood Risk Assessment (FRA) and Drainage Strategy has been submitted in support of the application.
- 4.7.2 BwD Drainage have reviewed the submitted FRA and no objections have been raised. Regarding the submitted Drainage Strategy, they have raised a number of queries, which are reflected in the comments provided by United Utilities. Conditions are therefore recommended regarding the submission of an updated Drainage Strategy alongside a maintenance plan for the system to be installed. The Agent has initially advised that they are happy with that approach.
- 4.7.3 An amended layout has been submitted during the course of the application and the showroom building has been positioned further to the southeast. Such measures are sufficient to ensure the easement zones for an adjacent sewer and water main are avoided. No objections have been raised in that respect by United Utilities and any special construction techniques required can be resolved at the Building Regulations stage. Subject to compliance with the recommended drainage conditions, the proposed development would be acceptable with reference to flooding, drainage and utilities infrastructure, in accordance with the relevant requirements of Policy 9.

4.8 Ecological Assessments

- 4.8.1 The site has been vacant for some time and it has a moderate baseline ecological value. Further requirements within Policy 9 state that all development proposals must avoid unacceptable impacts on environmental assets or interests, including habitats and species. In response to those requirements, an Ecological Appraisal has been submitted. The BwD Ecological Advisor has reviewed the submitted appraisal and no objections have been raised.
- 4.8.2 Conditions have been advised to prevent vegetation clearance during the bird breeding season, ensure a management plan is put in place to prevent the spread of Himalayan Balsam, ensure a management plan is put in place for the landscaping strategy and ensure bird/bat boxes are installed in support of the

development. It is recommended that all of those conditions are added in the interests of biodiversity. Subject to compliance with those conditions, the proposed development would be acceptable with reference to ecological considerations, in accordance with the relevant requirements of Policy 9.

4.9 Land Contamination

4.9.1 The site previously housed commercial buildings and the development involves significant excavations. Land contamination must be assessed on that basis. Policy 8 contains further requirements to ensure development proposals on previously developed land can be remediated to a standard that provides a safe environment for users of the development whilst also ensuring contamination is not displaced.

4.9.2 Land contamination reports accompany the application yet they are yet to be reviewed by BwD Public Protection given resourcing constraints. Any comments provided in that respect will be presented as part of a committee update report. It is therefore recommended that all three standard land contamination conditions be imposed at this stage as a precautionary measure. Such an approach is also consistent with the request made by the Environment Agency. Subject to compliance with those conditions, the proposed development would be acceptable in relation to contamination, in accordance with the relevant requirements of Policies 8 and 13.

4.10 Climate Change and Air Quality

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

4.10.2 In order to prevent delays with the application, a condition is recommended regarding the submission of a scheme to reduce impacts on air quality. The provision of cycle storage facilities would also contribute towards those aspirations. Subject to compliance with that condition, the proposed development would be acceptable in relation to climate change and air quality, in accordance with the relevant requirements of Policy 36.

4.11 Crime Management

4.11.1 In order to prevent crime and disorder and to keep people safe and feeling safe, crime prevention strategies should be integrated into the design of developments as early as possible. Further requirements within Policy 8 state that all development proposals must incorporate positive measures aimed at reducing crime and improving community safety, including appropriately detailed design.

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

4.12 Summary

4.12.1 This application involves the construction of a new car showroom (Sui Generis) with ancillary offices including the formation of a new site access, construction of valet garage, associated landscaping and car parking for staff/visitors and vehicle display . Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies and guidance notes detailed in Section 3.4.

4.12.2 Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Subject to appropriate conditions, the proposal would be acceptable in principle, and in terms of developer contributions, design and visual amenity, heritage assets, residential amenity, highways, servicing and parking, flooding, drainage and utilities infrastructure, ecological assessments, land contamination, climate change and air quality, and crime management.

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

5.0 **RECOMMENDATION:**

Delegated authority is given to the Strategic Director of Growth and Development to approve, subject to an agreement under Section 106 of the Town and Country Planning Act (1990) relating to the payment of £60,000 together with the following conditions and informative note;

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

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

5.2 Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: Location Plan (006A), 001A, 002F, 003C, 004C, 007A, and 5170 – 01,

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

- 5.3 Prior to the commencement of any above ground works on site, details confirming the colours and finishes of all the external materials to be used in the construction of the development hereby approved, together with details confirming the types of doors and windows to be installed, shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved materials and details.

REASON: In order to ensure a satisfactory form of development is achieved, in the interests of visual amenity, and to comply with the requirements of Policy 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.4 The development hereby approved shall not be brought into use unless and until the landscaping scheme as detailed on the approved plan '5170 – 01' has been implemented in its entirety. Any tree/shrub or other planting that is lost, felled, removed, uprooted, dead, dying or diseased or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

REASON: In order to ensure the development is adequately landscaped so as to positively integrate with its surroundings, in the interests of visual amenity and biodiversity, and to comply with the requirements of Policy 9 and 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.5 Prior to their installation, details confirming the location and designs of any boundary treatments and gates to be installed as part of the development hereby approved shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved details.

REASON: In order to clarify the terms of this consent, in the interests of visual amenity, and to comply with the requirements of Policy 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.6 The car showroom hereby approved shall only be open to members of the public between the hours of 8:00 – 18:00.

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

- 5.7 The valeting garage hereby approved shall only operate between the hours of 8:00 – 18:00 Monday – Saturday. The valeting garage shall not operate whatsoever on Sundays and Bank Holidays.

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

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

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

- 5.9 No development shall commence on site unless and until, a Construction Method Statement has first been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be strictly adhered to throughout the construction phase and it shall provide for but not be exclusively limited to the following;

- a) The parking of vehicles of site operatives and visitors;
- b) The loading and unloading of plant and materials;
- c) The storage of plant and materials used in constructing the development;
- d) Wheel washing facilities;
- e) Measures to control the emission of dust and dirt from construction works, where relevant;
- f) Measures to control noise and vibrations from construction works, where relevant;
- g) A scheme for recycling/disposing of waste resulting from construction works;
- h) Details of the type, position and height of any required external lighting, and;
- i) A plan showing the location of those provisions.

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).

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

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

- 5.11 Should any pile-driving and/or ground compaction techniques be required to construct the development hereby approved, no development shall commence on site unless and until a programme for the monitoring of noise and vibration generated from those works has first been submitted to and approved in writing by the Local Planning Authority. The programme shall specify the measurement locations and maximum permissible noise and vibration levels at each location. At each location, noise and vibration levels shall not exceed the specified levels in the approved programme during construction works.

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

- 5.12 Visibility splays around the site access point 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: In order to optimise visibility for motorists egressing the site, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.13 The development hereby approved shall not be brought into use unless and until, the vehicle parking and cycle storage provisions as detailed on the approved plan '002 F' have been provided in their entirety. The provisions installed shall thereafter remain in perpetuity with the development and be permanently available for users of the development.

REASON: In order to ensure adequate off-street vehicle parking and cycle storage facilities are provided in support of the development, to encourage the use of sustainable modes of transport, in the interests of highway safety, and to comply with the requirements of Policies 10 and 36 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.14 No development shall commence on site unless and until, a surface and foul water drainage scheme has first been submitted to and approved in writing by

the Local Planning Authority. The scheme shall include, but not be exclusively limited to the following;

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

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

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

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

- 5.15 The development hereby approved shall not be brought into use unless and until, a Sustainable Drainage Management and Maintenance Plan for the lifetime of the development has first been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include, but not be exclusively limited to the following;

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

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

REASON: In order to ensure that adequate management arrangements are in place for the sustainable drainage system, in the interests of preventing flooding on and off site, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.16 No works in support of the development hereby approved to clear trees and/or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey produced by a suitably experienced ecologist has first been carried out immediately prior to clearance works. In such situations, written confirmation that no active bird nests are present shall have first been submitted to and approved in writing by the Local Planning Authority prior to the commencement of any such works.

REASON: In order to minimise disturbance for nesting bird populations during the construction phase, 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).

- 5.17 No above ground works shall commence on site unless and until, a landscaping management and maintenance scheme has first been submitted to and approved in writing by the Local Planning Authority. The landscaping applied shall thereafter be managed and maintained in strict accordance with the approved details for a period of not less than 10 years following the development hereby approved being brought into use.

REASON: In order to ensure landscaping within the site is adequately managed and maintained, 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).

- 5.18 No development shall commence on site unless and until, a method statement for the appropriate removal of the invasive plant species Himalayan Balsam has first been submitted to and been approved in writing by the Local Planning Authority. The approved details shall be strictly adhered to throughout the construction and post construction period and the development shall not be brought into use until the approved measures have been implemented in their entirety.

REASON: In order to prevent the spread of invasive plant species, 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).

- 5.19 No above ground works shall commence on site unless and until, a scheme for the provision of bird and bat boxes within the site has first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved details and any measures installed shall remain in perpetuity with the development.

REASON: In order to ensure landscaping within the site is adequately managed and maintained, 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).

- 5.20 No development shall commence on site unless and until, a Contamination Method Statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination, which may be present on site, has first been submitted to and approved in writing by the Local Planning Authority. The submitted Statement shall detail the following;
- a) An investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority, and;
 - b) A comprehensive remediation scheme including an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination).

All the agreed remediation measures shall thereafter be carried out in strict accordance with the approved implementation timetable under the supervision of a geotechnical professional and they shall be completed fully in accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

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

REASON: To protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.22 Should contamination be encountered unexpectedly during redevelopment of the site, all works should cease, and the Local Planning Authority should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the agreed details.

REASON: To protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

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

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

Case Specific Informative Note

- 5.24 We would advocate that the installation be designed and constructed using the security principles and security rated products as stated in the attached SBD 'Commercial Developments 2015'. Further details about Secured by Design, including application forms and security specifications can be found at www.securedbydesign.com.

6.0 RELEVANT PLANNING HISTORY

- 6.1 10/14/1138 – Demolition of former mill and workshops – Prior approval is given – February 2015.

7.0 CONSULTATIONS

- 7.1 BwD Arboricultural Advisor – I have inspected the site and reviewed the proposal and the related supporting documents, the proposed layout plan and the Tree Inspection Survey. The Tree Inspection Survey includes trees which have since been removed from the site apart from G3 which is situated in the corner of the site.

G3 consists of a semi-mature Sycamore with Ash, Elder, and Cherry Willow. On a nearby site the council have recently planted Birch and Cherry trees. There is sufficient space in the proposed layout to retain those trees in G3.

(Conclusions) G3 are recorded in the survey as lower value trees. However they are suitable to be retained and incorporated into the site layout along with the indicative landscape proposals and appropriate management works. A condition would be appropriate with any approval for full landscape details, including tree management and tree fencing protection details.

- 7.2 BwD Heritage Advisor – As I am required to do so, I have given the duty's imposed by s.66(1) of the P(LBCA) Act 1990 considerable weight in my comments. I consider the proposal would fail to meet the statutory test 'to preserve', causing slight harm to the contribution made by the setting to the significance of the Listed Building (Imperial Mill).

As indicated above, under NPPF P.202 it is down to the LPA to consider the public benefits of the scheme in its planning balance. If a positive balance can be achieved, then the proposal would be deemed to have met the requirements of Chapter 16 of the NPPF and accord with the policies of the Local Plan.

- 7.3 BwD Public Protection – I have no objection to the proposal but there are a number of environmental protection considerations with this development. I have arranged my comments under separate headings and where appropriate suggested conditions / more information.

(Ground Contamination) Reports have been submitted with the application and are currently awaiting review. In the meantime if a decision is due this can be dealt with by applying the standard contaminated land condition used by this authority.

(Air Quality) An assessment has been done in respect of air quality and this is also awaiting review, we will send our comments in due course.

(Noise) A noise assessment has been completed and submitted with the application. The report by Wardell Armstrong is comprehensive and predicts a low noise impact. My only concern with the potential noise impact is the location of the valet area which is in the locality of residential premises on Burnley Road. This will include the use of a jet wash and vacuum cleaner on a regular basis. It is worth noting that since this report was completed the valet area has been turned 90 degrees to face into the main site which should also lessen the impact.

However, the conclusion is based on a BS4142 assessment which compares the noise from the operation of the end use with background noise levels in the area. The background noise assessment was done on a Friday daytime. Whilst representative of noise levels on a weekday it does not take account of what might be a different noise climate on a Saturday and Sunday, in particular in the morning. This matter could be dealt with in a number of ways;

Restrict the hours of use of the site. The proposal makes ref to the opening hours of 8:00 – 18:00 Mon – Fri and 9:00 – 16:00 on a Saturday. No hours are given on a Sunday. The noise assessment was based around these hours

which will explain why the background noise was not measured at the weekend. If these hours were conditioned then weekend impact will be lessened. However, I see it as unlikely that a car showroom would not trade on Sundays and Bank Holidays. The current hours for Autolab show it trades on a Sunday.

If they do want to trade on a Sunday and bank holiday then there are other options. (1) Restrict the hours of use of the valet use. I.e. Monday to Friday / Saturday only. This would mean that the impact of the operation of the valet centre would not be an issue early on a Sunday when traffic noise levels are lower. (2) Provide additional noise data. It might be that re-modelling the noise with the valet centre facing a different direction means that any impact from operating Sunday morning is offset by the new layout. Alternatively, if the BS4142 assessment was repeated with background noise data for a Saturday and Sunday then we would be clearer on the weekend impact. There might not be a significant impact but we do not have the data to draw this conclusion.

(Light) There is not a lot of detail in the application and supporting info in terms of external lighting. In my experience, a considerable amount of lighting may be needed for security purposes and this has the potential to cause light intrusion into overlooking properties. Given there are no lighting columns shown on the plans I assume that they would require separate permission. Much will depend on the design of the lighting and how it is installed. We require that any lighting accords with the Institute of Lighting Professionals Guidance notes for the Reduction of Obtrusive Light. A condition should be imposed to control sources of external lighting.

(Redevelopment Controls) The construction phase will cause an impact to existing sensitive uses. Conditions should be imposed to control construction working hours, noises associated with pile-driving operations (or similar), and noise, vibration and dust from construction works.

7.4 BwD Highways – In summary, we have no objections to the proposals in principle, subject to the below matters being satisfactorily addressed.

(Parking) The proposal received has been assessed against our adopted parking standard standards. The allowance is measured using the floorarea against a provision of 1 car per space per 50sqm of internal showroom area. This amounts to an internal area of 1350/50 would equate to 27 spaces. The proposals have provided 29 spaces, this can further support the office staff located with the building as ancillary use. We would accept this number proposed. This is inclusive of 3 disabled spaces and 2 EVCP spaces. A further 151 external vehicle display spaces are to be provided inclusive of 6 EVCP spaces.

All bays should conform to council's sizes of 4.8m x 2.4m with 6m manoeuvrability into and out of the spaces. The TS indicates at Table 3.2 that 3 cycle spaces 2 motorcycle spaces are to be provided while the site layout plan indicates 3 Sheffield type stands (up to 6 cycle spaces) and 3 motorcycle spaces are to be provided. Please confirm the number of bicycle and motorcycle spaces to be provided.

(Access) Vehicular access to the site is to be taken from the new bellmouth provided by the Council. A connective route from the highway up to the entrance of the building for pedestrians has also been provided. No sightlines have been depicted on any of the details received, these along with boundary treatment to ensure visibility is clear when joining Carl Fogarty Way is required.

(Transport Statement) Overall, no major issues with most aspects of the TS agreeable, good access arrangement, agreeable vehicle swept paths and no issues regarding traffic impact. The only minor point is around clarification of parking provision for cycles and motorcycles where I have assumed the site plans to be accurate but confirmation would be appreciated. I have also commented on the recommended s106 which has previously been discussed with the consultant – so should come as no surprise.

(Site Accessibility) The site is in a reasonably accessible location with walking, cycling and public transport networks already established around the site. As pointed out in paragraphs 4.2.3 and 4.3.1 appropriate walking and cycling distances are also dependent upon the standard of existing infrastructure provision.

There are a number of opportunities to improve the sites accessibility by active modes and public transport including the proposals to improve pedestrian and cycle crossing facilities at the Carl Fogarty Way / A6119 Whitebirk Road (Red Lion) Roundabout. The junction has been identified for improvement through work undertaken by WSP on the M65 Junctions 6 and 7 (for National Highways) and the Blackburn with Darwen Local Plan Transport Study and also as part of ongoing work being undertaken by the Council on the Local Cycling and Walking Infrastructure Plan (LCWIP).

A concept scheme has been proposed to improve capacity through changes to circulatory markings and to improve provision for pedestrians and cyclists by introducing a controlled crossing facility on the A6119 link between the roundabout and M65 Junction 6 and dropped kerbs and tactile paving across the other arms of the roundabout. As such the total S106 contribution from the site would be; Red Lion - £29,000 and LCWIP - £31,000. TOTAL - £60,000.

(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.

- 7.5 BwD Drainage – No objections. Should this application be approved, conditions should be imposed relating to the submission of a revised drainage scheme and associated storage calculations that more accurately reflects the proposed impermeable area on the site, as we do not consider 0.63ha to be an accurate figure. The applicant must also provide evidence of United Utilities approval of the discharge to the existing combined sewer.
- 7.6 BwD Ecological Advisor – The developer's ecological consultant identified no significant ecological issues. Issues relating to nesting birds, Himalayan balsam and biodiversity enhancement measures can be resolved via condition.
- 7.7 (Protected Species) No evidence of any protected species was identified or suspected as likely on the site. Given its previous use (industrial), recent clearance and isolation from high ecological value habitats, this is to be expected. No further information or measures are required.

(Nesting Birds) Dense scrub was recorded as still present along the eastern boundary, which may spread if development is delayed. The scrub will provide potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition along the following lines be applied to any permission – No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

(Himalayan Balsam) This species is listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended). It is an offence to cause this species to be spread in to the wild. Apparently the cover is significantly reduced from previous surveys, therefore treatment may already be underway. I recommend however a condition along the following lines is applied to any permission – Prior to any further earthworks a method statement detailing eradication and biosecurity measures for Himalayan balsam should be supplied to and agreed in writing to the LPA. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

(Contributing to and Enhancing the Natural Environment) Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. Determining the baseline for this site is not straightforward as it has clearly undergone several periods of clearance, and natural regeneration. Prior to the initial clearance the site appears to have been approximately 50% hard standing about 40% low ecological value grassland with the remainder boundary trees, currently the site is around 50% low ecological grassland and 50% bare ground. Therefore whilst the site may have briefly become higher value, I am satisfied that the main mitigation should be the provision of landscape trees to mitigate for the main features of ecological value that were present. I also recommend mitigation for loss of bird nesting habitat.

The amended landscape plan does in my opinion include adequate biodiverse planting to fully mitigate, though the number of trees proposed is possible more than the site could maintain in the long term i.e. quite close together. I am however happy for the landscape plan to be conditioned. I would however also recommend a standard landscape and environmental management plan condition is applied to ensure the planting is adequately managed and maintained and the provision of bird boxes on the new build.

- 7.8 BwD Forward Planning – A proportionate contribution of £60,000 to improve pedestrian and cycle crossing facilities at the Carl Fogarty Way / A6119 Whitebirk Road (Red Lion) Roundabout (£29,000) and Local Cycling and Walking Infrastructure Plan (LCWIP) works (£31,000).
- 7.9 BwD Cleansing – No objections.
- 7.10 United Utilities – Following our review of the submitted drainage documents; Drainage Strategy Ref: 3642-05, Dated 09/03/2023, prepared by Phil Heaton Associates Ltd, the plans are not acceptable to United Utilities. This is because we have not seen robust evidence that the drainage hierarchy has been thoroughly investigated and the proposals are not in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems.

We would firstly request infiltration to ground be fully investigated and in line with BRE365. The above methods of surface water drainage are required to be evidenced and agreed to be unfeasible before surface water draining to the combined sewer can be considered. If evidence is provided to discard infiltration, then we will accept discharge of surface water to the public sewer at 5l/s.

The applicant must show the location of hydro brake and include the rate of discharge. Furthermore, if the applicant wish to discharge more than 5l/s, calculations and modelling data will be required. Should planning permission be granted we request that conditions be imposed regarding the submission of a sustainable surface water drainage scheme and a foul water drainage scheme and a sustainable drainage management and maintenance plan for the lifetime of the development.

Where United Utilities' assets cross the proposed red line boundary, developers must contact our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition. United Utilities will not allow building over or in close proximity to a water main. A water main crosses the site. It must not be built over, or our access to the pipeline compromised in any way. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines'. The applicant must comply with this document to ensure pipelines are adequately protected both during and after the construction period. United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. This will only be reviewed in exceptional circumstances.

- 7.11 Environment Agency – The previous use of the proposed development site as a textile mill presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary aquifer.

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. The condition is necessary to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework and to prevent deterioration of a water quality element to a lower status class in the underlying aquifer.

- 7.12 Lancashire Constabulary – We would advocate that the installation be designed and constructed using the security principles and security rated products as stated in the attached SBD ‘Commercial developments 2015’ Design Guide.

