

Public Document Pack

Planning and Highways Committee

Thursday, 13th July, 2023

6.30 pm

Meeting Room A, Blackburn Town Hall

AGENDA

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Denise Park, Chief Executive

PLANNING AND HIGHWAYS COMMITTEE

Thursday, 15 June 2023

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

OFFICERS – Martin Kenny, Rabia Sagir, Saf Alam & Shannon Gardiner

RESOLUTIONS

7 **Welcome and Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Cllr Jacque Slater who was substituted by Cllr Derek Hardman. Apologies were also received from Cllrs Zamir Khan and Matthew Jackson.

8 **Minutes of the Previous Meeting**

RESOLVED – That the minutes of the previous meeting held on 25th May 2023 be agreed and signed as a correct record.

9 **Declaration of Interest**

RESOLVED – There were no declarations of interest received.

10 **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.

10.1 **Planning Application 10-22-1135**

Applicant – Persimmon Homes

Location and Proposed Development – Land at Roe Lee, Off Ramsgreave Drive, Blackburn

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.

Decision under Town and Country Planning Acts and Regulations –

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

10.2 **Planning Application 10-23-0101**

Applicant – Autolab UK

Location and Proposed Development – Land at Carl Fogarty Way (Plot 3), Blackburn

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.

Decision under Town and Country Planning Acts and Regulations –

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

10.3 **Planning Application 10-23-0111**

Applicant – Blackburn with Darwen Borough Council

Location and Proposed Development – Roe Lee Park Primary School, Emerald Avenue, Blackburn, B11 9RP

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

Decision under Town and Country Planning Acts and Regulations –

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

Additional Condition:

10. The works hereby approved shall be carried out fully in accordance with the recommendations of the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment by Bowland Ecology, Ref Bow17_1343, V1, dates 7/6/23.

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

10.4 **Planning Application 10-23-0239**

Applicant – Mrs Emma Garner

Location and Proposed Development – 842 Livesey Branch Road, Blackburn, BB2 5EG

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

Decision under Town and Country Planning Acts and Regulations –

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

10.5 Planning Application 10-23-0243

Applicant – Fairmont PM

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

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.

Decision under Town and Country Planning Acts and Regulations –

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

10.6 Planning Application 10-23-0277

Applicant – Kingswood Homes UK (Ltd)

Location and Proposed Development – Former Hoddlesden Mill, Johnson New Road, Hoddlesden, BB3 3NT

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.

Decision under Town and Country Planning Acts and Regulations –

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

10.7 Planning Application 10-23-0282

Applicant – Blackburn with Darwen Borough Council

Location and Proposed Development – Former Blakewater Lodge Rest Home, Swallow Drive, Blackburn, BB1 6LQ

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

Decision under Town and Country Planning Acts and Regulations –

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

10.8 Planning Application 10-23-0284

Applicant – The Department for Education

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

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.

Decision under Town and Country Planning Acts and Regulations –

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

10.9 Planning Application 10-23-0377

Applicant – Blackburn with Darwen Borough Council

Location and Proposed Development – Shadsworth Leisure Centre, Shadsworth Road, Blackburn, BB1 2HT

Temporary pod accommodation (10 sleeper & 2 dining pods)

Decision under Town and Country Planning Acts and Regulations –

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

11 National Planning Performance Tables

Members were updated on the recently published National Planning Performance Tables.

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. The latest national planning performance statistics were published on the 30th March 2023, by the Government (up to December 2022).

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%). The table ‘figure 1’ in the report shows 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%

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%). The table ‘figure 2’ in the report 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%.

It was also noted 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 improved 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.

Although 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.

RESOLVED – That the report be noted and that the Planning Officers be thanked and congratulated for their hard work and performance.

12 **Enforcement**

A report was submitted seeking authorisation to take enforcement action against all person having an interest in the land at Plot 5, Connect 4, Chanters Way, Lower Darwen, BB3 0GY.

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

RESOLVED - Authorisation was given to the proposed enforcement action at land at Plot 5, Connect 4, Chanters Way, Lower Darwen, BB3 0GY.