- 7.13 Canal and River Trust – No objections.

- 7.14 Ward Cllrs

- 7.15 No public responses received

8.0 CONTACT OFFICER: Christian Barton – Planning Officer

9.0 DATE PREPARED: 02nd June 2023

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/23/0111

Proposed development: Full Planning Application (Regulation 3) for Extension to existing staff and visitor car park

Site Address:

**Roe Lee Park Primary School
Emerald Avenue
Blackburn
BB1 9RP**

Applicant: Blackburn With Darwen Borough Council

Ward: Roe Lee

**Councillor Saj Ali
Councillor Sylvia Liddle
Councillor Phil Riley**



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Council's constitution, on the basis that Blackburn with Darwen Borough Council is the applicant.
- 2.2 The proposal seeks to ease existing parking issues at Roe Lee Park School, and this is supported in principle. The proposed scheme would deliver 14 additional parking spaces. As originally submitted, the proposal included a new key fob operated barrier at the access, but this element of the scheme has now been omitted.
- 2.3 The scheme is considered acceptable 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.
- 2.4 The key issues to be addressed in determining this application are;
- Principle of development
 - Highways / Parking
 - Trees / Landscaping
 - Ecology / Bats
 - Biodiversity Net Gain (BNG)
 - Design and visual amenity
 - Residential amenity
 - Drainage

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site is a Council owned school, within the Urban boundary of Blackburn, identified as Green Infrastructure, and within a Coal low risk area.
- 3.1.2 The school premises are located on the south side of Emerald Avenue. The surrounding area is residential in character, with dwellings on all sides of the school site, and the A6119 adjacent the school field to the east.

Figure One – Satellite image of the site



3.1.3 There are 2 access points serving the school from Emerald Ave, both of which run between rows of houses. The westernmost access is used for vehicles, whilst the one further to the east is pedestrian access only. Presently there are 2 parking areas inside the school grounds, one to the north of the school (to the rear of the houses on Emerald Ave) and one to the west of the school, to the rear of the houses on Beryl Ave.

3.1.4 There is presently an area of open space (a grassed area, with various trees, and a footpath running through it) which acts as a buffer between the school building, and the rear gardens of the houses on Beryl Ave. Part of this open space area would be used to create the proposed additional parking spaces.

3.1.5 Figure Two – Existing site plan and parking areas



3.1.6 The northern car park is shown on the left of the image above, and the western car park is shown on the right. The area of open space inbetween the two existing car parks is where the new / additional car parking area would be created.

3.2 Proposed Development

3.2.1 This planning application involves the creation of 14 additional parking spaces on part of the open space along the west side of the school, increasing the on

site parking provision (including spaces retained) from 23 spaces (as existing), up to a total of 37 spaces (as proposed). An additional Disabled Bay would also be provided, and a dedicated area for cycle storage.

3.2.2 The existing access and hard standing areas comprise precast kerb edging with a macadam finish. The proposed materials are pre cast kerb, with grass-crete paver. The footprint of the existing macadam car park is approximately 103sqm, and the proposed extended footprint would be circa 174sqm (an additional 71sqm).

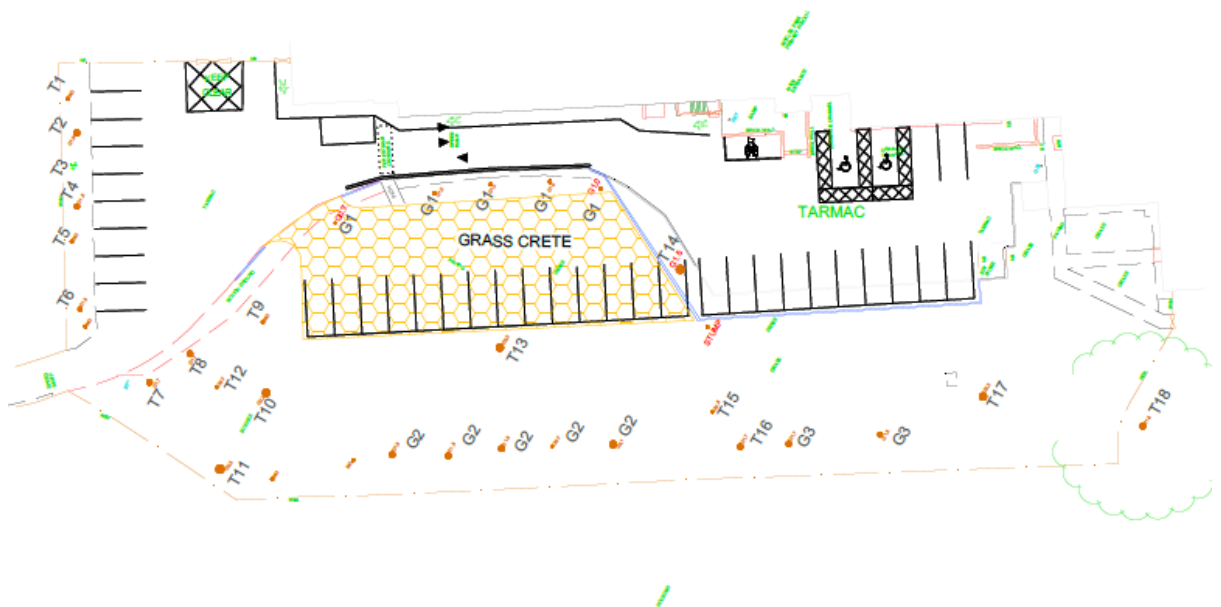
3.2.3 The proposed new spaces would not encroach any closer to the existing residential dwellings on Beryl Ave to the west than the existing parking spaces, thereby retaining some of the natural buffer along the western edge of the site. 3 existing Cherry trees would need to be removed to facilitate the development, however the vast majority of trees would remain in situ. There would also be further mitigation planting / landscaping.

3.2.4 At the time of this report, further specialist reports are awaited in relation to:

- Ecology / Bat / Biodiversity (including BNG) survey / Landscaping / mitigation planting.
- Surfacing / Tree Protection / Method statement, to include levels.
- Cycle shelter detail.

These reports and consultation responses will be presented via the update report.

3.2.5 Figure Three – Proposed site plan



3.3 Case Officer Site Photos



Photos taken looking in a southerly direction, into the site (from the north). This is the vehicular access from Emerald Ave.



Photos taken looking in a northerly direction, (from the south). The rear elevations of properties on Beryl Ave to the west can be seen on the left.

3.4 Relevant Planning History

- 10/03/1180 - Proposed Reception Classroom Extension and public reception with glazed corridor link and external play area.
- 10/08/0753 - Provision of new 1.2m and 1.8m high perimeter fencing and gates to boundary of school land.
- 10/10/0767 - Erection of a single storey extension to Nursery.

3.5 **Development Plan**

3.5.1 Core Strategy:

- Policy CS15: Protection and Enhancement of Ecological Assets
- Policy CS16: Form and Design of New Development
- Policy CS19: Green Infrastructure

3.5.2 Local Plan Part 2:

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

- Policy 38: Green Infrastructure on the Adopted Policies Map

3.5.3 Other material considerations:

- National Planning Policy Framework (NPPF)
- Design Supplementary Planning Document (SPD)

4.0 ASSESSMENT

4.1 Principle of development

- 4.1.1 The site lies within the urban boundary of Blackburn, where Policy 1 of the Local Plan supports new development in principle.
- 4.1.2 Policy CS19 of the Core Strategy and Policy 38 of the Local Plan explain that the Council's overall objective in relation to Green Infrastructure is to develop a more connected network of open spaces. New development should not adversely affect the functioning of an area of open space as part of the Green Infrastructure network.
- 4.1.3 The proposal involves the creation of additional parking spaces to ease parking congestion at the school. The proposal would not adversely affect the function, or wider connectivity of the Borough's Green Infrastructure, and is in compliance with Policy 1 and 38 of the Local Plan. The proposal is therefore considered acceptable in principle, subject to a balanced assessment of the specific impacts.
- 4.1.4 In accordance with the presumption in favour of sustainable development detailed in the Framework, development proposals should proceed without delay, unless there are impacts identified which significantly and demonstrably outweigh the benefits of the proposal. These are assessed in more detail below.

4.2 Highways and Parking

- 4.2.1 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.
- 4.2.2 The proposal seeks an additional 14 parking spaces, increasing the existing on site provision (including spaces retained) from 23, to 37.
- 4.2.3 The Council's Highways consultee raised no objections. Whilst initial concerns were raised about the previously proposed fob controlled barrier (i.e. if access was denied, that would lead to vehicles having to reverse out of the single track lane onto Emerald Ave). However, this element of the proposal has now been omitted from the scheme in its entirety, thereby addressing the Highway Officer's concerns.

- 4.2.4 The only other comments raised by the Highways consultee were that both the existing and proposed surfacing should be level across the carpark. The applicant has responded to this, clarifying that *“Having spoken to our Highways team they have advised that there is no issue regarding the levels. The levels will be in tolerance with existing site levels and the requirements of the proposed surface of the extension.”*
- 4.2.5 In conclusion, the proposal would relieve existing parking issues at the school and would not compromise servicing requirements or the manouvering of vehicles within the site. The proposal would therefore have a positive impact on highway safety. The additional parking spaces would be to the benefit of school staff and visitors, and would be likely to reduce the amount on street parking in the immediate vicinity, and helping to relieve local congestion. The specific details of the cycling provision can be secured by condition.
- 4.2.8 As proposed, the development is therefore considered acceptable in relation to highways and parking, in accordance with Policy 10 and the Framework.
- 4.3 Trees and Landscaping
- 4.3.1 Policy 9 of the Local Plan seeks to protect the environment. It is expected that wherever possible, new development will incorporate existing trees into the design and layout of the scheme, and where this cannot be achieved, that suitable mitigation planting is secured.
- 4.3.2 There are numerous mature trees within the site, including a number of trees within the open space buffer on the western side of the site, mainly Cherry trees, where the new parking area would be located. Therefore, to accompany the application, the applicant submitted an Arboricultural Constraints Appraisal, Prepared by Bowland Consultancy, Project No.: BTC2500 Version 1, dated 21 June 2022. (including Temporary Protective Fencing Specification).
- 4.3.3 The scheme proposes to remove 3 Cherry Trees, and replace these at a 2:1 ratio, with the detail of species yet to be determined. An existing stump would also be removed to facilitate the car park construction. The Council's Arboricultural Officer raised no objections in terms of the proposed tree removal, commenting that the trees to be removed are not in good condition (including most of the other Cherry trees, too) and that they have a limited useful life. Their removal would therefore not lead to any significant loss of amenity. The loss of these trees can be compensated through further planting and protection of the remaining trees. Whilst the finer detail of tree protection measures, and compensation planting / landscaping have not been provided thus far, these details can be secured by condition.
- 4.3.4 Notwithstanding the above comments, the Council's Arboricultural Officer also raised concerns that a combination of establishing levels and installing the proposed surfacing (i.e. the proposed permeable sustainable material such as Grasscrete, or similar) could potentially damage the roots of the rooting area of a mature Horse Chestnut tree (T13).

- 4.3.5 The sub-base material is therefore important to ensure there is a permeability for tree rooting areas. The Arboricultural Officer advised that the proposed car park surfacing (i.e. 'Grasscrete', or similar) is rarely successful in establishing an affective grass sward, particularly if there is shading from trees, resulting in a patchy appearance between visible concrete. In light of these concerns, the applicant has commissioned a further tree survey (Part 2) and is considering alternative surfacing instead of Grass Crete, such as the use of GeoWeb tree route protection system.
- 4.3.6 On the information presently available, the Arboricultural Officer advised that a condition should be attached for a method statement for the installation of the car park, to include levels. It is also considered appropriate to attach a condition for clarity of the proposed surfacing, to ensure the most suitable permeable surfacing is used for this scheme, and to minimise impacts on existing trees, whilst also ensuring the surfacing is suited for traffic and including refuse collection and emergency vehicles. BwD Highways have indicated that either Grasscrete or GeoWeb would be acceptable from a highways perspective.
- 4.3.6 With the aforementioned conditions as safeguards, the proposal would have an acceptable impact on trees / landscaping, and complies with Policy 9 of the Local Plan. The amenity impacts of the proposal are therefore considered acceptable.
- 4.4 Ecology / Bats
- 4.4.1 Policy 9 of the Local Plan requires development proposals to not lead to unacceptable impacts on environmental assets, including protected species such as bats.
- 4.4.2 A detailed ecology report was submitted with the application (Bat Survey Report, Bowland Ecology, Final report, Job no. BOW17_1343, version 1 dated September 2022), which includes general mitigation and habitat enhancement measures. However the report did not cover the proposed works, and referred instead to works to the school building, which was an oversight. The applicant has commissioned a new, bespoke Ecology / Bat survey to be undertaken by a suitably qualified professional, which will include any impacts on protected species / habitats, and any necessary mitigation measures.
- 4.4.3 Subject to the findings of the Ecology / Bat survey being acceptable, the proposed development would be acceptable, and in alignment with Policy 9 of the Local Plan.
- 4.4.4 However, the aforementioned Ecology Report will be required prior to determination of the application. **This is fundamental to the acceptability of the application, and further detail will therefore be provided in the Update Report.**

4.5 Biodiversity Net Gain (BNG)

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

4.5.2 The trees would be replaced at a ratio of 2:1 and acceptable biodiversity enhancement would likely be achieved, in line with the Framework. Further detail from appropriate professional consultants is being prepared. In any case a condition can be attached to ensure Biodiversity Net Gain (BNG) in accordance with the requirements of the Framework.

4.6 Design and visual amenity

4.6.1 In general terms, Policies CS16 and Policy 11 of the Local Plan require development proposals to represent a good standard of design through demonstrating an understanding of the site's wider context and making a positive contribution to visual amenity. Those requirements are reinforced by the Design SPD.

4.6.2 The proposal would be appropriate for its setting, and would leave a relatively large area of open space and trees. There would not be any unacceptable detrimental impact on visual amenity as a result of the proposed works. The proposed development thereby accords with Policies CS16 and Policy 11 of the Local Plan.

4.7 Residential amenity

4.7.1 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.

4.7.2 The proposal would not result in the existing parking areas encroaching any nearer to the closest residential dwellings, along the western edge of the site. Furthermore, the bulk of the landscaped buffer (grass and trees) would remain in situ, and there would be further planting as part of the scheme, which can be conditioned. The proposal would not give rise to any unacceptable detrimental impacts in terms of amenity, and the development is considered acceptable, and in compliance with Policy 8 of the Local Plan.

4.8 Drainage

4.8.1 Policy 9 of the Local Plan states that development will be required to demonstrate that it will not be at an unacceptable risk of flooding.

4.8.2 Although the precise specification of the surfacing is yet to be determined, the proposed surfacing would be permeable, and there would not be any increased risk of flooding as a result of the proposal. Notwithstanding this, a condition can be attached to secure precise details of the surfacing.

4.8.3 The Council's Drainage team raised no objections, and the proposal complies with Policy 9 of the Local Plan and the NPPF.

4.9 Summary

4.9.1 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.

4.9.2 **This application is subject to receipt of an acceptable Ecology Report. Further detail will be provided in the Update Report.**

4.9.3 **Subject to receipt of the above**, the proposal is considered acceptable in principle, subject to appropriate conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

5.0 **RECOMMENDATION:**

That delegated authority is given to the Strategic Director of 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:

Location Plan: Dwg no. RP001, received 08/02/23.

Planning layout: Dwg no. CAF-RPS-PLAN-01, Revision A, received 30/05/23.

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

3. Notwithstanding the submitted details, full details of a secure, covered designated cycle storage facility shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to first use of the additional spaces hereby approved, and shall be permanently retained thereafter.

REASON: To ensure adequate facilities are provided to store cycles at the premises, to encourage active travel and to help reduce parking demand, in accordance with Policies 8, 10, and 11 of the Blackburn with Darwen Borough Council Local Plan Part 2.

4. Prior to the commencement of any development on site, precise details of the permeable surfacing to be used in the construction of the car park shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter retained.

REASON: To ensure a suitable permeable surfacing material is used to minimise any impacts on existing and proposed trees and landscaping, and to comply with the requirements of Policy 11 of the Blackburn with Darwen Borough Council Local Plan Part 2 Site Allocations and Development Management Policies (Adopted 2015).

5. Prior to the commencement of development on site, a Method statement for installation, to include levels, and tree protection detail, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details, including tree protection measures (including Temporary Protective Fencing Specification) around trees to be retained. Protective fencing shall be in accordance with BS5837:1991 'Trees In Relation To Construction'. The protective fencing shall remain in place for the duration of the site preparation and demolition and/or construction period, and no excavation, materials storage, waste disposal or other activities shall take place within the fenced-off area. The development shall proceed in full accordance with the approved details.

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.

6. Prior to the commencement of development hereby approved, a landscaping scheme, to include mitigation tree planting, shall be submitted to and approved in writing by the Local Planning Authority. Trees and shrubs shall be planted on the site in accordance with the approved landscaping scheme during the first available planting season following completion of the works, and thereafter retained. Trees and shrubs dying or becoming diseased, removed, or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs. The landscaping shall be maintained and retained thereafter to the satisfaction of the local planning authority.

REASON: To ensure that there is a well laid scheme of healthy trees and shrubs in the interests of amenity in accordance with Policy 9/40 of the Blackburn with Darwen Borough Local Plan Part 2, and to ensure the development includes measures to enhance biodiversity at the site and to

provide a net gain for biodiversity, in line with the requirements of the National Planning Policy Framework.

7. A scheme for Biodiversity Enhancement Measures shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter.

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

8. Vegetation clearance including trees, shrubs and undergrowth shall not take place during the breeding season (March - August inclusive) unless it can be demonstrated that there is no nesting activity present. All wild birds are protected whilst nesting (Wildlife & Countryside Act 1981).

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

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

REASON: 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).

6.0 CONSULTATIONS

6.1 BwD Tree Officer

6.1.2 No objections.

I have inspected the site and considered the proposals with regard to the submitted arboricultural Constraints Appraisal which includes tree survey data.

The current proposal for the construction of the car park is using a permeable sustainable material such as Grasscrete or similar alternatives

The three Cherry trees to be removed are not in good condition (including other Cherries) and have a limited useful life. Their removal would not lead to any significant loss of amenity.

The proximity of the proposed 'Grasscrete' (or similar) has potential to impact on the rooting area of the mature Horse Chestnut T13. The proposed installation should not include any excavations below 200 mm i.e. removal of grass, turf.

The proposed car par area is gently undulating and there is a notable raise in level from the existing access to the application site surface. Establishing levels and the installation of the Grasscrete may conflict with the rooting area of T13.

The Design and Access Statement refers to MOT sub-base. The correct sub-base material is required to ensure there is a permeability for tree rooting areas. Suitable sub-base materials include, 4/20 and Type 3 sub-base.

The proposed 'Grasscrete' or similar, are rarely successful in establishing an affective grass sward, particularly if there is shading from trees, resulting in a patchy appearance between visible concrete. For these reasons it would be worth considering other alternative permeable surfaces.

Conclusions:

A condition for a method statement for the installation would be appropriate with any approval of the application. This should include levels.

6.3 BwD Drainage Team / Lead local Flood Authority

6.3.1 No objections.

6.4 BwD Public Protection

6.4.1 No objections.

6.5 BwD Highways

6.5.1 No objections in principle.

6.5.2 The following comments were offered prior to the proposed barrier being omitted from the scheme.

The proposed enlargement of existing carpark would allow for an additional 14 parking spaces and for improved manoeuvrability within the carpark area. The proposed layout would broadly account for a vast improvement for the school. However, there are several points that would require reconsideration.

The automatic pole barrier is proposed as being positioned to the entrance of the carpark at the end of a single-track lane, which is used to access the carpark from the public highway. The automatic pole barrier would allow fob access to permitted users. To enter the car park and to prevent unauthorised access into the site. However, this arrangement would lead to a reliance for unauthorised vehicles having to reverse onto the Emerald Avenue. In order to leave the premises, due to there not being sufficient space provided to enable those drivers to manoeuvre and leave the site in a forward gear.

The new kerbing appears to lead towards the existing kerbing adjacent to T14. Which appears to provide an upstand between the existing surfacing and the proposed grass create. It is recommended that both the existing and proposed surfacing is level across the carpark.

Conclusion

The local highway authority would raise no objection to the principle of the development proposal. However, to satisfactorily address any highway concerns. We request that the applicant reconsiders their proposal, in line with the abovementioned.

6.5.3 Upon receipt of the amended plans, showing the omission of the barrier that was previously proposed, BwD Highways have clarified that no objections are now raised.

I can now confirm that the proposal has addressed any highway concerns that were previously raised.

We would therefore raise no objection to the development proposal on highway grounds.

7.0 CONTACT OFFICER: Tom Wiggans – Planning Officer.

8.0 DATE PREPARED: 26th May 2023.

9.0 SUMMARY OF REPRESENTATIONS

9.1 17 neighbours were consulted and a site notice was displayed on 25/04/23.

9.2. 2 objections were received:

Objection – Ashley Gibson, 19 Beryl Avenue, Blackburn. Received: 24/04/2023

Dear BWD Council,

I am writing to oppose the current proposals in your letter regarding the extension to the existing staff and visitor car park.

I have asked numerous times with the school over the last 8 years about a specific issue, and nothing has been resolved.

I welcome further email conversation.

Many Thanks

Mr. Ashley Gibson

2nd Objection – Ashley Gibson, 19 Beryl Avenue, Blackburn. Received: 03/05/2023

Morning Tom,

My objections are as follows:

I'd like the trees cutting that overhang all gardens that back onto the school. I've asked and have always been met with do it yourself. Bit difficult when they're 60ft high. I have to pay for a brown bin every year yet I have no need for it. It's only due to the big trees in the school grounds.

I've proposed to the school countless times about the parking on the round and ideas that would help and advised that at some point a child will be seriously hurt due to the issues on Beryl Ave. Yet no attempt is being made on this, we as residents suffer and here we are with the school wanting to expand the staff and visitor car park. A requirement is needed to ensure the safety of the future generation actually get to school to be educated. I have plans I've anybody would like to discuss.

Now once the parking for parents is resolved that will resolve the littering and abandonment of cars on Beryl when parents are dropping their children off. Beryl gets littered lots and I'm sick and tired of picking it up although I'm teaching my kids about littering at the same time.

I thought I'd already sent this so apologies if you've had two reply's.

Kind Regards

Ashley Gibson

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/23/0239

Proposed development: Full Planning Application for Double storey side extension, single storey rear extension and conversion of rear garage to habitable room

Site Address:
842 Livesey Branch Road
Livesey
Blackburn
BB2 5EG

Applicant: Mrs Emma Garner

Ward: Livesey With Pleasington Councillors: Derek Hardman
Paul Marrow
Mark Russell



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to conditions

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 The planning application is presented to Committee in accordance with the Scheme of Delegation of the Council's Constitution due to an objection having been received on the 11th May 2023 from Livesey Parish Council.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site relates to a two storey, semi-detached dwelling situated on the eastern side of Livesey Branch Road, Blackburn. The property externally is finished in pebble dash render and red brickwork.

3.1.2 The immediate street scene in which the application site is situated is characterised by semi-detached, two storey dwellings, however, all feature differing architectural designs/features and external materials. To the west of the application site (directly opposite) is Pleasington and Feniscowles War Memorial Recreation Ground.

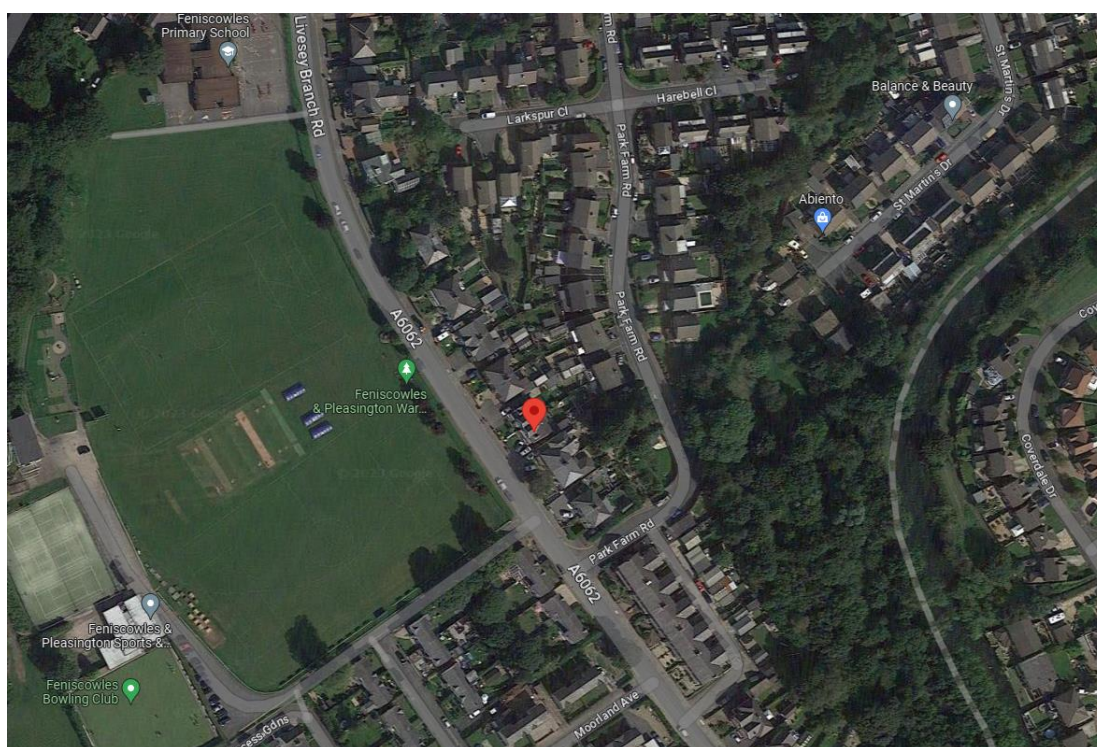


Figure 1: Google aerial view of the application site

3.2 Proposed Development

3.2.1 The proposal relates to a householder planning application for a double storey side extension, single storey rear extension and conversion of garage to form habitable room. The proposed single storey rear extension will join the existing garage to the proposed double storey side extension.

3.2.2 The proposed double storey side extension will project 2.7 metres off of the side elevation towards the boundary with No.844 Livesey Branch Road, the proposal will measure 8.2 metres in length along the southern side elevation of the property. Proposed height to the ridge will be 7.5 metres, height to the eaves at the front elevation will be 2.6 metres and height to eaves at the rear elevation will be 5.3 metres. This is because of the sloping roof design at the front elevation of the property which ensured harmony with the existing roof form. The proposed single storey rear extension will project 800mm off of the rear elevation of the proposed double storey side extension to join the extensions to the existing garage which will also be converted to a bedroom.

3.2.3 The existing and proposed plans and elevations are shown below:



3.2.4 The same existing and proposed plans and elevations as above and newly supplied proposed site plan showing required parking dimensions (received 30/05/2023).



3.3 Case Officer Photos





3.4 Development Plan

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

3.4.2 Blackburn with Darwen Borough Local Plan Part 2 (2015)

- Policy 8: Development and People
- Policy 10: Accessibility and Transport
- Policy 11: Design

3.4.3 Residential Design Guide Supplementary Planning Document Revised Edition (September 2012)

- RES E1: Materials
- RES E2: 45 Degree Rule

- RES E3: Separation Distances
- RES E7: Rear Extensions
- RES E9: Two Storey Side Extensions

3.5 Other Material Planning Considerations

3.5.1 National Planning Policy Framework (NPPF)

3.5.2 BwD Parking Standards

4.0 Assessment

Residential Amenity

- 4.1.1 It is important to consider the potential impacts the proposed development would have on the residential amenity of the occupiers of nearby dwellings.
- 4.1.2 Local Plan Part 2, Policy 8 ii) requires new development to “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 or other pollution or nuisance, privacy/overlooking and the relationship between buildings
- 4.1.3 RES E7 of the residential design guide states that rear extensions should not have an unacceptable impact on neighbouring amenity.
- 4.1.4 Furthermore, RES E2 of the Residential Design Guide seeks to ensure house extensions avoid overbearing additions with respect to the 45 degree rule.
- 4.1.5 The proposed single storey rear extension seeks to infill the space between the existing garage and the proposed double storey side extension so that the two become joined. This is considered to be acceptable due to an existing double storey side extension and single storey rear extension present at No.844 Livesey Branch Road which runs the full length of the proposed double storey side extension.
- 4.1.6 The proposed double storey side extension will project 2.7 metres off of the side elevation towards the boundary with No.844 Livesey Branch Road, a marginal gap of 200mm will be retained between the proposal and shared common boundary with the abovementioned property.
- 4.1.7 RES E3 of the Residential Design Guide requires that 21 metres is maintained between facing windows of habitable rooms. A window is to be inserted within the rear elevation of the first floor aspect of the double storey side extension. This window is a proposed bedroom; 21 metres will be maintained between the application site and No.84 Park Farm Road. Furthermore, the double storey side extension does not project beyond the existing build line.
- 4.1.8 A window is proposed within the front roof slope of the proposed double storey side extension. This window will serve a bathroom, a condition will be attached to ensure this window is fitted with obscure glazing in order to protect the privacy of the occupants and neighbouring occupiers.

- 4.1.9 No windows are proposed within the side elevation of the double storey side extension and there are no existing windows along the side gable elevation at No.844, as such overlooking/privacy is protected.
- 4.1.10 The existing rear garage/store room is also proposed to be converted in to a bedroom. Two windows will be inserted within the side elevation which will face the rear garden of No.840 Livesey Branch Road.
- 4.1.11 There is an existing single storey rear extension at No.840 which features a set of patio doors and a window. However the insertion of the abovementioned windows within the side elevation of the existing garage will not be directly facing to the rear of No.840 Livesey Branch Road and as such privacy will be protected due to the oblique angles between windows.
- 4.1.12 The proposal is considered to meet the requirements of Policy 8 of the LLP2 (2015) and supporting SPD Policies.

Design and Visual Amenity

- 4.1.13 Policy 11 of the Blackburn with Darwen Local Plan Part 2 (2015) requires all new development to “present a good standard of design and will be expected to:
- i) Demonstrate an understanding of the wider context; and
 - ii) Make a positive contribution to the local area.
- 4.1.14 Furthermore, point ii) of RES E7 of the Residential Design Guide requires the design of the extension to be in keeping with the existing property by virtue of:
- Materials
 - Overall architectural style
 - Roof form and pitch
 - Size, proportion and position of openings
 - Fenestration details
- 4.1.15 The double storey side extension will be finished in matching red brickwork and spar dash to the host dwelling. Spar dash will be used from the first floor upwards which will ensure the proposals are subordinate to the host property.
- 4.1.16 Matching red brickwork will be used for the single storey rear infill extension, this will match that of the existing garage materials. A standard condition will be attached to ensure ‘materials to match’.
- 4.1.17 RES E9 of the Design SPD relates to two storey side extensions and states proposals are required to meet the following criteria:
- i) The extension does not form an obtrusive feature on the street scene;
 - ii) Where appropriate, the general front building line has been respected; and

- iii) The roof design is appropriately integrated with that of the existing property, normally by either a) extending the pitched roof of the original house, or b) use of a pitched roof on the extension itself. Any new roofline must be secondary to the original in terms of scale. Flat roofs on two storey side extension will not be acceptable.
- 4.1.18 Furthermore, RES E10 of the Residential Design Guide requires that side extensions should appear subordinate to the main house to ensure that the original properties remain the dominant element of the street scene.
- 4.1.19 Amended plans were received on the 11th April 2023 which saw the introduction of a setback element of the double storey side extension of 1.5 metres from the existing front elevation of the property. Furthermore, the double storey side extension has been set down 500mm from the main ridge line, this ensures that the proposal will appear as a secondary element to the dwelling.
- 4.1.20 A double storey side extension and single storey extension to rear was approved under application reference 10/15/1571. It was noted on site that these proposals have never been constructed but there is an existing single storey extension projecting approximately 1.5 metres along the boundary with No.840 Livesey Branch Road. This scheme is considered to be of better design due to the set down and set back element which has been incorporated.
- 4.1.21 It is acknowledged that the proposed rear extension accords with RES E7, RES E9 and RES E10 of the Residential Design Guide as well as Policy 11 of the LPP2 (2015) and therefore provides a positive addition to the host dwelling.

Highways

- 4.1.22 Policy 10 of the LPP2 (2015) requires that road safety and the safe, efficient and convenient movement of all highway users is not prejudiced and that appropriate provision is made for vehicular access, off-street servicing and parking in accordance with the Council's adopted standards.
- 4.1.23 Furthermore, RES E19 requires any extensions to properties which may affect provision of parking, must provide adequate parking within the property's curtilage, and will not result in an unacceptable increase in on street parking.
- 4.1.24 The proposed development would result in the creation of two additional bedrooms, as such the property will move from a three bed to a five bed. The Council's adopted parking standard requires five bedroomed dwellings to provide a minimum of three off-street parking spaces.
- 4.1.25 The proposal dwelling benefits from a large front driveway, an amended site plan was received on the 30th May 2023 which demonstrates an additional parking space being created to allow for 3 off-street parking spaces in accordance with the Council's Parking Policy and required dimensions.
- 4.1.26 A condition will be attached to ensure this space is brought in to use before prior to the first occupation of the approved extensions. A further condition will also be attached to ensure the approved driveway is made of porous materials or provision is made to direct run-off water from the hard surface to permeable or porous surfaces within the curtilage of the dwelling.
- 4.1.27 Compliance with Policy 10 of the LPP2 (2015) is achieved.

5.0 RECOMMENDATION

5.1 Approve subject to the following conditions:

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

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

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

Proposed Extension, Drawing Number 1507/01, Revision A, Date Received 11/04/2023

Proposed Extension, Drawing Number 1507/01, Revision B, Date Received 30/05/2023

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

3. Notwithstanding the submitted details, the external walling and roofing materials to be used in the construction of the building hereby permitted shall match those used in the existing building to the satisfaction 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 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.

4. The newly formed window serving the bathroom located within the front elevation of the proposed double storey side extension at first floor as shown on drawing number 1507/02, Revision A received on 11th April 2023 hereby permitted shall be fitted with obscure glazing (which shall have an obscurity rating of not less than 4 on the Pilkington glass obscurity rating or equivalent scale). The windows shall remain in that manner in perpetuity at all times unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the privacy and amenity of neighbouring properties in compliance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2 (2015).

5. Prior to first occupation of the extension hereby approved, the three car parking spaces identified on drawing no.1507/01, Revision B, received on the 30th May 2023 shall be implemented and thereafter retained.

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

6. Notwithstanding the submitted details the hard surface/car parking area hereby approved to the front of the dwellinghouse shall either be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

REASON: In order to guard against surface water run-off onto the public highway, in the interests of flood prevention, in accordance with Policies 9 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

6.0 PLANNING HISTORY

- 6.1 10/15/1571 – 2 storey extension to side and single storey extension to rear

7.0 CONSULTATIONS

- 7.1 Public Consultation has taken place twice. Letters were initially posted to 4 neighbours on the 28th March 2023, due to a revised scheme being provided on the 11th April 2023 a further neighbour re-consultation was held from the 20th April 2023. The delay in the re-consultation was due to technical printing problems.

8.0 CONTACT OFFICER: Emily Colebourne, Assistant Planning Officer

9.0 DATE PREPARED: 25th May 2023

10.0 SUMMARY OF REPRESENTATIONS

Objection – Livesey Parish Council. Received: 11/05/2023

PLANNING APPLICATION 10/23/0239 Full Planning Application

Proposal: Double storey side extension, single storey rear extension and conversion of rear garage to habitable room

Location: 842 Livesey Branch Road, Livesey, Blackburn, BB2 5EG

Hi Emily,

At the last Parish Council meeting Councillors objected to the above scheme due to the inadequacy of parking facilities and the fact that it overlooked next door. Can you please bring this objection to the attention of the Planning Committee, and can you update the parish Council on the progress of the scheme.

Kind regards

Rory Needham
Clerk to Livesey Parish Council

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/23/0243

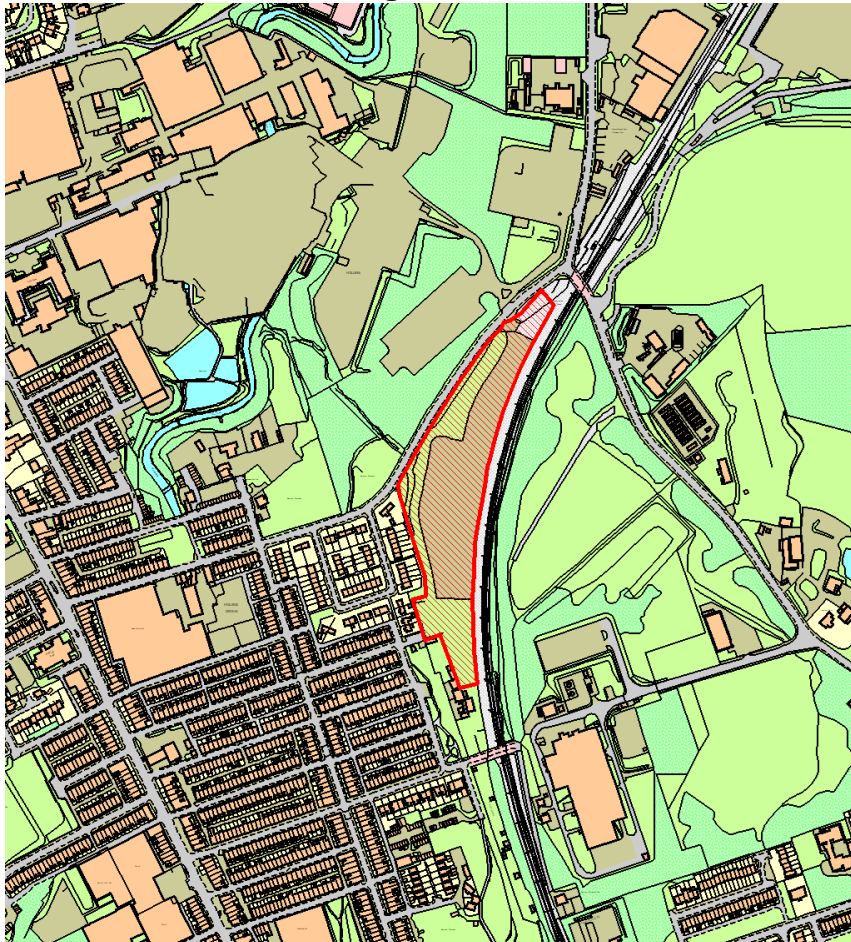
Proposed development: Variation of Legal Agreement/S106 for Variation to S106 Agreement pursuant to planning application 10/20/0107 "Hybrid planning application for Full permission for 37 dwellings including creation of a new vehicular access to the Southern end of the site and Outline permission with 'Access' (with all other matters reserved) for B1, B2, and B8 uses including alterations to the existing access to the Northern end of the site" - proposed residential units replaced by commercial unit

Site Address:

**Hollins Industrial Park
Hollins Grove Street
Darwen**

Applicant: Fairmont PM

**Ward: Darwen East
Councillor Katrina Fielding
Councillor Matt Gibson
Councillor Martin McCaughran**



1.0 SUMMARY OF RECOMMENDATION

- 1.1 It is recommended that Members agree to the removal of the financial contribution in the Section 106 Agreement in order for a viable development to proceed on site.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The developers for the site have encountered significant economic difficulties in developing this part of the Hollins Industrial Park site. This has mainly been due to the Covid pandemic, and the substantial price increases in both materials and interest rates for development loans. Under the approved hybrid application 10/20/0107 (approved by the Committee at their meeting in July 2020), which included full planning permission for 37 new dwellings, included an agreed s106 contribution of £35,000 towards highway works plus a 1% monitoring fee. However, the proposed residential part of the site has remained vacant since the hybrid permission was originally granted, and the applicant asserts that the residential scheme is not financially viable.
- 2.2 The applicant was considering selling the land to recouperate some of the costs. However, they have now been approached by a potential tenant who is showing interest in occupying industrial units on the land which presently only benefit from the residential approval.
- 2.3 Officers and the developer are keen to find a practical solution to ensure that the site is developed, which would bring a vacant site back into use for the betterment of the local community.
- 2.4 Members must determine whether the removal of the financial contribution within the Section 106 Agreement is acceptable in order to facilitate the development at this site.
- 2.5 A professional Viability Assessment submitted with the application concludes that the scheme is not economically viable. This has been endorsed by a separate Third party Viability appraisal of the viability assessment commissioned by the Council. It is concluded that it is not economically viable in planning terms for this scheme to provide any section 106 obligations, or other planning gain contributions.
- 2.6 Following pre-application discussions with officers, a separate, full planning application has recently been submitted to provide industrial units on the southern part of the site (instead of the 37 dwellings previously approved) – Reference 10/23/0414 - Erection of 11No. light industrial units (Use Classes B2/B8) with car parking and landscaping. The application will be registered, and be subject to full consultation in the next few days. These proposed new

units will sit adjacent to the industrial units presently being developed on the northern part of the site.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site comprises a former Railway Goods yard, and lies within the Inner Urban Area. The northern end presently being developed is allocated as Primary Employment Area and is allocated as an Employment site within the adopted Local Plan Part 2 (LPP2).