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: 13/07/2023

Application No	Applicant	Site Address	Ward
10/22/1223	Mr Lee Buckley Bounday House 65a Bury New Rd Bolton BL2 6QG	Barn adjacent to Longshaw Head Farm Crowthorn Road Bolton Edgworth BL7 0JX	West Pennine
Full Planning Application for Conversion / re-use and alteration of barn to form two dwellings, with associated garden curtilage, parking, bin storage, hard and soft landscaping and retaining structures			
RECOMMENDATION: Permits			
10/23/0374	Mr Mohammed Kais Ali EG Headquarters Shadsworth Blackburn BB1 2FA	Land at Wainwright Way/Freckleton Street Blackburn BB2 2HL	Blackburn Central
Full Planning Application (Regulation 4) for Construction of a new health centre providing services for dental care, opticians and hearing assistance (E(e)) including the formation of a new site access, associated landscaping and car parking			
RECOMMENDATION: Permits			
10/23/0412	Mr K Baxter 13 Willis Road Blackburn BB2 2UA	13 Willis Road Blackburn BB2 2UA	Livesey With Pleasington
Full Planning Application for Replacement of existing cement based spar dash render with new pearl coloured silicone based self-coloured smooth render			
RECOMMENDATION: Permits			

Application No	Applicant	Site Address	Ward
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Application Type

10/23/0414

Hollins Park Limited
Miss Nassima Mogra
Hollins Business Park
Hollins Grove Street
Darwen
BB3 1HG

Hollins Business Park
Hollins Grove Street
Darwen
BB3 1HG

Darwen East

Full Planning Application for Erection of 11 No. industrial units (Use Classes B2/B8/E(g)) with car parking and landscaping

RECOMMENDATION: Permits

10/23/0437

Adventure Forest Ltd
Mr Daniel Stafford
Banana HQ
The Drift
Fornham Business Court
Fornham St Martin
IP31 1SL
United Kingdom

Witton Country Park Pavilion
Witton Country Park
Preston Old Road
Blackburn
BB2 2TP

Billinge & Beardwood

Full Planning Application for Alteration of zip wire anchor location and installation of wooden pole

RECOMMENDATION: Permits

10/23/0445

Blackburn With Darwen Borough Council
Mr Andrew Barrow
5th Floor
10 Duke Street
Blackburn
BB2 1DH

Shadsworth Leisure Centre
Shadsworth Road
Blackburn
BB1 2HT

Blackburn South East

Prior Approval - Demolition (Regulation 3) for Demolition of two storey Shadsworth Leisure Centre

RECOMMENDATION: Prior Approval is Given

10/23/0455

Irfan Mulla
6, Bargee Close
Blackburn
BB1 1BW

6 Bargee Close
Blackburn
BB1 1BW

Blackburn Central

Full Planning Application (Retrospective) for Amendment to Approved Plans 10/21/1060 - 'Double storey side extension, double and single storey rear extension and front extension including porch' - Garage conversion, minor rear amendment to extend upto the boundary line by 100mm and pier removed between the two patio doors to create one large opening

RECOMMENDATION: Permits

10/23/0501

Blackburn With Darwen Borough Council
Mrs Lisa King
10 Duke Street
5th Floor
Blackburn
Lancashire
BB2 1DH
United Kingdom

Blackburn Town Hall
King William Street
Blackburn
BB1 7DY

Blackburn Central

Listed Building Application (Regulation 3) for Proposed creation of entrance hatch and counter following removal of an existing opening and creation of ground floor room with erection of a timber stud wall and installation of double doors