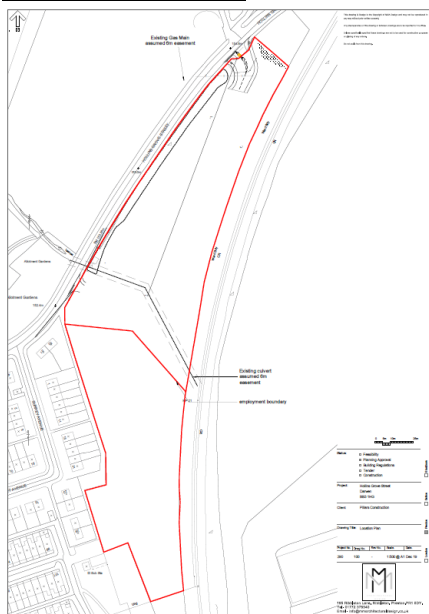
3.1.2 The site is located on the northeast side of Hollins Grove Street. The Blackburn-Bolton railway line runs to the east of the site. Residential dwellings lie adjacent the site to the west.

3.1.3 The approved Hybrid application 10/20/0107 granted full planning permission for 37 dwellings on the southern part of the site. Employment units are presently being erected on the northern part, which were approved under Reserved Matters approval 10/21/1311.

3.1.4 The site is irregular in shape being relatively long and narrow and tapering at the northern and southern ends. It is relatively flat and is bounded with a metal fence on all sides, and trees along the Hollins Grove Street frontage.

3.1.5 The existing vehicular access point lies towards the northern point of the allocated Employment site.

3.1.6 Site location plan



- 3.1.7 The location plan above shows the Hollins industrial park site. The northern part of the site at the top of the plan is presently being developed, with the erection of 13 industrial units.

3.2 Proposed Development

- 3.2.1 This application for a Deed of Variation relates to the s106 Agreement under planning approval 10/20/0107, in particular the full permission for 37 dwellings on the southern part of the site.
- 3.2.2 The southern end of the site (with full planning permission for residential) remains undeveloped. Under the approved hybrid application 10/20/0107, there was an agreed s106 contribution of £35,000 towards highway works plus a 1% monitoring fee.
- 3.2.3 The applicants under this current application are contesting that the residential part of the scheme is no longer financially viable, and therefore are proposing to remove the financial contribution of £35,000 towards highway works contained within the Section 106 Agreement, and have submitted a viability appraisal which has been the subject of a third party assessment commissioned by the Council.

3.3 Development Plan

- 3.3.1 Blackburn with Darwen Core Strategy:
Policy CS1: "A Targeted Growth Strategy"
Policy CS5: "Locations for New Housing"
Policy CS7: "Types of Housing"
Policy CS8: "Affordable Housing Requirements"
- 3.3.2 Blackburn with Darwen Borough Local Plan Part 2:
Policy 11: "Design"
Policy 8: "Development and People"
Policy 10: "Accessibility and Transport"
Policy 12: "Developer Contributions"

3.4 Other Material Planning Considerations

- 3.4.1 National Planning Policy Framework (NPPF)

3.5 Assessment

- 3.5.1 The applicants have faced a number of challenges in bringing this development site forward, which have been documented in paragraph 2.1 above. If the site is not developed, it would leave a vacant site to the detriment of the local surrounding area. As such, the applicants have

requested that the financial contribution of £35,000 is removed, which will assist in bringing the site forward.

- 3.4.2 Discussions have been held between the applicants and officers to look at ways of facilitating the development ensuring it will be brought forward. The submitted viability appraisal has been assessed by the Growth Team, including a third party appraisal of the viability assessment. This has concluded that the development would be unviable if any s106 contributions were imposed. It is considered that the appraisal clearly shows a deficit on the project making the project unviable.
- 3.4.3 It is therefore recommended that the commuted sum is reduced to £0, for the reasons evidenced in the viability appraisal and the third party review.
- 3.4.4 The proposed development will provide economic benefits by providing employment land in an appropriate location within the urban area, and will help to ensure that the site is developed.
- 3.4.5 The applicants have demonstrated that the scheme is unviable as it stands, and any assistance in helping to facilitate the development should be supported. As such, it is considered in this instance, that the request to remove the financial contribution of £35,000 towards highway works should be supported.

4.0 RECOMMENDATION

- 4.1 Approve – Remove the financial contribution to highway works in the Section 106 Agreement, pursuant to application 10/20/0107.

5.0 PLANNING HISTORY

- 5.1 **10/20/0107** - Hybrid approval – APPROVED.
Planning permission was granted for;
- Full permission for 37 dwellings, including creation of a new vehicular access, to the Southern end of the site, and
 - Outline permission with 'Access' (with all other matters reserved) for B1, B2, and B8 uses, including alterations to the existing access to the Northern end of the site.
- [S106 agreement under this hybrid approval 10/20/0107]
- 5.2 **10/21/1311** - Reserved matters for commercial units – APPROVED.
The Reserved Matters approval granted for the 13 industrial units at the northern end of the site.
- 5.3 **10/22/0988** – Full application for Amendment to Unit 1 of the RM approval 10/21/1311 – APPROVED.

5.4 **10/23/0196** - S73 variation of the approved plan attached to 10/22/0988 (Unit 1) – PENDING.

5.5 **10/23/0414** - A separate, full planning application has recently been submitted to replace the 37 dwellings on the southern part of the site with 11 industrial units (for clarity, this is in addition to the 13 units already approved at the northern end of the site) - PENDING

6.0 CONSULTATIONS

6.1 Strategic Housing Development Manager: No objections. Instruction should be given to reduce the commuted sum in the s106 to £0, for the reasons evidenced in the viability appraisal and the third party review undertaken.

7.0 CONTACT OFFICER:

Tom Wiggans, Planning Officer.

8.0 DATE PREPARED:

26th May 2023.

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/23/0277

Proposed development: Variation/Removal of Condition/Minor Material Amendment for Variation of Condition No.1 "approved drawings" and Condition No. 4 "Boundary Treatments" pursuant to planning application 10/22/0064 "Approval of the reserved matters for the appearance, layout, scale and landscaping for the erection of 72 residential units comprising 58 detached and semi-detached dwellings and 14 apartments pursuant to application 10/21/0008" - to make amendments to: Plots 5 & 42 (set back 1m further from the road); Plots 12 & 13 (slight repositioning of plots); Plot 14 (handing of the property); Plots 20 & 21 (plots swapped and handed/incl of bin store/relocate rear stepped access); Plots 30, 65 & 69 (update to windows and door due to site levels); Boundary treatment to rear Plots 1-22 (rail up to 1.1m high across boundary); Boundary treatment to rear Plots 30-39 (addition of 800mm sleeper along rear gardens with 1.8m high acoustic fence to Plots 30-32 and 3m close boarded fence to Plots 33-39; Apartment building - updates to doors/windows/materials - structural design requirements & Building Regulations.

Site Address:

**Former Hoddlesden Mill
Johnson New Road
Hoddlesden,
BB3 3NT**

Applicant: Kingswood Homes UK (Ltd)

Ward: West Pennine

**Councillor Julie Slater
Councillor Jean Rigby
Councillor Neil Slater**

INSERT LOCATION PLAN

1.0 SUMMARY OF RECOMMENDATION

- 1.1 APPROVE – subject to conditions (including those varied) set out at paragraph 4.1.**

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is reported to Committee as it represents a minor material amendment to a major residential planning application, originally determined at Committee level. This is in accordance with the Council's adopted Scheme of Delegation.
- 2.2 The application is submitted under the provisions of Section 73 of the Town and Country Planning Act 1990 (as amended). The proposal seeks to vary conditions 1 and 4, as referenced in the above development description, applied to the reserved matters permission 10/22/0064, dated 18th March 2022, which was pursuant to the grant of outline permission under application no. 10/21/0008.
- 2.3 The amendments represent modest changes to the approved layout, including treatments to the eastern boundary adjacent to the Cooper Rigg industrial site which offer enhanced acoustic qualities to mitigate against noise arising from the site.
- 2.4 A high quality bespoke housing development, which will widen the choice of family housing in the Borough, will be delivered, notwithstanding the amendments, consistent with the planning strategy for housing growth as set out in the Core Strategy and Local Plan Part 2.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site (the site) relates to the former Hoddlesden Mill complex, located towards the north east village boundary of Hoddlesden, comprising an area of circa 2.92 hectare.
- 3.1.2 Land levels rise from the south west to north east. It is accessed from the existing entrance position off Johnson New Road, to the south west.
- 3.1.3 The site is bounded to the north and east by a steep wooded embankment, with the culverted Hoddlesden Moss Brook running south to north at a lower level. Further north approximately 50 metres from the site boundary is a reservoir which sits at a lower level.

- 3.1.4 To the west of the site on the opposite side of Johnson New Road is a wooded embankment area that rises towards Hoddlesden Village. An existing pedestrian footpath is located along this frontage that links Johnson New Road to Baynes Street past St Paul's Primary School and Church. Further west lies the village of Hoddlesden.
- 3.1.5 To the north east and south of the site are open fields, together with Pickup Bank Brook and three small redundant reservoirs. Immediately to the south east are two existing industrial units, currently operating as Cooper Rigg Fabrication and Darwen Sawing Services. A Public Right of Way (PROW) enters the site from the industrial units to the east, the PROW then runs northwards through the Site towards the open countryside.
- 3.1.6 The following aerial image and Location plan show the site relative to its immediate surroundings:



Aerial image of the site (Design & Access Statement, Kingswood Homes, Jan 2022)

3.2 Proposed Development

- 3.2.1 The current application is submitted under the provisions of Section 73 of Town and Country Planning Act 1990, as a minor material amendment to the original grant of (reserved matters) planning permission. The amendment seeks to vary the following conditions:

1. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received 17th January 2021 and drawings / statements numbered:

Design & Access Statement P2102_DAS; Planning Statement Rev 1; Location Plan P2102_SP(90)11; Photo Location Plan P2101_3D(90)01; Site Layout P2102_SP(90)02 D Rev H; Boundary Treatment Plan P2102_SP(90)10 Rev A; Swept Path Analysis P2102_SP(90)13; House Plans & Elevations P2102_Planning_Housetypes; Apartments Planning Elevations P2102_AP_EL(20)01 Rev A; Apartments Lower and Upper Ground Floor Plan P2102_AP_PL(20)01 Rev A; Apartments Second Floor Plan P2102_AP_PL(20)02 Rev A; Apartments Third Floor and Roof Plan P2102_AP_PL(20)03; Illustrative Site Sections / Streetscenes A-A, B-B & C-C P2102_SE(20)01; Illustrative Site Sections / Streetscenes D-D & E-E P2102_SE(20)02; Materials Matrix Jan-22 Rev A; Tree Removal Plan c-2021-03; Arboricultural Impact Assessment Jan-22; Updated Badger Survey Version 1; Streetlighting Design- S38 & Private Area Calcs; Streetlighting Design- S38 & Private Area Calcs - 4m Grid-Rev; Construction Environment Management Plan Jan-22 V2; Schematic Drainage Layout and Levels 210952-EDGE-XX-XX-DR-C-2099; Preliminary Site Levels 210952-EDGE-XX-XX-DR-C-0001; Detailed Landscape Plan Sheet 1 of 2 c-2021-03 Rev B; Detailed Landscape Plan Sheet 2 of 2 c-2021-02 Rev B; Vehicle Tracking and Visibility Splays P2102_SP(90)17; and ERAP Consultation Response 2021-325.

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

4. The development hereby approved shall be implemented in strict accordance with the Boundary Treatments Plan, numbered P2102 P2102_SP(90)10 Rev A.

REASON: To safeguard residential amenity and to ensure the external appearance of the development is acceptable, in accordance with Policies 8 and 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

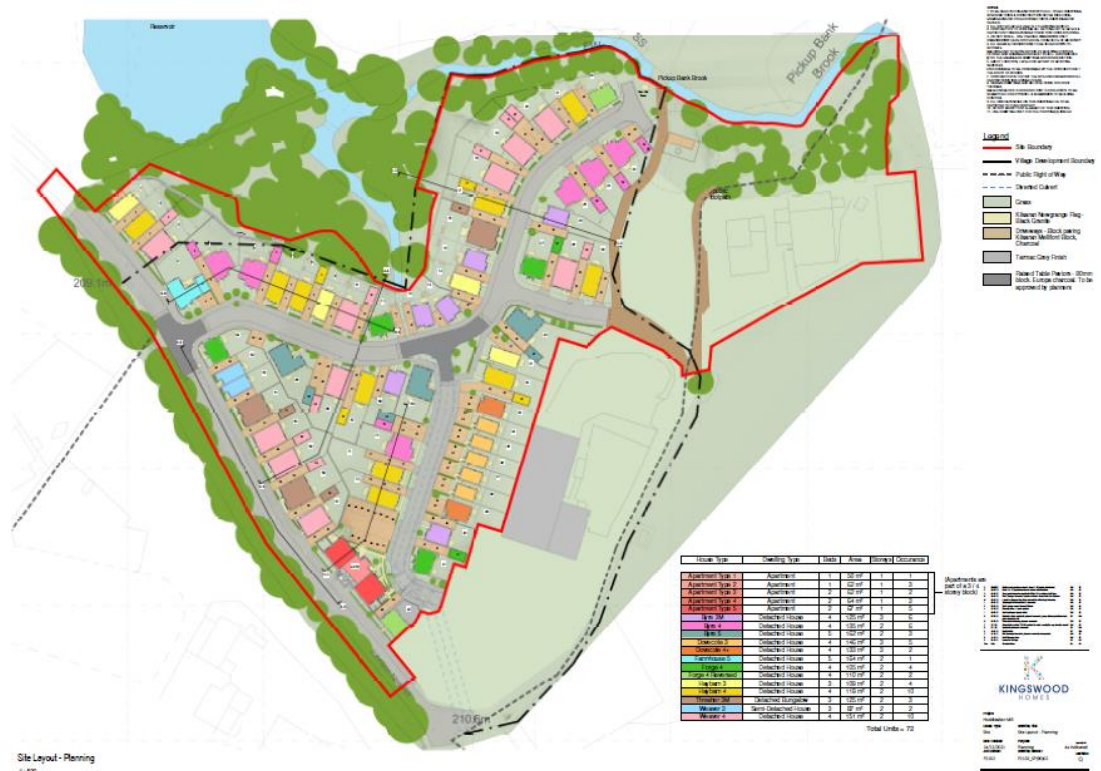
- 3.2.2 Revised drawing numbers relating to the layout and boundary treatments would be added to the conditions and amended information, as set out at paragraph 4.1, should the application be supported.

- 3.2.3 The following rationale is offered for the amendments:

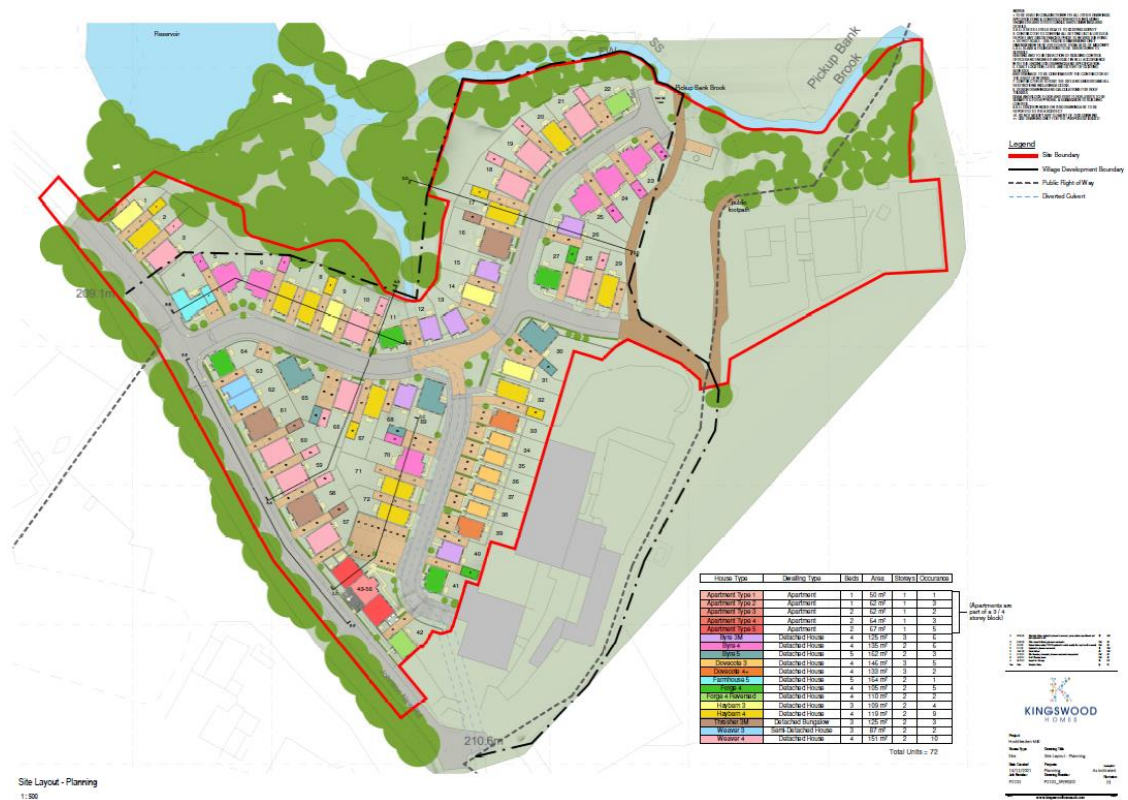
Minor Amendment	Justification for Amendment
Plots 5 & 42: set back 1m further from the road.	Due to a change in the position of the retaining walls.
Plots 12 & 13: slight re-positioning of both plots.	Through the construction process, the line of the culvert has changed slightly to connect to the culvert head. This realignment of the culvert has resulted in the re-positioning of plots 12 and 13 so the easement is maintained.
Plot 14: Handing of the property.	To allow for the connection of services.
Plots 20 & 21: Plots swapped and handed to allow for access to the garden. Inclusion of bin store. Stepped access to the rear to be relocated.	Due to levels and connection of services.
Plots 30, 65 & 69: The back two windows on the side elevation raised to be in line with the front two windows on the side elevation. Removed side door from the utility from this elevation due to it not being compatible with the site levels. These changes are reflected on the updated House Type Pack.	Update to windows and door due to site levels.
Boundary Treatment along the rear of plots 1 to 22: a rail up to 1.1m high across this boundary. There is a wall along parts of this boundary fronting onto the reservoir and the rail will still only be 1.1m in total in height. An updated Boundary Treatment Plan has been submitted.	To allow for views over the reservoir from private curtilage areas and ensure safety for future residents.
Boundary Treatment along the rear of plots 30 to 39: a 100mm gap will be left between the edge of the Cooper Rigg building to allow for any maintenance and prevent and party wall issues in the future. An 800mm sleeper will run along the rear of these gardens with a 1.8m acoustic fence on top of the sleeper from plots 30 to 32 and a 3m close boarded fence from plots 33 to 39 to provide visual screening of the Cooper Rigg factory.	Due to minor changes in the levels / tiering in the rear gardens of these plots. The addition of an 800mm sleeper will add additional height and screening to this boundary.
Apartment Building: Additional doors and windows on the primary elevation and enlarging of the approved windows. Masonry smoke flute added to the side of the building. Alternative cladding to the primary elevation has been proposed in light of Building Regulations and sees the timber clad replaced by grey brick. The entire apartment building has been moved back from the road 1m.	Updates made to the apartment building due to detailed structural design requirements and Building Regulations.
Informal private amenity spaces to be demarked on the ground floor to the rear of the building with tactile paving and doors which has resulted in a reconfiguration of the parking area albeit no spaces are lost.	

Covering letter (Kingswood Homes, April 2023)

3.2.4 The images below illustrate the minor nature of the proposed changes to the layout:



Originally approved layout (Kingswood Homes, February 2022).



Proposed amended layout (Kingswood Homes April 2023.

3.2.5 Full details are set in the submitted drawings and supporting covering letter. Assessment of the host RM application is set out in the officer's committee report, ref. 10/22/0064, dated 1st March 2022.

3.3 Development Plan

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

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

3.3.3 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS5 – Locations for New Housing
- CS6 – Housing Targets
- CS7 – Types of Housing
- CS8 – Affordable Housing Requirements
- CS16 – Form and Design of New Development
- CS18 – The Borough's Landscapes
- CS19 – Green Infrastructure

3.3.4 Local Plan Part 2

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 12 – Developer Contributions
- Policy 16/9 – Housing Land Allocations (Gib Lane Development Site, Blackburn)
- Policy 18 – Housing Mix
- Policy 36 – Climate Change
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape

3.4 Other Material Planning Considerations

3.4.1 Blackburn With Darwen Council Brownfield Register (2017)

3.4.2 Residential Design Guide Supplementary Planning Document (2015)

3.4.3 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.

3.4.4 National Planning Policy Framework (NPPF).

3.4.5 National Planning Policy Guidance (NPPG).

3.5 **Assessment**

3.5.1 The principle of residential development at the site, for 72 homes, is established by the original grant of planning permission. Assessment of this proposed amendment is limited to the details specified in the development description, assessed against the original Reserved Matters (RM), which are defined as follows:

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

3.5.2 Appearance

Very little discernible change to the appearance of the approved development would arise from the proposed amendments. Changes are very modest in the context of the development and the wider public realm. House types, save for minor window alterations and plots sizes remain as originally approved.