RECOMMENDATION: Consent

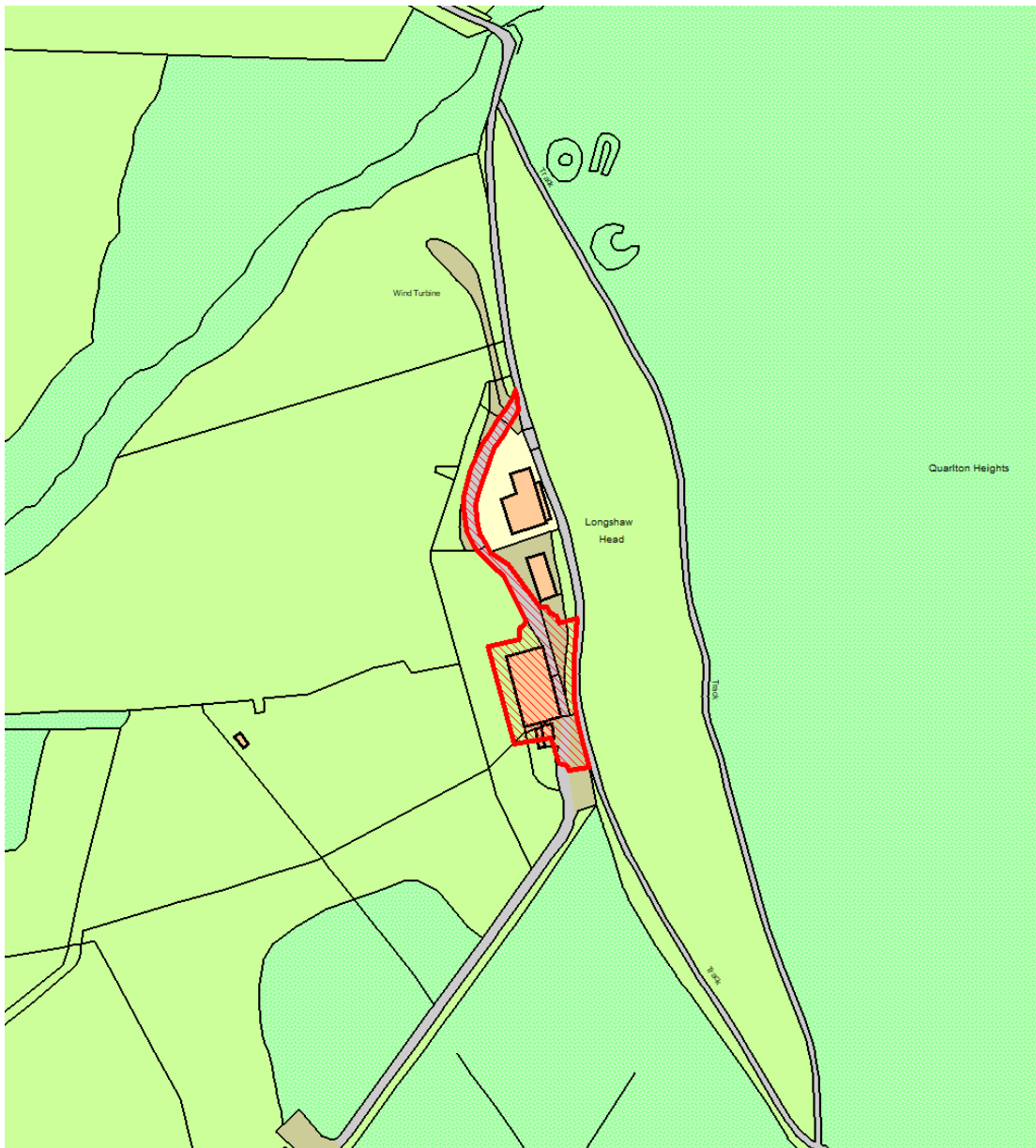
Proposed development: Full Planning Application for Conversion / re-use and alteration of barn to form two dwellings, with associated garden curtilage, parking, bin storage, hard and soft landscaping and retaining structures

Site Address: Barn adjacent to Longshaw Head Farm, Crowthorn Road, Edgworth, BL7 0JX

Applicant: Mr Lee Buckley

Ward: West Pennine

**Councillors: Jean Rigby
Julie Slater
Neil Slater**



1.0 SUMMARY OF RECOMMENDATION

1.1 **APPROVE** subject to the conditions detailed in section 4 of this report

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 This application is before the Planning and Highways Committee, in accordance with the Scheme of Delegation, due to the receipt of an objection from North Turton Parish Council

2.2 The proposed residential conversion of the existing barn is identified as an appropriate exception for development within the Green Belt, as defined by Local Plan Policy 3 and the National Planning Policy Framework (NPPF). Furthermore, the proposal will not harm the openness of the Green Belt, nor conflict with the purpose of including land within it.