3.5.3 A modest change in appearance to the rear boundary of plots 33 – 39 inc. would be introduced by means of a 3m high close boarded acoustic fence with screen planting in the inside / garden side, to soften its appearance. The fence would serve to screen much of the adjacent industrial building for future occupants of those properties and would have enhanced acoustic qualities to guard against noise nuisance.

3.5.4 The appearance of the development is found to be in accordance with Policies 9 and 11 of The Local Plan Part 2, the Residential Design Guide SPD, and The Framework.

3.5.5 Landscaping

No change to the approved landscape / planting strategy for the site will arise from the proposed amendments, save for the addition of the above mentioned screen planting to the rear gardens of plots 33 – 39.

3.5.6 A very minor modification to the position of hard surfaced driveways to plots 12, 13, 20 and 21 would be introduced, without impacting the balance of hard and soft surface treatment or the amount of in-curtilage parking provision originally approved.

3.5.7 Landscaping of the development is found to be in accordance with Policies 9, 11 and 40 of The Local Plan Part 2, the Residential Design Guide SPD, and The Framework.

3.5.8 Layout

No discernible change to the overall layout of the site would arise from the proposed amendments, including house numbers, highway infrastructure and public open space.

3.5.9 Handed and swapped plots / houses remain acceptable when assessed against the original approval, which acknowledged a shortfall in the Council's adopted separation standards, thus:

Shortfalls of these interface distances are, however, proposed between a number of proposed dwellings and between proposed and peripheral commercial uses outside the south east corner of the site, resulting in a degree of policy conflict. Nonetheless, a relaxation of standards is considered justified in this instance, due to a quantum needed to address significant viability challenges arising from necessary ground remediation and land level inconsistencies. Densities across Hoddlesden Village are also recognised as comparable to that proposed. Moreover, the adopted SPD supports a relaxation in separation standards were justified.

3.5.10 Outlook from the rear of plots 33 – 39 would include the 3m acoustic fence, screened by planting, as referenced above. This outcome is considered a betterment for future occupants of those plots than the original scheme, by virtue of much of the industrial building to the rear being screened and enhanced noise mitigation achieved through the increased fence height.

3.5.11 The Council's Public Protection consultee has, however, requested submission of a noise assessment, prior to determination of the application, in order to consider noise impacts arising from the adjacent Copper Rigg industrial building. Members are, however, advised that the request is considered unnecessary and unreasonable, on account of the very modest changes to the layout which do not include changes to plots 33 – 39, those which abut the industrial building, other than the enhanced acoustic fencing.

3.5.12 The Council's Drainage consultee, as Lead Local Flood Authority, offers no objection to the proposal, confirming that no increased flood risk or impact on the culvert running through the site will arise.

3.5.13 The layout of the development is found to be in accordance with Policies 8, 9, 10, 11 and 40 of The Local Plan Part 2, and The Framework.

3.5.14 Scale

No change to the scale of houses originally approved will arise.

3.5.15 The only change in scale to that originally approved would be the acceptable height increase of the acoustic fence, referenced above.

3.5.16 The scale of the development is found to be in accordance with Policies 8, 9, 10, 11 and 40 of The Local Plan Part 2, and The Framework.

3.5.17 Summary

This report assesses minor amendments to the original reserved matters approval for the former Hoddlesden Mill site at Johnson New Road, Hoddlesden. In considering the proposal, all relevant material considerations relating to this application have been taken into account to inform a balanced recommendation that is considered to demonstrate compliance with the Local Development Plan and The Framework, in support of the Council's strategic growth objectives.

4.0 RECOMMENDATION

4.1 Approve:

Delegated authority is given to the Strategic Director of Growth & Development to approve planning permission, subject to the following conditions:

1. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received 17th January 2021 and drawings / statements numbered: Design & Access Statement P2102_DAS; Planning Statement Rev 1; Location Plan P2102_SP(90)11; Photo Location Plan P2101_3D(90)01; Site Layout P2102_SP(90)02 D Rev H; Boundary Treatment Plan P2102_SP(90)10 Rev A; Swept Path Analysis P2102_SP(90)13; House Plans & Elevations P2102_Planning_Housetypes; Apartments Planning Elevations P2102_AP_EL(20)01 Rev A; Apartments Lower and Upper Ground Floor Plan P2102_AP_PL(20)01 Rev A; Apartments Second Floor Plan P2102_AP_PL(20)02 Rev A; Apartments Third Floor and Roof Plan P2102_AP_PL(20)03; Illustrative Site Sections / Streetscenes A-A, B-B & C-C P2102_SE(20)01; Illustrative Site Sections / Streetscenes D-D & E-E P2102_SE(20)02; Materials Matrix Jan-22 Rev A; Tree Removal Plan c-2021-03; Arboricultural Impact Assessment Jan-22; Updated Badger Survey Version 1; Streetlighting Design- S38 & Private Area Calcs; Streetlighting Design- S38 & Private Area Calcs - 4m Grid-Rev; Construction Environment Management Plan Jan-22 V2; Schematic Drainage Layout and Levels 210952-EDGE-XX-XX-DR-C-2099; Preliminary Site Levels 210952-EDGE-XX-XX-DR-C-0001; Detailed Landscape Plan Sheet 1 of 2 c-2021-03 Rev B; Detailed Landscape Plan Sheet 2 of 2 c-2021-02 Rev B; Vehicle Tracking

and Visibility Splays P2102_SP(90)17; and ERAP Consultation Response 2021-325; and

Amended details received 6th April 2023, in accordance with drawings numbered: *to be added*.

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

2. The exterior of the buildings hereby approved shall be constructed in strict accordance with the submitted Materials Matrix received 24th January 2022 Rev A.

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

3. Prior to commencement of the development hereby approved, elevation, structural and technical specifications of proposed retaining walls within the site shall be submitted to and approved in writing by the Local Planning Authority. The walls shall be constructed in accordance with the approved details.

REASON: To safeguard residential amenity and to ensure the external appearance of the development is acceptable, in accordance with Policies 8 and 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

4. The development hereby approved shall be implemented in strict accordance with the Boundary Treatment Plan P2102_SP(90)10 Rev D, received 6th April 2023.

REASON: To safeguard residential amenity and to ensure the external appearance of the development is acceptable, in accordance with Policies 8 and 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

5. The development hereby approved shall be carried out in strict accordance with the submitted Arboricultural Impact Assessment, dated January 2022. Tree protection measures shall be adhered to throughout the period of construction.

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

6. The development hereby approved shall be carried out in strict accordance with the submitted 'Detailed Landscape Proposals' drawings, numbered c-2021-01 Rev B (sheet 1 of 2) and c-2021-02 Rev B (sheet 2 of 2), received

13th March 2022. Planting shall be carried out during the first available planting season following completion of the works, and thereafter retained. Trees and shrubs dying or becoming diseased, removed, or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and / or shrubs.

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

7. Prior to occupation of the development hereby approved, a Landscape Management and Maintenance Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall cover all landscaped areas of public open space and it shall detail a programme of works including scheduled frequencies of weeding and watering for the duration of the development, as well as replacement planting of dead diseased or damaged trees and shrubs within a five year period from the implementation of the approved landscape scheme referenced in condition no. 6. The strategy shall be implemented in accordance with the approved detail.

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

8. Prior to commencement of any above ground works, a hard landscaping plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved detail.

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

9. Notwithstanding the submitted details, prior to occupation of the development hereby approved, a bat and bird nesting box scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved detail prior to occupation of the development and shall be so retained.

REASON: To compensate for loss of bird nesting habitat, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

5.0 PLANNING HISTORY

- 5.1 10/22/0064 – Reserved Matters application pursuant to outline permission granted under application no. 10/21/0008. Approved March 2022.
- 5.2 10/21/0008 – Hybrid planning application for:
- a) full planning permission for demolition of buildings, remediation works including re-contouring of the site to form development platforms; and
 - b) outline planning permission with all matters reserved, except for means of vehicular access from Johnson New Road, for residential development comprising up to 79 new dwellings.
- Approved in September 2021.
- 5.3 10/10/0875 – Full planning application for 87 residential dwellings together with associated infrastructure. Approved in December 2015 – now expired.
- 5.4 10/06/0225 – Outline planning application for a mixed use development including residential, employment, sheltered housing, community facility, access and landscaping. Approved in August 2007 - now expired.
- 5.5 10/07/0707 – Full planning application for the provision of on-site open space - Withdrawn.
- 5.6 10/08/0245 – Planning application for mixed use development comprising 94 dwellings, community facility, employment uses with associated landscaping, foul pumping station, access and ancillary works – Withdrawn.

6.0 CONSULTATIONS

6.1 Public Protection

Predetermination

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

Comment:

The revised noise control measures need to be assessed to determine whether they are suitable & sufficient to prevent significant loss of amenity arising from industrial activity at Cooper Rigg Ltd. (CRL).

Predetermination - Residential Amenity Noise Impact Assessment

An assessment shall be submitted that determines the likely impacts of noise, arising from the premises of CRL, upon future residents of the development. Where appropriate, the assessment must identify further mitigating measures to alleviate

those impacts. Reference should be made to the National Planning Policy Framework and Noise Policy Statement for England.

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

Reason: To ensure an acceptable standard of residential amenity.

Informative:

BS4142 'Methods for rating and assessing industrial and commercial sound'

I will need a detailed assessment of CRL industrial noise impact in accordance with the aforementioned British Standard including, as follows:

- An objective assessment of tonality, impulsivity & intermittency;
- Mode of all industrial operations;
- Detailed assessment of existing context (ref: Clauses 4 & 11);
- Potential impact of assessment uncertainties.

6.2 BwD Drainage (Lead Local Flood Authority)

LLFA Position: We have no objections to the proposals.

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

8.0 DATE PREPARED: 1st June 2023.

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/23/0282

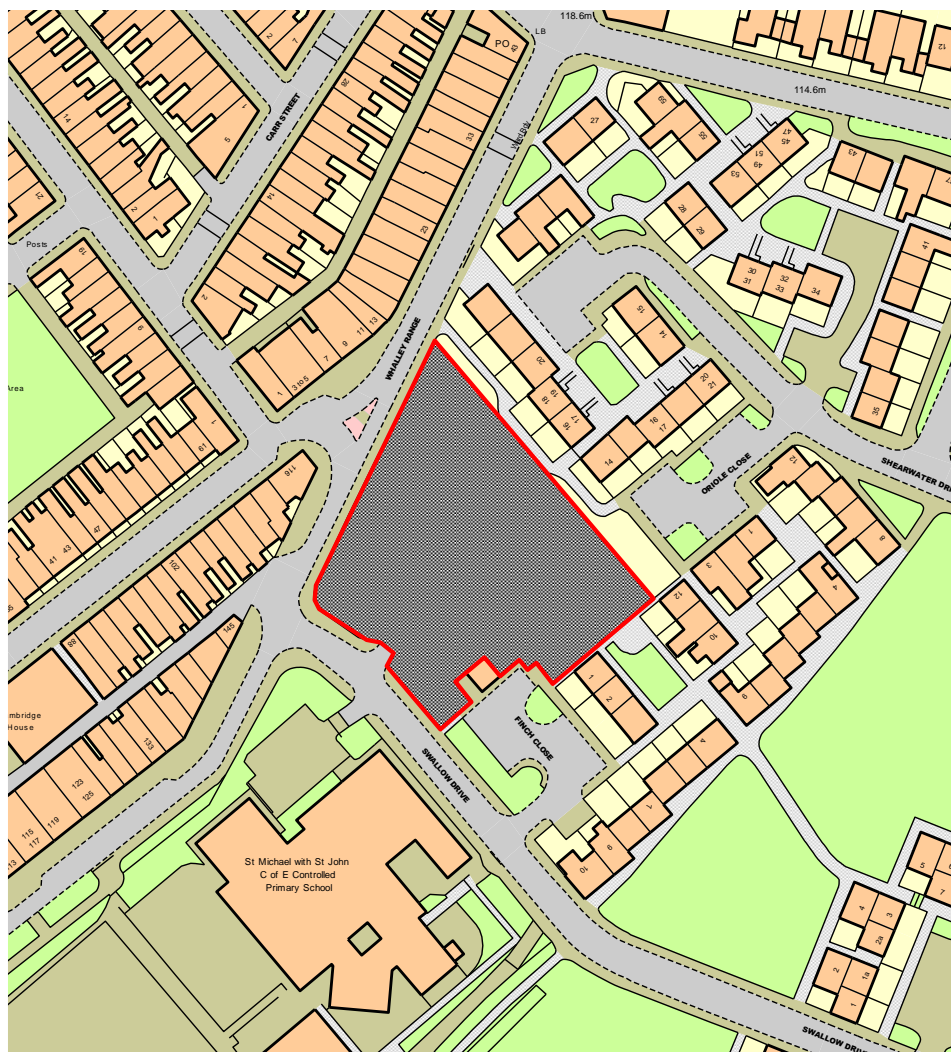
Proposed Development: Variation of Conditions 2 (Electric Vehicle Charging Points), 3 (Construction Method Statement), 4 (Surface Water Drainage), 6 (Tree Protection Measures) and 8 (Approved Drawings) and removal of Conditions 1 (Commencement Date) and 5 (Ecological Mitigation) pursuant to planning application 10/20/0080 "Construction of a car park on land between Swallow Drive and Whalley Range including new vehicular access from Swallow Drive, landscaping and boundary fencing" - to all for alterations to the car parking layout and design

Site Address: Former Blakewater Lodge Rest Home, Swallow Drive, Blackburn, BB1 6LQ

Applicant: Blackburn with Darwen Borough Council

Ward: Blackburn Central

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



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Council's Constitution, and given that the previous application (10/20/0080) was being presented to the Planning and Highways Committee for determination on the 18th March 2020. However, members are advised that due to the start of the Covid 19 pandemic outbreak at that time, and committee meetings being suspended for the foreseeable future, following discussion and agreement with the Chair and the Director of Growth & Development, it was agreed the application could be determined under "emergency delegated powers" in accordance with Council's Constitution (Part 3, Section 16, paragraph 2). Members were informed of this position by the Chair via email on the 24th March 2020. The application was subsequently approved on the 26th March 2020. In addition, the application is made on behalf of the Council.
- 2.2 The proposed development has been publicised through letters to residents and occupants of the nearest 51 adjacent properties on 24th April 2023. In addition, a site notice was displayed outside of the site on 2nd May 2023. Three public comments have been made for the application so far raising concerns. The comments predominantly relate to the potential for adverse impacts to be caused for the safety and capacity of the local highways network. Should any further comments be received ahead of the committee meeting they will be presented as part of a committee update report.
- 2.3 The Council's development plan supports new public developments and associated works, provided they constitute sustainable development and accord with the development plan when taken as a whole.
- 2.4 This application is made under Section 73 of the Town and Country Planning Act (1990). The application involves various amendments to the carpark layout, approved under application 10/20/0080. The proposals would deliver a public carpark with 57 parking bays, including 4 disabled bays and 3 electric vehicle charging point bays. Planting lining the site boundaries would be retained aside from two trees that stagger the existing access point.
- 2.5 On balance, the proposals would be satisfactory from a technical point of view, with all issues having been addressed during the course of the application process, or capable of being controlled or mitigated through appropriately worded planning conditions.
- 2.6 The key issues to be assessed in determining this application are as follows;
- Establishing the principle of development
 - Safeguarded the residential amenities of the closest neighbours

- Assessing surface water drainage provisions
- Ensuring harm to trees is appropriately minimised
- Assessing any ecological impacts
- Ensuring highway safety is optimised
- Minimising adverse impacts on air quality
- Assessing potential impacts in the way of visual design

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site is a piece of vacant land located within the Inner Urban Area of Blackburn. A residential care home previously occupied the site, which was approved for demolition at the Planning and Highways Committee in August 2018. The site has recently been subject to earthworks its central area is covered by exposed earth.

Figure One – Satellite image of the site



- 3.1.2 The site covers an area of circa 0.9 acres. Dwellings are positioned to the south and east with a school to the west and mixed-use buildings to the north. Vehicle access is currently gained from the west off Swallow Drive. Trees of various ages define the site boundaries and the site is currently bound by temporary metal fencing.

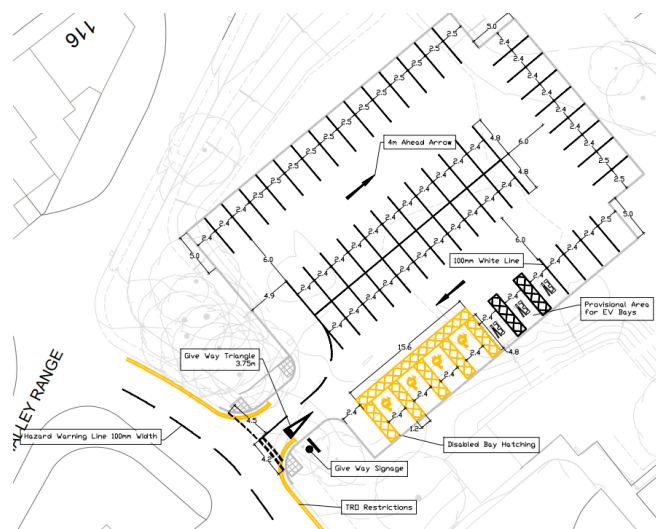
Figure Two – Location Plan showing the general extent of the site



3.2 Proposed Development

3.2.1 As detailed above, this application seeks to amend the layout of the carpark approved under application 10/20/0080. Works have lawfully commenced on site in the form of engineering operations and the permission is therefore extant. These amended proposals would involve a reduction in the number of parking bays alongside the removal of costly retaining structures lining the site boundaries. The pedestrian link to Whalley Range would also be omitted. The amendments are put forward in order to provide a more cost effective solution to deliver the carpark.

Figure Three – Amended Proposed Site Plan



applied on one side of Swallow Drive in the form of double yellow lines. The amended layout would have consequential impacts on a number of other matters controlled by condition.

3.3 Case Officer Site Photos



3.4 Development Plan

3.4.1 Local Plan Part 2 (2015):

- Policy 1: The Urban Boundary
- Policy 2: The Inner Urban Boundary
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 36: Climate Change

4.0 **ASSESSMENT**

4.1 Principle of Development

4.1.1 The principle of development has been established under application 10/20/0080. This application merely involves amendments to the approved layout of the carpark and no impacts jeopardising the principle of development would arise. The proposed development therefore complies with Policies 1 and 2.

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

4.2 Residential Amenity

4.2.1 Dwellings surround the application site to three sides and safeguarding the amenities of the immediate neighbours is an important material planning consideration. Policy 8 states that all development proposals must secure a

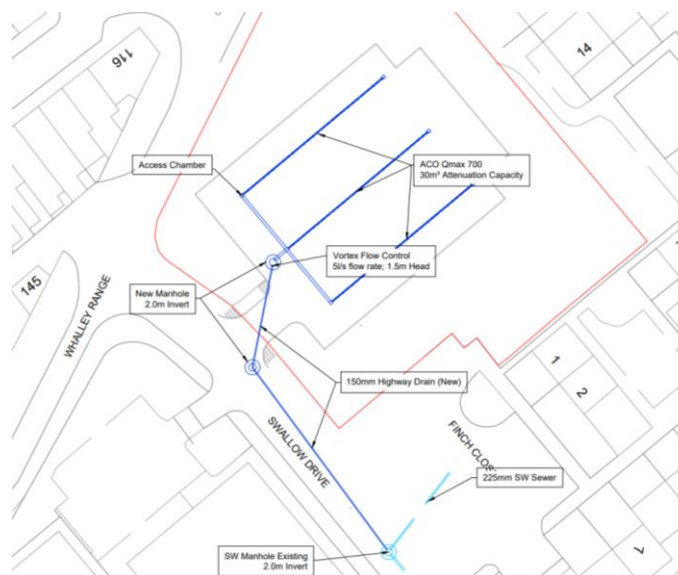
satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself, with reference to noise, vibration, odour, light, dust, other pollution or nuisance, and the relationship between buildings.

- 4.2.2 Impacts on residential amenity were appraised as part of application 10/20/0080. Condition 3 was imposed on the previous consent regarding the submission of a Construction Method Statement. A satisfactory scheme was approved under application 10/23/0208. It is therefore recommended that Condition 3 be reworded to take account of that application. It is also recommended that Condition 7 be duplicated from the previous consent, which relates to construction working hours. Subject to compliance with those conditions, the proposed development would be acceptable with reference to residential amenity, in accordance with Policy 8.

4.3 Drainage

- 4.3.1 The proposals involve the formation of a large area of hardstanding. Policy 9 states that development with the potential to create significant amounts of new surface water run-off will be expected to consider and implement where required, sustainable drainage systems (SuDS) or other options for the management of the surface water at source.
- 4.3.2 Surface water drainage provisions were appraised as part of application 10/20/0080. Condition 4 was imposed on the previous consent in order to ensure adequate surface water drainage systems are installed in support of the development. These proposals include an amended drainage design in order to take account of the amended layout, as shown below.

Figure Four – Amended surface water drainage layout



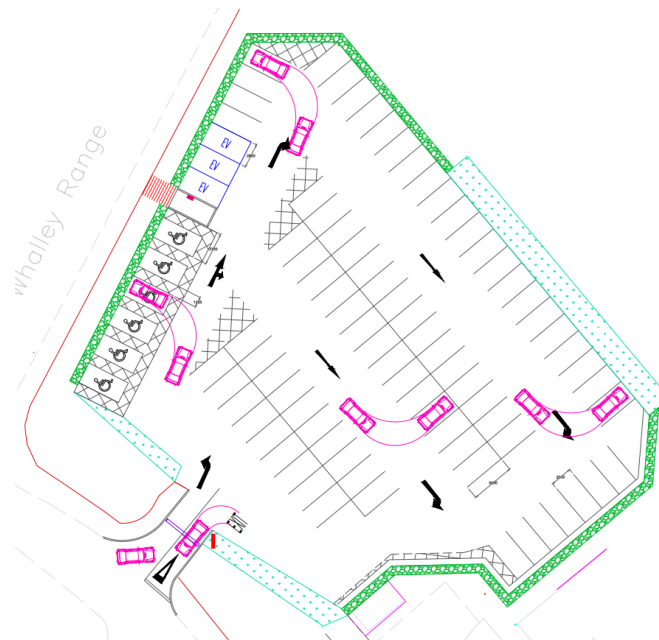
- 4.3.3 BwD Drainage have reviewed the amended drainage layout and no objections have been raised. United Utilities have also formally agreed the connection through an s106 agreement. The amended system includes the same provisions as the approved system with attenuation measures and a restricted

flow to the sewer of 5 litres per second. It is therefore recommended that Condition 4 be reworded in order to take account of the amended drainage layout. Subject to compliance with that condition, the proposed development would be acceptable with reference to residential amenity, in accordance with the relevant requirements of Policy 8.

4.4 Trees

- 4.4.1 The submitted plan indicates that two trees would be removed staggering the access point in order to allow widening works. Further requirements within Policy 9 state that development will be permitted where, following implementation of any required mitigation, there is no unacceptable impact on environmental assets or interests, including trees. The development approved under application 10/20/0080 involved removing the majority of the trees within the site, as shown below in Figure Five.

Figure Five – Approved carpark layout



- 4.4.2 These amended proposals would provide a significantly better scheme in terms of tree retention. A Tree Survey has been submitted with the application that merely grades the quality of the trees on site. It is acknowledged that the survey does not specifically correlate with these proposed amendments. That said, given that these amended proposals involve the retention of a much higher number of trees than the extant permission in place, no further assessments are necessary.
- 4.4.3 It is therefore recommended that Condition 6 be reworded in order to ensure adequate tree protection measures are provided during construction works. Subject to compliance with that condition, the proposed amendments would be acceptable with reference to trees, in accordance with the relevant requirements of Policy 9.

4.5 Ecology

- 4.5.1 The site is contained by built form and it has a relatively low baseline ecological value. Further requirements within Policy 9 state 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.
- 4.5.2 The proposals would not lead to any further ecological impacts when compared with the extant permission in place. Condition 5 was imposed on the previous consent in order to ensure that the development proceeds in accordance with the recommendations detailed within the submitted Bat Survey Report.
- 4.5.3 The same report supports this application. However, the recommendations relate to the demolition of the care home and not the construction of a carpark. It is therefore recommended that the condition be removed on that basis. As detailed above, these amended proposals involve the retention of a greater number of trees, which would provide a number of ecological benefits. For those reasons, the proposed development is acceptable with reference to ecology, in accordance with the relevant requirements of Policy 9.

4.6 Highway Safety

- 4.6.1 Highways impacts were appraised at length as part of application 10/20/0080. The BwD Highways team have also designed these amended proposals and they have raised support for them verbally. Policy 10 requires all development proposals to not prejudice road safety, or the safe, efficient and convenient movement of all highway users.
- 4.6.2 The access arrangements would remain unaltered when compared with the extant permission in place. The pedestrian link to Whalley Range would be omitted yet that change can be justified given the cost savings required in order to deliver the scheme. No changes to the operational requirements of the carpark are proposed and a 'pay and display' system will be utilised.
- 4.6.3 Concerns have been raised in public comments regarding a number of highways and parking related matters. It is acknowledged that on-street parking opportunities are at a significant premium locally. The carpark is proposed to alleviate those existing issues and its construction would have a positive impact on the overall safety and capacity of local highways network.
- 4.6.4 Regarding controlling the logistics of the construction phase, a satisfactory scheme was approved under application 10/23/0208. It is therefore recommended that Condition 3 be reworded to take account of that application, as detailed above. Subject to compliance with that condition, the proposed development would be acceptable with reference to residential amenity, in accordance with Policy 10.

4.7 Air Quality

- 4.7.1 Condition 2 was imposed on the previous consent regarding the installation of three electric vehicle charging points. The amended layout includes the same level of provision. It is recommended that Condition 3 be reworded in order to take account of the amended layout and drawing number. Subject to compliance with that condition, the proposed development would be acceptable with reference to air quality, in accordance with the relevant requirements of Policy 36.

4.8 Design

- 4.8.1 The proposals involve a reduction in the amount of hardstanding and an increase in the level of tree retention. Such outcomes provide benefits when assessing impacts in the way of visual design. For those reasons, the proposed amendments comply with Policy 11.

4.9 Wider Considerations

- 4.9.1 Further concerns have been raised in public comments regarding the need to install CCTV in support of the development. The Applicant has advised that such provisions are not included within the budget and that natural surveillance will be relied upon, which is acceptable. Those comments therefore have no material influence on the assessment of this application.

4.10 Summary

- 4.10.1 This application involves amendments to the layout of a carpark approved under application 10/20/0080. Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies detailed in Section 3.4. For clarity, it is recommended that Conditions 2, 3, 4, 6 and 8 are varied to accord with the amended layout. In addition, it is recommended that Conditions 1 and 5 are removed as they are no longer relevant to this consent.
- 4.10.2 Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Subject to appropriate conditions, the proposal would be acceptable in principle and with reference to residential amenity, drainage, trees, ecology, highway safety, air quality and design.
- 4.10.3 The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

5.0 RECOMMENDATION:

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

5.1 CONDITION REMOVED

- 5.2 Prior to the development becoming operational, 3 parking bays shall be fitted with Electrical Charging Vehicle equipment in accordance with the approved details as shown on ' 52891-BLKW-1200-OV-01-REVB' and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to facilitate electronic vehicle charging, to mitigate air quality impacts arising from the development and in the interests of sustainable development, and to accord with the requirements of Policy 36 of the Blackburn with Darwen Borough Local Plan Part 2.

- 5.3 The development shall be implemented in strict accordance with the measures detailed within Construction Method Statement discharged under application 10/23/0208.

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).

- 5.4 The proposed drainage layout hereby approved shall be implemented prior to the commencement of the proposed use as shown on drawing ' 52981-BLKW-500-PT1-01' and the recommendations of the Flood Risk Assessment (dated 13th March 2020) and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, surface water must drain at the restricted rate of 5 l/s directly into the public surface water sewer which outfalls to the nearby culverted watercourse.

REASON: In order to ensure a safe form of development that poses no unacceptable risk of flooding, pollution to water resources or human health in accordance with Policy 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2 (December 2015).

5.5 CONDITION REMOVED

- 5.6 Prior to the commencement of any further works on site, tree protection fencing that accords with the requirements of BS 5837 (2012) shall have been erected around all the trees to be retained within and adjacent to the site. The fencing

installed shall thereafter remain in place until the development has been substantially completed.

REASON: In order to ensure adequate tree protection measures are provided in support of the development, in the interests of biodiversity and visual amenity, and to comply with the requirements of Policies 9 and 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5.7 The construction of the development hereby permitted shall only take place between the hours of:

- Monday to Friday 8am – 6pm;
- Saturdays 9am – 1pm, and;
- Not on Sundays or Bank Holidays.

REASON: In order 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.

5.8 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: 52981-BLKW-1100-DIMS-01, 52891-BLKW-1200-OV-01-REVB, 52891-BLKW-300-OV-01, 52891-BLKW-500-DIMS-01-REVB, 52891-BLKW-500-OVW-01-REVB, 52891-BLKW-600-EW-01, 52891-BLKW-700-PAV-DET-01 and BS-BWD-1300-01 – Revision R0.

REASON: For the avoidance of doubt and to clarify the terms of this consent.

6.0 RELEVANT PLANNING HISTORY

6.1 10/23/0208 – Discharge Condition No3 "Construction Method Statement" pursuant to planning application 10/20/0080 – Condition discharged – March 2023.

6.2 10/20/0080 – Construction of a car park on land between Swallow Drive and Whalley Range including new vehicular access from Swallow Drive, landscaping and boundary fencing – Approved, with conditions – determined under delegated emergency powers 26th March 2020 – refer to paragraph 2.1 above for reasons.

6.3 10/18/0581 – Demolition of former rest home – Prior approval is not required – August 2018.

7.0 CONSULTATIONS

7.1 BwD Highways – No objections (verbal).

7.2 BwD Drainage – No objections.

7.3 Environment Agency – no comments received.

7.4 Ward Cllrs

7.5 Summary of Public Responses – refer to Section 10 for full details.

- On-street parking is constrained locally
- Congestion occurs in the local area
- Some vehicles park in a dangerous manner
- Construction works may be disruptions
- CCTV should be installed in support of the carpark

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

9.0 **DATE PREPARED:** 01st June 2023

10.0 SUMMARY OF REPRESENTATIONS

Objection – Tracy Dawe, 1 Finch Close, Blackburn. Received: 15/05/2023

Construction of car park, Swallow drive/Whalley range.

I live next door to this land and have already raised these issues.

The traffic on Swallow drive at school times is bad, what happens if the Emergency services need to get down here? There is only one way on and off this side of the estate.

What hours will this “car park” be in use?

Will anybody be working there to make sure it isn’t used as a racetrack at night.

I can actually see a car park in the town centre, a couple of minutes away. Why is there need for another one?

Comment – Sarah Murphy, Headteacher, St Michael with St John CoE Primary School, Swallow Drive, Blackburn. Received: 03/05/2023

Thank you for notifying me about the planning application for the construction of a car park opposite our school.

Parking has been a huge issue around our school both on Swallow Drive and Victoria Street for many years. This is particularly bad at busy times ie drop off and pick up times at school, also during normal peak traffic times. I have observed and reported very thoughtless and dangerous parking. This sometimes includes a full vehicle being parked on the pavement, thus blocking the way for pedestrians. I contacted Dwayne Lowe (head of highways) back in October 2022 about this issue, highlighting the school’s concerns about there being no bollards outside school to prevent dangerous parking from happening. However, I was unfortunately informed that no additional

bollards would be installed. Thus, dangerous parking outside school continues to present a real risk of accident or injury to a child, parent or staff member.

If the car park offers parking for parents when picking up / dropping off, this would be great. However, some concerns we have are as follows:

- Swallow Drive and Victoria Street are heavily congested already. Will the car park make this situation worse?
- Will children be put at further risk from drivers using the car park as the entrance and exit comes directly out on to Swallow Drive where children, parents and staff walk and drive?
- Will construction of the car park cause a greater risk to our children, parents and staff – large construction vehicles opposite school / using the same road?
- Will construction cause further disruption to 2 already heavily congested roads?
- Will construction cause disruption to the children's learning due to noise levels? Would it not be better to construct during the holidays so as not to disturb the children's learning? How long will the construction work take and when is it planned for?

If you would like to speak to me about any of these points, please let me know.

Comment – Rashida Mogra, 7 Finch Close, Blackburn. Received: 04/05/2023

Hi,

My name is Rashida Mogra and I am a resident from 7 Finch Close.

I would like to raise my concerns and ask that the car park scheduled to run should be to high standards as this is in the heart of Blackburn.

It is a great idea to have the space as a car park as the location is great for shoppers who usually struggle to find parking.

It would be great if cameras are installed for the safety of the whole area around.

Please confirm if this car park will be pay and display.

If this is a free car park, I feel as a resident, we should not have to pay for our parking permit either.

I would like to be updated with what is agreed and approved.

I look forward to hearing from you in due course.

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/23/0284

Proposed Development: Variation of Conditions 1 (Temporary Permission), 2 (Approved plans), 4 (Construction Method Statement), 6 (Parking layout), 7 (Scheme relating to public sewer), 8 (Scheme relating to water main) and 9 (Sustainable surface water drainage scheme) pursuant to planning application 10/22/0921 'Temporary siting of modular accommodation for education use during period of works for refurbishment of the Victoria Building' – to amend layout/position of the cabins and provide supplementary information relating to technical matters

Site Address: Blackburn College, Blakey Moor, Blackburn, BB2 1LH

Applicant: The Department for Education

Ward: Blackburn Central

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



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

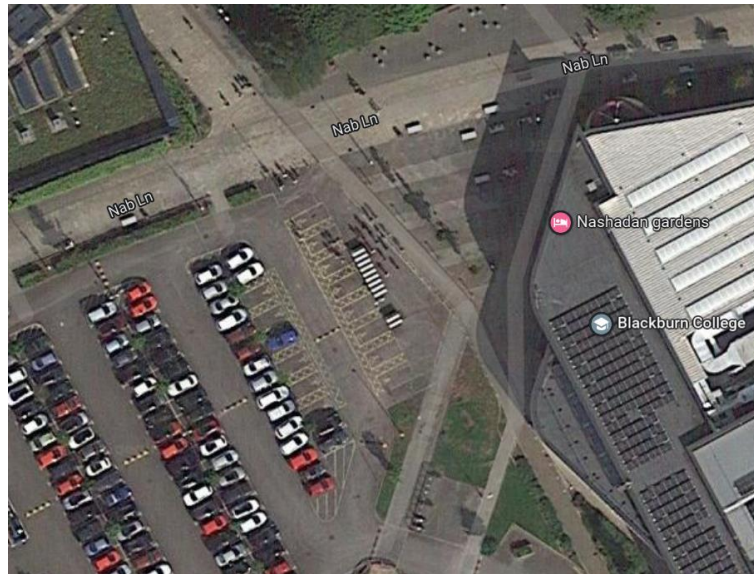
- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Council's Constitution, and given that the previous application (10/22/0921) was presented to the committee for determination in November 2022. In addition, some of the land included within the application site boundary is within the ownership of the Council.
- 2.2 The proposed development has been publicised through letters to residents and occupants of the nearest 45 adjacent properties 24th April 2023. In addition, a site notice was displayed outside of the site 04th May 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 new educational development and associated works, provided they constitute sustainable development and accord with the development plan when taken as a whole.
- 2.4 This application is made under Section 73 of the Town and Country Planning Act (1990). The application involves various amendments to a modular building approved under application 10/22/0921. The application has been submitted given the presence of an adjacent sewer and water main. The proposals would deliver temporary accommodation in support of the refurbishment of the adjacent Victoria Building. The submitted plans show a two-storey building providing 12 classrooms alongside ancillary functions. The development would be formed from a number of connected modular buildings.
- 2.5 On balance, the proposals would be satisfactory from a technical point of view, with all issues having been addressed during the course of the application process, or capable of being controlled or mitigated through appropriately worded planning conditions.
- 2.6 The key issues to be assessed in determining this application are as follows;
- Establishing the principle of development
 - Assessing impacts on visual amenity
 - Assessing impacts on heritage assets
 - Safeguarded the residential amenities of the closest neighbours
 - Ensuring adverse impacts on the local highway network are avoided
 - Ensuring the parking capacity of the site is maintained
 - Safeguarding utilities infrastructure
 - Finalising foul and surface water drainage provisions

3.0 RATIONALE

3.1 Site and Surroundings

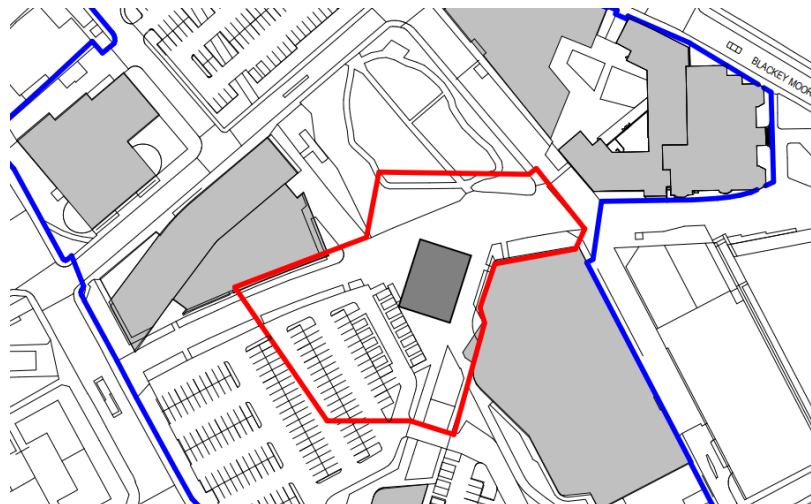
- 3.1.1 The application site forms part of a large carpark and open space areas that serve a tertiary educational building. The site is located within the defined Inner Urban Boundary and Blackburn Town Centre. The Northgate Conservation Area is also positioned adjacent to the east. Benches, planters and bike lockers are currently in place where the building is proposed together with a small number of mobility impaired parking bays.

Figure One – Satellite image of the site



- 3.1.2 The site covers an area of circa 1 acre. The remainder of the carpark is positioned to the south and west with a leisure centre positioned directly to the east. Open amenity land is positioned to the north with a college building located further afield to the south. Land within the wider site is edged in blue on the submitted Location Plan, as shown below.

Figure Two – Location Plan showing the general extent of the site



3.2 Proposed Development

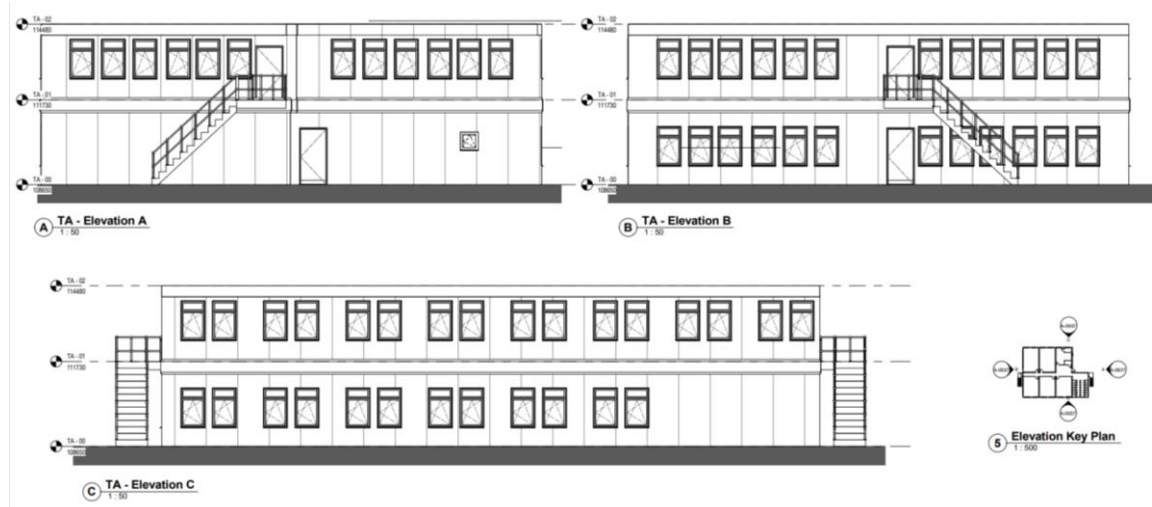
- 3.2.1 As detailed above, this application seeks to amend the size and design of a temporary modular building for the provision of classrooms. The provision is required in order to decant the teaching rooms of the Victoria Building, which is to undergo major refurbishment under applications 10/22/0912 and 10/22/0913. An initial requirement period of 22 months was detailed within the submitted Supporting Statement for application 10/22/0921 and a three year temporary permission was applied for. This application involves extending that timeframe to four years given changes to the project delivery schedule.

Figure Three – Amended Proposed Site Plan



- 3.2.2 The amended building would have a footprint of circa 387 square metres and a flat roof 11.5m in height. 5 classrooms would be provided on the ground floor together with toilet facilities and a staff room. 7 classrooms would be provided on the first floor. Access to the first floor would be gained by a pair of black metal external staircases, which would be installed to the north and south elevations. The building would have a grey external coating with white uPVC doors and windows installed.

Figure Four – Amended Proposed Elevations



3.2.3 Additional technical information has been submitted in support of Conditions 4, 7, 8 and 9 in the form of a Project Management Plan, foundations plans/cross-sections and a foul and surface water drainage scheme. A revised parking layout has also been submitted in support of Condition 6 to allow for changes to the footprint of the building.