2.3 The proposal is also satisfactory from a technical point of view, with all issues relative to the assessment having been addressed through the application process, or capable of being controlled or mitigated through appropriately worded planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site is located approximately one mile to the north east of Edgworth village, within a small group of homes and buildings associated with Longshaw Head Farm. The site and immediate surroundings are within open moorland that is designated as green belt within the adopted development plan.

3.1.2 The site is occupied by a portal steel framed barn, which is clad with corrugated metal of contrasting colours. Generally, the building has a quasi-industrial appearance and appears dilapidated. Areas of hardstanding abut the northern and eastern sides of the building. The area to the south of the building was until recently occupied by storage containers, an old lorry trailer and other miscellaneous timber structures that appear to have been linked to an equine use. The land falls sharply to the west, exposing a concrete block base. Footpaths Edgworth 117, 118 and 119 lay in close proximity to the building.

3.1.3 Vehicular access to the site is via a shared track that links to Crowthorn Road and serves the wider group of properties at Longshaw Head.

Fig 1: Images of existing barn structure



3.2 Proposed Development

- 3.2.1 Planning approval is sought for the conversion of the barn to form 2no. five bedroom dwellings with associated alterations. No extensions are proposed.
- 3.2.2 The proposal details the replacement of the external cladding/roofing and insertion of window and door openings. The new facades would be formed with grey coloured metal standing seam cladding to the east and west elevations, with timber cladding to the north and south elevations.
- 3.2.3 Bronze coloured surrounds are proposed to the openings within the east and west elevations to provide feature details. The south elevation has a roof overhang providing a recessed area that will accommodate private balconies. The fenestration within the north elevation includes timber screening features. The western elevation will include gabion walling to screen the existing concrete block structure.
- 3.2.4 The proposal provides for modest residential curtilages that are limited to the existing hardstanding areas to the north and east of the building, as well as the area to the south that was previously occupied by containers and other structures. Full landscaping details are provided, which seek to utilise native upland species and provide for a natural approach. No boundary treatments are proposed.

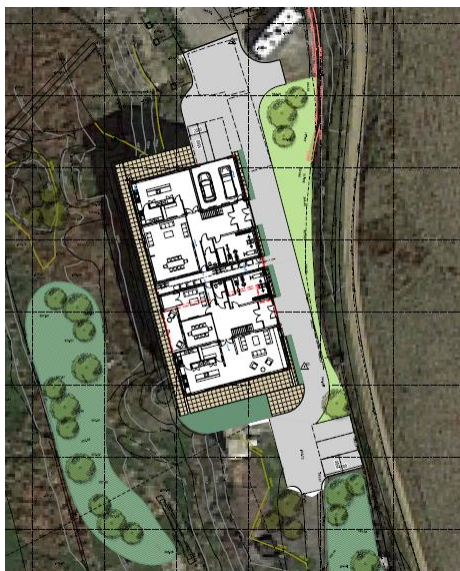


Fig 2: Proposed site plan

3.3 Development Plan

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

3.3.2 Core Strategy

- CS7 - Types of Housing
- CS14 – Green Belt
- CS15 – Protection and Enhancement of Ecological Assets
- CS16 – Form and Design of New Development
- CS18 – The Borough’s Landscapes

3.3.3 Local Plan Part 2 (LPP2)

- Policy 3 – The Green Belt
- Policy 7 - Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 - Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 21 - Conversion of Buildings in the Countryside
- Policy 41 - Landscape

3.4 Other Material Planning Considerations

3.4.1 The National Planning Policy Framework 2021 (NPPF), is a material consideration in planning decisions. The document should be considered as a

whole, though *Chapter 13: Protecting Green Belt Land* is of particular relevance to the assessment of this application.

3.5 Assessment

3.5.1 Principle of Development: The general presumption against inappropriate development in the Green Belt is set out at paragraph 147 of the NPPF; “..inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. Paragraph 150 confirms that certain forms of development are not inappropriate providing they preserve openness and do not conflict with the purposes of including land within it. That position is reflected within Policy 3 of the Local Plan.

3.5.2 Given the proposal relates to the conversion of the existing building on-site, it follows that the principle of development is consistent with both the Framework and development plan, subject to assessment in relation to impacts upon openness and character.