3.3 Case Officer Site Photos



3.4 Development Plan

3.4.1 Core Strategy Part 1 (2011):

- Policy CS2: Typology of Employment Land
- Policy CS11: Services and Facilities

3.4.2 Local Plan Part 2 (2015):

- Policy 1: The Urban Boundary
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 26 Town Centres – A Framework for Development
- Policy 39: Heritage

3.4.3 Blackburn with Darwen Parking Standards (2014)

- Further and Higher Education: 1 car space per 2 full-time staff

4.0 ASSESSMENT

4.1 Principle of Development

- 4.1.1 The amended proposals would not affect the principle of development as the same type of the building is proposed in the same general location. The proposed amendments therefore comply with Policies CS2, CS11, 1 and 26.
- 4.1.2 In accordance with the presumption in favour of sustainable development detailed within the Framework, and Policy 7, development proposals should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of the proposal are identified; subject to assessment of the following matters;

4.2 Design and Visual Amenity

- 4.2.1 The amended proposals involve a reduction in the height and overall scale of the modular building, thereby providing design improvements when compared with application 10/22/0921. Moreover, the same external materials are proposed.
- 4.2.2 It is recommended that an amended version of Condition 1 is duplicated from the previous consent in order to limit the permission. Such a condition is necessary on design grounds in order to prevent the permanent siting of a visually inappropriate building. Subject to compliance with that condition, the proposed amendments would be acceptable with reference to design and visual amenity, in accordance with Policy 11.

4.3 Heritage Assets

- 4.3.1 As detailed above, the site is positioned adjacent to the Northgate Conservation Area, which is a designated heritage asset. No comments have been provided by the BwD Heritage Advisor yet no objections were raised by them for application 10/22/0921. These amended proposals would ultimately have no additional impacts on the adjacent conservation when compared with the consent already in place.
- 4.3.2 A condition to limit the timeframe of the development is also necessary on heritage grounds in order to prevent the permanent siting of a visually inappropriate building adjacent to the conservation area. Subject to compliance with that condition, the proposed amendments would be acceptable with reference to heritage assets, in accordance with Policy 39.

4.4 Residential Amenity

- 4.4.1 The amended proposals would not lead to any additional impacts on the amenities of the closest residential neighbours. It is recommended that Condition 5 be duplicated from the previous consent in order to control construction working hours. Subject to compliance with that condition, the

proposed amendments would be acceptable with reference to residential amenity, in accordance with the relevant requirements of Policy 8.

4.5 Highways and Parking

- 4.5.1 The amended proposals would not lead to any additional impacts on the local highways network. No objections have been raised by BwD Highways for the previous applications. Condition 4 imposed on application 10/22/0921 related to the submission of a Construction Method Statement. The Agent has emphasised an urgency to commence works on site in the coming weeks in order to meet project deadlines and information has been submitted to satisfy that condition in the form of a Project Management Plan and Compound Plan.
- 4.5.2 The Project Management Plan adequately appraises the parking of vehicles of site operatives and visitors and details of the sizes and types of vehicle to be visiting the site. Given the modular nature of the proposed building, the unloading and storage of plant and materials would be minimal. The same outcome is also applicable in relation to waste management. All of those operations would be undertaken within the compound area shown below in Figure Five, which is acceptable.

Figure Five – Submitted Compound Plan



- 4.5.3 The components of the building would be unloaded with the use of a loader crane and the position of that vehicle will vary as the project phase progresses. Excavations are required to allow for foundations. Minimal details in the way of wheel washing facilities have been provided. That said, the works are to take place within a college campus and any surface mud caused by construction works will be frequently cleaned given the nature of the site.
- 4.5.4 For those reasons, the details submitted as part of the Project Management Plan and Compound Plan provide assurance that the logistics of the construction phase will be adequately controlled. It is therefore recommended that Condition 4 is reworded in order to take account of those documents.

4.5.5 In addition, it is recommended that Condition 6 is reworded to take account of the amended layout. The condition is necessary in order to maintain an adequate number of mobility impaired spaces on site. Subject to compliance with those conditions, the proposed amendments would be acceptable with reference to highways and parking, in accordance with Policy 10.

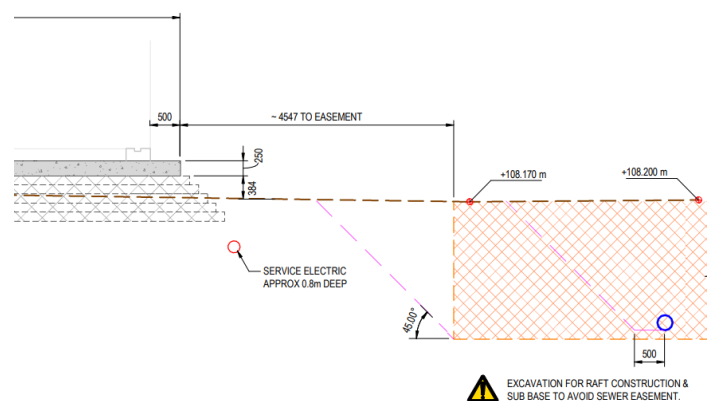
4.6 Flooding, Drainage and Utilities Infrastructure

4.6.1 The amended proposals would not lead to any additional impacts in the way of flood risk. Comments are yet to be provided by BwD Drainage. No objections were raised by them for the previous applications and the same position is likely to be maintained. Any comments provided will be added as part of the committee update report.

4.6.2 A review of the amended proposals has been undertaken by United Utilities and some concerns have been raised. Their concerns essentially relate to the potential for a sewer and water main running adjacent to the site to be compromised through construction of the foundations. The Agent has submitted an abundance of additional information in response to those concerns. Further comments are yet to be provided by United Utilities. Should any further comments be made ahead of the committee meeting they will be presented as part of a committee update report.

4.6.3 Regarding Conditions 7 and 8, it should be initially noted that the footprint of the building has been reduced to take account of the adjacent sewer and water main. A cross-section of the foundations has been submitted, as shown below in Figure Six. The plan confirms that the required foundations will be outside of the 45-degree zone of influence in relation to the sewer easement that runs to the north of the site. In addition, the foundations are outside of the easement zone for the water main that runs to the east of the site. For those reasons, it is recommended that Conditions 7 and 8 are reworded in order to ensure the development is implemented in accordance with the submitted foundations specifications.

Figure Six – Cross section of foundations showing position of sewer



4.6.4 Regarding Condition 9, the Agent has submitted a connection agreement from United Utilities. Although their planning team has requested information, their connections team has agreed the submitted layout in February 2023. Such details are sufficient to disregard their request for further information in support of Condition 9. It is therefore recommended that Condition 9 is reworded in order to ensure the development is implemented in accordance with the submitted drainage scheme.

4.6.5 Subject to compliance with the attached conditions, the proposed amendments would be acceptable with reference to flooding, drainage and utilities infrastructure in accordance with the relevant requirements of Policy 9.

4.7 Arboricultural Assessments

4.7.1 The amended proposals would not lead to any additional impacts on trees. No objections have been raised by the BwD Arboricultural Advisor. The submitted Compound Plan confirms that no construction operations would take place close to the mature trees to the north of the site. On that basis, the proposed amendments would be acceptable with reference to arboricultural assessments, in accordance with the relevant requirements of Policy 9.

4.8 Crime Management

4.8.1 The amended proposals would not lead to any additional impacts in the way of crime risk. An Informative Note was added to the previous approval regarding the need to implement the development in accordance with the Secured by Design standards, which will be duplicated. Subject to those obligations being followed, the proposed amendments would be acceptable with reference to crime risk, in accordance with the relevant requirements of Policy 8.

4.9 Summary

4.9.1 This application involves amendments to a temporary building approved under application 10/22/0921. Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies detailed in Section 3.4.

4.9.2 For clarity, it is recommended that Conditions 2, 4, 6, 7, 8 and 9 are varied to accord with the amended building design and submitted technical details. In addition, it is recommended that Condition 1 is varied in order to allow additional time for the wider project involving the Victoria Building to be delivered.

4.9.3 Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Subject to appropriate conditions, the proposal would be acceptable in principle and with reference to design and visual amenity, heritage assets, highways and parking, flooding, drainage and utilities infrastructure, arboricultural assessments, and crime management.

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

5.0 RECOMMENDATION:

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

- 5.1 This permission covers a temporary 4 year period alone, the development hereby approved shall be entirely removed on or before 01/12/2026, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to ensure the development is not retained indefinitely, in the interests of visual amenity and preventing harm to the setting of the adjacent conservation area, 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).

- 5.2 Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: Location Plan (ADP-TA-00-D-A-0920-S5-P6), ADP-TA-00-D-A-0925-S5-P3, ADP-TA-00-D-A-0930-S5-P6, ADP-TA-00-D-A-0935-S5-P3, ADP-TA-01-D-A-0936-S5-P2, ADP-TA-ZZ-D-A-0937-S5-P2, FE013-CUR-TA-F1-D-S-1601-P07, FE013-CUR-TA-XX-D-C-9201-P04, FE013-CUR-TA-F1-D-S-1602-P02 and FE013-CUR-TA-F1-D-S-1603-P02,

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

- 5.3 The external materials to be used for the construction of the development hereby approved shall be as stated on the submitted application form and approved drawings and those materials shall not be varied without the prior written consent of the Local Planning Authority.

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

- 5.4 The development hereby approved shall be implemented in strict accordance with all of the measures detailed as part of the submitted Project Management Plan (Revision Number 3) and Compound Plan (submitted 26th May 2023).

REASON: In order to control the logistics of the construction phase, in the interests of preventing harm to adjacent mature trees and minimising disruptions on the local highways network, and to comply with the requirements of Policies 9 and 10 of the Blackburn with Darwen Borough Council Local Plan

Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.5 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
- 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).

- 5.6 Prior to the siting of any buildings on site, the revised parking layout as detailed on the approved plan 'ADP-TA-00-D-A-0930-S5-P6' shall have been provided entirely in accordance with that plan. Any revised parking provided shall thereafter remain in perpetuity with the development.

REASON: In order to ensure an adequate level of mobility impaired spaces are provided, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.7 The foundations of the development hereby approved shall be implemented in strict accordance with the details on the approved plans 'FE013-CUR-TA-F1-D-S-1602-P02 and FE013-CUR-TA-F1-D-S-1603-P02'.

REASON: In order to ensure adequate protection is afforded to the adjacent public sewer, in the interests of securing sustainable development, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.8 The foundations of the development hereby approved shall be implemented in strict accordance with the details on the approved plan 'FE013-CUR-TA-F1-D-S-1601-P07'.

REASON: In order to ensure adequate protection is afforded to the adjacent water main, in the interests of securing sustainable development, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.9 The development hereby approved shall be implemented in strict accordance with the drainage scheme as detailed on the approved plan 'FE013-CUR-TA-XX-D-C-9201-P04'.

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

Case Specific Informative Note

- 5.10 We would advocate that the installation be designed and constructed using the security principles and security rated products as stated in the attached SBD 'Commercial Developments 2015' and 'New Schools 2014' Design Guides. Further details about Secured by Design, including application forms and security specifications can be found at www.securedbydesign.com.

6.0 RELEVANT PLANNING HISTORY

- 6.1 10/22/1185 – Variation of Condition 2 pursuant to planning application 10/22/0921 'Temporary siting of modular accommodation for education use during period of works for refurbishment of the Victoria Building' to amend layout and position of the cabins – Approved, with conditions (committee decision) – February 2023.
- 6.2 10/22/0921 – Temporary siting of modular accommodation for education use during period of works for refurbishment of the Victoria Building – Approved, with conditions (committee decision) – November 2022.
- 6.3 10/22/0912 – Comprehensive refurbishment and partial remodelling to address minor changes to the elevations and roof and internal alterations – Approved, with conditions (committee decision) – November 2022.
- 6.4 10/22/0913 – Comprehensive refurbishment and partial remodelling of the Grade II listed Victoria Building to address minor changes to the elevations and roof and internal alterations – Approved, with conditions (committee decision) – November 2022.

7.0 CONSULTATIONS

- 7.1 BwD Highways – The proposal would not raise any highway concerns, as such, we would therefore raise no objection to the proposal on highway safety grounds.
- 7.2 BwD Arboricultural Advisor – The proposal will not impact directly on any additional mature tree cover within the site. Trees to be retained can be afforded protection accordingly.
- 7.3 BwD Drainage – To follow.
- 7.4 BwD Cleansing – No objections.

- 7.5 United Utilities – Further to our review of the submitted documents, United Utilities recommends that condition 7 & 9 are not discharged. This is because there is a lack of information on how assets will be protected during works, no detailed proposed drainage plans and no infiltration testing evidence.

Condition 7 – This is because lack of information on how assets will be protected during works. Condition 8 – The 4" water main is not visible on the foundation GA Plan and this should be amended. Condition 9 – No detailed proposed drainage plans and no infiltration testing evidence.

A section showing the top northwest corner of the proposed building foundations and the existing 225mm sewer would be required – this is to enable me to make sure that the forces from the foundation won't affect the nearest point of the 225mm sewer (45 degree zone of influence). This needs to show the zone of influence with levels.

- 7.6 Lancashire Fire and Rescue

- 7.7 Lancashire Constabulary

- 7.8 Ward Cllrs

- 7.9 No public responses received

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

- 9.0 **DATE PREPARED:** 01st June 2023

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/23/0377

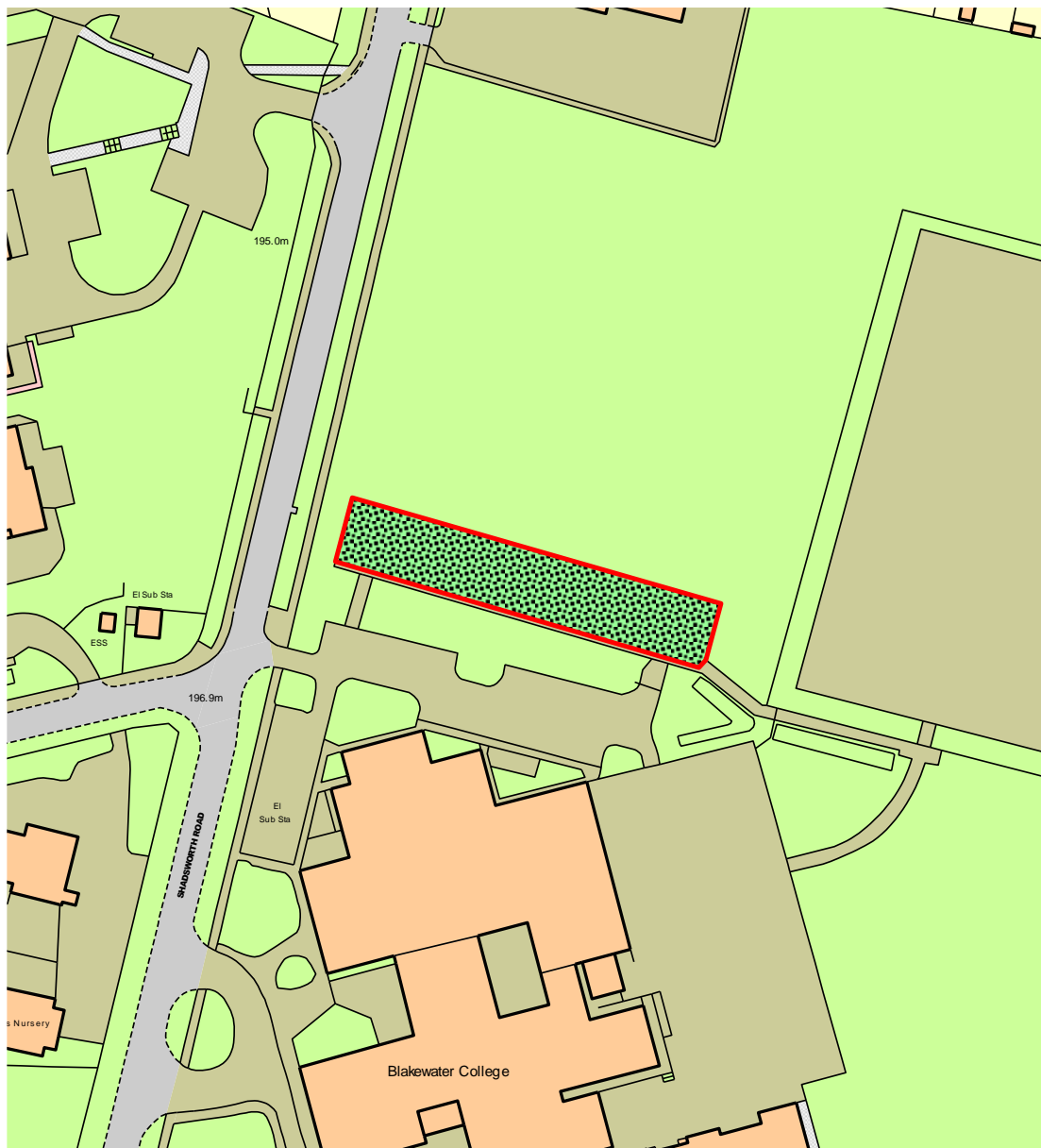
Proposed Development: Temporary pod accommodation (10 sleeper & 2 dining pods)

Site Address: Shadsworth Leisure Centre, Shadsworth Road, Blackburn, BB1 2HT

Applicant: Blackburn with Darwen Borough Council

Ward: Blackburn South East

**Councillor Tony Humphrys
Councillor Vicky Ellen McGurk
Councillor Jim Shorrocks**



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Council's Constitution, and given that the application site is within the ownership of the Council. The application is also made on behalf of the Council.
- 2.2 The proposed development has been publicised through letters to residents and occupants of the nearest 23 adjacent properties 16th May 2023. A site notice was also displayed at the site access point on the same day. No public comments have been received for the application so far. Should any be received ahead of the committee meeting they will be presented as part of a committee update report.
- 2.3 The Council's development plan supports new residential development and associated works, provided they constitute sustainable development and accord with the development plan when taken as a whole.
- 2.4 The proposals would deliver temporary residential accommodation for those in need. 10 sleeper pods would be provided alongside 2 diner pods. Vehicle and pedestrian access would be gained from Shadsworth Road. The application is the third submission for the pods and they are required to be moved for safety reasons.
- 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 follows;
- Establishing the principle of development
 - Assessing any design and visual amenity impacts
 - Safeguarded the residential amenities of the immediate neighbours
 - Ensuring adequate standards of public safety are provided
 - Ensuring adverse impacts on the local highways network are avoided
 - Assessing drainage provisions

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site forms part of the leisure centre complex, which is located within the settlement boundary of Blackburn. The leisure centre is currently vacant and is scheduled for demolition under application 10/23/0445. The site

covers an area of circa 0.3 acres. Recreational land surrounds to two sides with a large leisure centre building and carpark to south. A school and commercial buildings are positioned to the west. Loose aggregates currently cover the site.

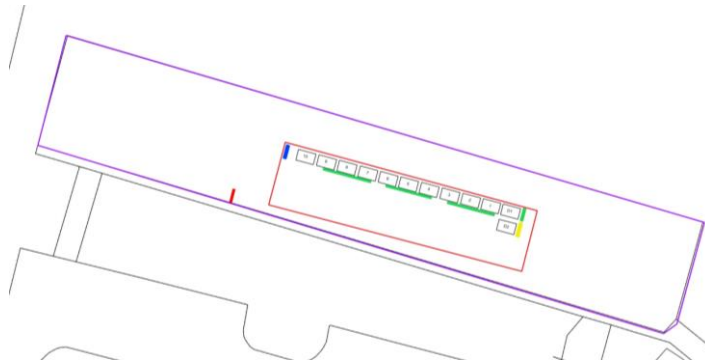
Figure One – Satellite image of the site



3.2 Proposed Development

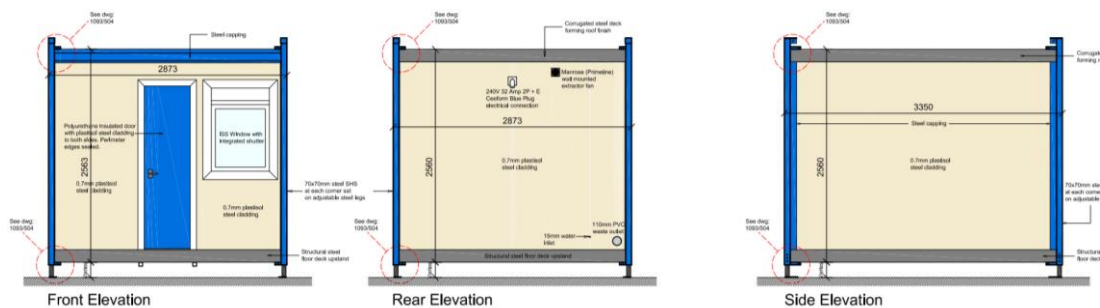
- 3.2.1 As detailed above, this planning application involves the siting of temporary residential accommodation in the form of 10 sleeper pods. 2 diner pods would also be sited in support of the development. Members will be aware that temporary planning permission (until June 2023), was granted at the Committee meeting in December 2022. The pods are currently sited just south of the site. They are required to be moved for safety reasons in order to allow for the leisure centre to be demolished. A number of the pods are currently inhabited. Members are advised that a separate application for the demolition of the leisure centre is currently being considered, and will be presented to the Committee at the meeting in July. (ref: 10/23/0445).
- 3.2.2 The sleeper pods in their revised position again would be arranged in a linear formation with the diner pods positioned to the east edge of the site. Waste storage facilities, lighting and CCTV would all be provided in support of the development. The site has a single access point from Shadsworth Road, which will be used for all vehicular traffic. Ground works are required at a later stage in order to connect the site with the existing access point. A pedestrian link will also be formed connecting the site to Shadsworth Road. For clarity, the extent of those works is unclear at this stage. Heras fencing will also be used to enclose the perimeters of the site.

Figure Two – Proposed Site Plan



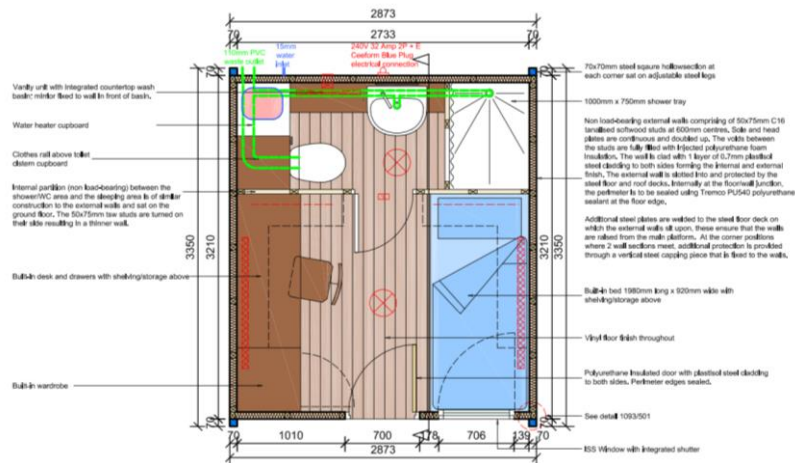
- 3.2.3 The pods are 3.4m in length and 2.9m in width. The height of each pod is 2.6m with a variable distance assumed to be no greater than 0.2m from finished ground level to underside of pod. The envisaged overall height from ground level to top of pod is envisaged to be circa 2.8m.

Figure Three – Proposed Elevation Plans



- 3.2.4 A single bedroom and toilet/shower room would be provided within each sleeper pod. A kitchenette and dining area would be provided in each dining pod. All of the pods are coated in a light grey colour with blue doors and trim used. A small flight of stairs and timber handrail would be installed at each pod for access purposes.

Figure Four – Proposed Floor Plan for Sleeper Pods



3.3 Case Officer Site Photos



3.4 Development Plan

3.4.1 Core Strategy Part 1 (2011):

- Policy CS5: Locations for New Housing
- Policy CS7: Types of Housing

3.4.2 Local Plan Part 2 (2015):

- Policy 1: The Urban Boundary
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 18: Housing Mix

4.0 ASSESSMENT

4.1 Principle of Development

- 4.1.1 Within the development plan, there are general requirements to ensure new housing development is proposed in sustainable locations, and in accordance with market conditions. Policy 1 identifies the preferred location for all new development to be within the defined urban areas of Blackburn and Darwen. With specific reference to housing, those requirements are reinforced by Policy CS5 and the site benefits from such a location.
- 4.1.2 Moreover, services, facilities and regular public transport links are all within walking distance and the site is in a sustainable location for new housing development, thereby complying with the relevant requirements of the aforementioned housing distribution policies.
- 4.1.3 Both Policies CS7 and 18 prioritise family housing over all other forms of housing. The proposed sleeper pods do not fall within that category as they have been designed to provide temporary accommodation for those in need. A temporary permission has been applied for up until April 2024. A condition is recommended to limit the permission to that timeframe in order to prevent the permanent use of this type of accommodation. Subject to compliance with that condition, the principle of residential development would be acceptable.
- 4.1.4 In accordance with the presumption in favour of sustainable development detailed in the Framework, and Policy 7, development proposals should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of the proposal are identified; subject to assessment of the following matters.

4.2 Design and Visual Amenity

- 4.2.1 The site is positioned within an urban area that has a highly varied streetscene. In general terms, Policy 11 requires all development proposals to represent a good standard of design through demonstrating an understanding of the sites wider context, and making a positive contribution to visual amenity.
- 4.2.2 The modular appearance of the proposed pods arguably does not correspond with the prevailing character of the area. That said, the temporary nature of the development must be taken into account when assessing design impacts alongside the public benefits provided through their siting.
- 4.2.3 The condition recommended to limit the permission to a specific timeframe is also necessary on visual design grounds in order to prevent the permanent siting of modular buildings at this open and exposed site. Subject to compliance with that condition, the proposed development would be acceptable with reference to design and visual amenity, in accordance with Policy 11.

4.3 Residential Amenity and Public Safety

- 4.3.1 The surrounding land uses are exclusively non-residential and there are no dwellings within a near proximity. Policy 8 states that all development proposals must secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself, with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy/overlooking, and the relationship between buildings.
- 4.3.2 A review of application 10/22/1066 was undertaken by BwD Public Protection and no objections were raised. These proposals are virtually identical. Owing to ample separation, the proposals would not be harmful to the amenities of the closest neighbours.
- 4.3.3 Regarding public safety, a Risk Assessment been provided with the application that appraises any potential risks on site. The hazards identified include the potential fire risk of the adjacent leisure centre. A Fire Audit Report and Pod Safety Logbook has also been provided.
- 4.3.4 Those documents demonstrate that adequate diligence would be applied by the managers of the development and that safety protocols will be properly followed. It should also be noted that Lancashire Fire and Rescue have raised no concerns in relation to the development. For those reasons, the proposed development is acceptable with reference to residential amenity and public safety, in accordance with Policy 8.

4.4 Highways and Parking

- 4.4.1 The site currently has no access point connecting it to existing highways infrastructure. Policy 10 requires all development proposals to not prejudice road safety or the safe, efficient and convenient movement of all highway users. Parking should also be provided in accordance with the BwD Parking Standards, where relevant.
- 4.4.2 The existing access point from Shadsworth Road serves a relatively large carpark that is appropriate for the proposed use. It is anticipated that any vehicular traffic movements associated with the proposals would be minimal and limited to supporting staff members alone.
- 4.4.3 As detailed above, the access arrangements for vehicles and pedestrians are unknown at this stage. A junction is required to be formed from the existing access point roughly where the footway is. A pedestrian link connecting the site to Shadsworth Road would also be formed. The layout and extent of those works are to be clarified in the future following the production of ground condition surveys, which are currently underway. They are expected to be minimal and limited to excavations and the laying of loose surfacing materials. A condition is therefore recommended to control those details in order to clarify the terms of this consent.

4.4.4 No formalised parking arrangements are proposed in support of the pods given the nature of the accommodation. That said, the wider site provides ample parking opportunities for staff members and visitors, as detailed above in Figure Two. Subject to compliance with the attached access layout condition, the proposed development would be acceptable with reference to highways and parking, in accordance with Policy 10.

4.5 Drainage Assessments

4.5.1 The submitted application form states that any foul waters would be stored within a septic tank, which would need weekly emptying. Policy 9 contains general requirements regarding and the provision of adequate drainage systems. The pods would be sited on an area of loose aggregate and no additional runoff would be created.

4.5.2 The foul waters disposal system is also acceptable for the type of development proposed. BwD Drainage raised no objections to application 10/22/1066 and the same provisions are proposed here. For those reasons, the proposed development is acceptable with reference to drainage assessments, in accordance with Policy 9.

4.6 Summary

4.6.1 This application involves the temporary siting of residential accommodation in the form of 10 sleeper pods alongside 2 diner pods. Ground works are also required to form access points. Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies detailed in Section 3.4.

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

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

5.0 **RECOMMENDATION:**

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

5.1 This permission covers a temporary period alone and the development hereby approved shall be entirely removed on or before 01/04/2024, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to ensure the development is not retained indefinitely, in the interests of preventing the permanent siting of modular residential accommodation and visual amenity, to comply with the requirements of Policies 11 and 18 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.2 Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on the following drawings and supporting documents: Location Plan (JS-GROWTH), Proposed Site Plan (1:500), 1093/JD/001, Sleeper Unit Technical Specifications and Diner Unit Technical Specifications.

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

- 5.3 The external materials to be used for the construction of the development hereby approved shall be as stated on the submitted application form and approved drawings.

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

- 5.4 Prior to the positioning of any buildings on site, plans shall have first been submitted to and approved in writing by the Local Planning Authority regarding vehicle and pedestrian access arrangements. The development shall thereafter be implemented in strict accordance with the approved details and none of the buildings shall be occupied until they have been provided in their entirety, unless otherwise agreed in writing.

REASON: In order to clarify vehicle and pedestrian access arrangements, in the interests of highway and pedestrian safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

6.0 RELEVANT PLANNING HISTORY

- 6.1 10/23/0445 – Demolition of two-storey Shadsworth Leisure Centre (prior approval is required) – the assessment of the application is ongoing, and the application will be presented to the 20th July 2023 committee meeting.
- 6.2 10/23/0277 – Removal of Condition No.1 pursuant to planning application 10/22/1066 'Proposed temporary pod accommodation - 10 Sleeper pods and 2 diner pods for severe weather exposure provision (SWEP) over the winter period' - To extend the date for the temporary permission – Application withdrawn in order to allow for the pods to be repositioned.

- 6.3 10/22/1066 – Proposed temporary pod accommodation - 10 Sleeper pods and 2 diner pods for severe weather exposure provision (SWEP) over the winter period – Approved, with conditions – December 2022 (committee decision).

7.0 CONSULTATIONS

- 7.1 BwD Property Services – No objections.

- 7.2 Lancashire Fire and Rescue – A number recommendations are made to make the applicant aware of conditions which will have to be satisfied on a subsequent Building Regulation application. The conditions may affect the elevation of the building and access to them. These recommendations must be included if this application passes to another party prior to Building Regulation submission.

- 7.3 Ward Cllrs

- 7.4 No public responses have been received

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

- 9.0 DATE PREPARED:** 2nd June 2023

- 10.0 SUMMARY OF REPRESENTATIONS** – none received.

REPORT OF:	STRATEGIC DIRECTOR OF GROWTH & DEVELOPMENT PLANNING AND HIGHWAYS COMMITTEE
TO:	
ON:	15th JUNE 2023
ORIGINATING SECTION:	PLANNING (DEVELOPMENT MANAGEMENT SERVICE)
WARDS AFFECTED:	ALL
COUNCILLORS:	ALL

TITLE OF REPORT:

NATIONAL PLANNING PERFORMANCE TABLES

1. PURPOSE OF THE REPORT

- 1.1 To present Members with an update on the recently published National Planning Performance Tables.

2. BACKGROUND

- 2.1 The last report on the National Planning Performance Tables was presented to the 15th September 2022 Committee meeting, informing the Members of the Government's intention to use the tables for designating a Local Planning Authority as underperforming and the thresholds that Authorities will be assessed against in the designation rounds which started in the first quarter of 2017/18. The thresholds were updated in December 2020, and this report is related to the current performance data reported against the updated thresholds and assessment period.

3. RATIONALE

- 3.1 The latest national planning performance statistics were published on the 30th March 2023, by the Government (up to December 2022).
- 3.2 Figures 1 and 2 show extracts from the majors and non-majors tables, and are further fantastic examples of how far Blackburn With Darwen Borough Council (BwDBC) are continuing to perform since the Planning Service introduced the Improvement Plan in the autumn of 2015. Figure 3 provides the summary position.

- 3.3 In the autumn of 2015, BwDBC were ranked 234th out of 336 local planning authorities relating to the determination of major planning applications within 13 weeks and agreed extensions of time (68.4%). Figure 1 below shows with the current figures published for the quarter ending December 2022, BwDBC's rank has now rose to **62nd place with a performance of 97.2%**, out of 329 local planning authorities (top 19%), a significant improvement. The target set by the Government for the 2 preceding years is 60%. Within the Departmental Business Plan 2019-23, the target is 80%.

FIGURE 1:

Table P151a: District planning authorities' performance - speed of major development decisions
England, January 2021 to December 2022 ^P

Local planning authority	ONS Code	% within 13 weeks or within agreed time without penalty for missing data	% within 13 weeks or within agreed time with penalty for missing data
Amber Valley		100.0	100.0
Barking and Dagenham		100.0	100.0
Barrow-in-Furness		100.0	100.0
Bolsover		100.0	100.0
Brentwood		100.0	100.0
Copeland		100.0	100.0
Corby ⁴		100.0	100.0
Dudley		100.0	100.0
East Cambridgeshire		100.0	100.0
East Staffordshire		100.0	100.0
Exmoor National Park		100.0	100.0
Gateshead		100.0	100.0
Gedling		100.0	100.0
Greenwich		100.0	100.0
Haringey		100.0	100.0
Hartlepool		100.0	100.0
Hastings		100.0	100.0
High Peak		100.0	100.0
Isles of Scilly		100.0	100.0
Kensington and Chelsea		100.0	100.0
Kettering		100.0	100.0
New Forest National Park		100.0	100.0
Newham		100.0	100.0
North East Lincolnshire		100.0	100.0
North Tyneside		100.0	100.0
Northampton ⁴		100.0	100.0
Redditch		100.0	100.0
Rotherham		100.0	100.0
South Tyneside		100.0	100.0
Southampton		100.0	100.0
Staffordshire Moorlands		100.0	100.0
Sunderland		100.0	100.0
Woking		100.0	100.0
North Kesteven		99.1	99.1
Ealing		99.0	99.0
Telford and Wrekin		99.0	99.0
Brent		98.8	98.8
Colchester		98.8	98.8

Sedgemoor	98.8	98.8
Plymouth	98.7	98.7
Havering	98.6	98.6
Oldham	98.6	98.6
St. Helens	98.6	98.6
Thurrock	98.6	98.6
Hillingdon	98.5	98.5
Stockport	98.5	98.5
Winchester	98.4	98.4
Swindon	98.3	98.3
Spelthorne	98.2	98.2
West Lindsey	98.2	98.2
Mid Sussex	98.1	98.1
Newcastle-under-Lyme	98.0	98.0
Redbridge	98.0	98.0
Wokingham	98.0	98.0
Lewisham	97.8	97.8
Trafford	97.8	97.8
Islington	97.6	97.6
Southend-on-Sea	97.6	97.6
Tunbridge Wells	97.5	97.5
Chesterfield	97.4	97.4
Lambeth	97.4	97.4
Blackburn with Darwen	97.2	97.2
Fylde	97.2	97.2
Allerdale	97.1	97.1
Hammersmith and Fulham	97.1	97.1
East Riding of Yorkshire	97.0	97.0
Cherwell	96.9	96.9
Bath and North East Somerset	96.7	96.7
Three Rivers	96.7	96.7
Blackpool	96.6	96.6
Sutton	96.3	96.3
Bury	96.2	96.2

- 3.4 During the same period with regards to non-majors applications (i.e. within 8 weeks and agreed extensions of time), BwDBC were ranked 332 out of 336 local planning authorities (39%). Figure 2 below shows with the current figures published for the quarter ending December 2022, BwDBC's rank has now rose to **39th place with a performance of 96.3%**, out of 329 local planning authorities (top 12%), another continued excellent performance. The target set by the Government for the preceding 2 years is 70%. Within the Departmental Business Plan 2019-23, the target is 90%.

FIGURE 2:

Table P153: District planning authorities' performance - speed of non-major development decisions ¹
 England, January 2021 to December 2022 ^P

Local planning authority	ONS Code	% within 8 weeks or within agreed time without penalty for missing data	% within 8 weeks or within agreed time with penalty for missing data
Barking and Dagenham	E09000002	100.0	100.0
Rotherham	E08000018	100.0	100.0
Tamworth	E07000199	100.0	100.0
Chorley	E07000118	99.7	99.7
North East Lincolnshire	E06000012	99.7	99.7
Thurrock	E06000034	99.7	99.7
Bury	E08000002	99.6	99.6
North Tyneside	E08000022	99.6	99.6
Brentwood	E07000068	99.3	99.3
Mid Sussex	E07000228	99.2	99.2
Wokingham	E06000041	99.1	99.1
Hartlepool	E06000001	99.0	99.0
Northampton ⁵	E07000154	99.0	99.0
Northumberland National Park	E26000004	98.9	98.9
St. Helens	E08000013	98.9	98.9
Southend-on-Sea	E06000033	98.8	98.8
Dudley	E08000027	98.5	98.5
Maidstone	E07000110	98.3	98.3
Knowsley	E08000011	98.2	98.2
Telford and Wrekin	E06000020	98.0	98.0
Babergh	E07000200	97.8	97.8
Adur	E07000223	97.6	97.6
Islington	E09000019	97.5	97.5
Wellingborough ⁵	E07000156	97.5	97.5
Tunbridge Wells	E07000116	97.4	97.4
West Suffolk	E07000245	97.3	97.3
Copeland	E07000029	97.2	97.2
Fareham	E07000087	97.2	97.2
Newcastle-under-Lyme	E07000195	97.2	97.2
Preston	E07000123	96.9	96.9
Broxtowe	E07000172	96.8	96.8
Spelthorne	E07000213	96.8	96.8
The Broads Authority	E26000007	96.6	96.6
Amber Valley	E07000032	96.5	96.5
Swale	E07000113	96.5	96.5
West Lindsey	E07000142	96.5	96.5
Bolsover	E07000033	96.4	96.4
Colchester	E07000071	96.4	96.4
Blackburn with Darwen	E06000008	96.3	96.3
Ipswich	E07000202	96.2	96.2
Three Rivers	E07000102	96.2	96.2
Mid Suffolk	E07000203	96.1	96.1
Horsham	E07000227	96.0	96.0
Sedgemoor	E07000188	96.0	96.0
East Staffordshire	E07000193	95.9	95.9
Ealing	E09000009	95.8	95.8
Gravesham	E07000109	95.8	95.8
Watford	E07000103	95.8	95.8
Harlow	E07000073	95.7	95.7
Greenwich	E09000011	95.4	95.4
Havering	E09000016	95.4	95.4

FIGURE 3: Summary position.

<u>Jan 2021 – Dec 2022</u>	<u>Non-Majors</u>	<u>Majors</u>
BwD Score	96.3%	97.2%
<i>England average</i>	85.2%	86.5%
<i>Northwest average</i>	86.5%	88.8%
BwD Ranking	39th/329 (top 12%)	62nd/329 (top 19%)

- 3.5 Members are advised that on the 12th May 2023, it was announced that the Secretary of State for Levelling Up, Housing and Communities, Michael Gove MP (SoS) moved a step closer to stripping ten councils of their planning powers, stating he is looking to place them in “special measures” for slow decision-making, unless their performance improves by June. This would allow developers to submit applications directly to the Planning Inspectorate (PINS) under powers outlined in section 62A of the Town and Country Planning Act. The SoS wrote to the ten councils on the 12th April 2023, that failed to determine applications within the statutory determination period in the two years up to December 2022. The Councils were: Calderdale, Cotswold, Epsom & Ewell, Guildford, Hinckley & Bosworth, Pendle, Portsmouth, Vale of White Horse, Waverley and Peak District National Park Authority.
- 3.6 Research has shown the main reasons for the councils facing designation are:
- the impact of the Covid-19 pandemic;
 - followed by the significant increase in household applications that so many LPAs experienced in the immediate aftermath of the pandemic;
 - “significant” recruitment problems as the authorities have lost the bulk of their Development Management team.
- 3.7 It would appear the councils facing designation have been given the opportunity by the SoS to address the issues, and most are doing this by managing their performance, like agreeing longer time limits to determine applications with applicants, setting up planning performance agreements (PPAs) etc.
- 3.8 Whilst BwDBC is currently meeting the Government’s thresholds we must always remain mindful of performance targets as failure to meet the thresholds will see the Local Planning Authority being categorised as underperforming. If the Council were to be designated for poor performance, not only would there be reputational damage and a loss of confidence in the Local Planning Authority but applicants would be able to by-pass the Council and submit applications directly to the Planning Inspectorate for determination. This would be detrimental to the interests of local democracy. Therefore, it is important that the Council retains sufficient resources to enable the targets to be met and exercises caution in the refusal of major planning applications, ensuring that reasons for refusal can be robustly defended in any subsequent planning appeal. For the period April 2022 to April 2023, 93% of the decisions made by the Council were under delegated powers in accordance with the adopted Scheme of Delegation, and reflects the measures that were introduced in the 2015 Planning Service Improvement Plan.

4. POLICY IMPLICATIONS

4.1 None

5. FINANCIAL IMPLICATIONS

5.1 None

6. LEGAL IMPLICATIONS

6.1 None

7. RESOURCE IMPLICATIONS

7.1 None

8. EQUALITY IMPLICATIONS

8.1 The report is for information purposes only and does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

9. CONSULTATIONS

9.1. None.

10. RECOMMENDATION

10.1 That the Committee note the content of the report

Contact Officer: Gavin Prescott, Planning Manager (Development Management)

Date: 31st May 2023

Background Papers: Planning Performance Tables (Last updated 30th March 2023) - Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities & Local Government.