3.5.3 LPP2 Policy 21, advises that the conversion of a building will be permitted, subject to the proposal satisfying five criterion;

i). In the case of residential conversions, the building must be shown to be unsuitable for industrial, tourism and non-retail commercial (other than farm shops) because of its location, size, form, general design or relationship with neighbouring properties. Applications for residential conversion must be supported by evidence of efforts to secure suitable non-residential uses over a period of 12 months.

➤ *The supporting information details that the premises has been marketed at an appropriate value on two occasions, most recently since April 2022, with no significant interest in commercial or tourism based uses. The accompanying planning statement also highlights that the existing relationship with neighbouring residential properties would mean that a commercial use of the building would be likely to impact upon their residential amenity as all traffic would need to pass in close proximity to Longshaw Head Farm. Compliance with part (i) is achieved.*

ii) So far as is reasonable and practicable, the development is accessible or can be made accessible by sustainable modes of transport.

➤ *The site is located in a remote location, accessed, in part, by a single width track. The close proximity of public footpaths does provide an alternative link to the nearby Edgworth village and established bus routes. On balance, compliance with part (ii) is achieved.*

iii) The buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction. A structural survey should accompany the application.

➤ *The application is accompanied by a structural survey that confirms that the building is structurally sound, subject to repairs and reinstatement of excavations beneath suspended part of the ground floor. Compliance with part (iii) is achieved.*

iv) The buildings are large enough for the proposed use without the need for extensions that would be out of scale with the host building or character of the area.

➤ *No extensions are proposed.*

v) In the case of a building erected under the General Permitted Development Order, the Council must be satisfied that it was originally erected for genuine purposes.

➤ This part of the policy is not relevant to the current application.

3.5.4 Core Strategy Policy CS7 states that the Council will encourage the development of a full range of new housing in order to widen the choice available within the local market. The proposal is identified as being consistent with criteria (iii) "*Housing that meets the needs of high wage earners (higher market and executive housing)*".

3.5.5 In accordance with the presumption in favour of sustainable development detailed in the Framework, and LPP2 Policy 7, development proposals should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of the proposal are identified; subject to assessment of the following matters;

3.5.6 Design and Appearance: 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.

3.5.7 The existing building is identified as having a quasi-industrial appearance, rather than that of a vernacular agricultural barn. Furthermore, the building, as a result of the use of differing facing materials, is currently unsightly. That position is exacerbated by the presence of a series of structures to the south of the building that appear to have served equine uses. The presence of three public rights of way also mean the building is open to public view despite its remote location.

3.5.8 The proposal seeks to provide a contemporary conversion, which the agent advises “*the applicant and his architect have striven to respect the solid, rustic, quasi-industrial appearance of the building, using robust materials appropriate to the setting and to cope with the often harsh weather conditions*”. The main design elements are detailed below;

- Remove all ad-hoc different coloured cladding whilst retaining the main portal steel structure, support rails , purlins and bracing
- Replacement cladding using mid-grey standing seam cladding to the east and west elevations, and timber cladding to the north and south elevations, with a black brick base and landscaped gabions to the east side
- Feature bronze coloured surrounds are proposed to the windows and openings to the east and west to break up the elevations and add feature accents to the random industrial-like penetrations of the cladding skin so as not to domesticise the visual appearance
- Replacement roof
- The introduction of architectural features such as devices to frame glazing elements
- The introduction of rooflights and fenestration to all elevations
- Private balconies at ground and first floor levels serving one of the houses
- The provision of a central storage area between the two dwellings to provide bin and cycle storage

Fig 3: CGI of proposed design



- 3.5.9 The proposed design is considered to respond well to the requirements of Policy 11, providing an attractive development that represents a significant improvement upon the current appearance of the building and thus offers advantages to the character and appearance of the immediate setting.
- 3.5.10 To ensure compliance with Policy 11 and to secure long term control of design, suggested conditions relating to agreement on facing materials and removal of permitted development rights are detailed within section 4 of this report.
- 3.5.11 Residential Amenity: LPP2 Policy 8 (part ii) requires development to secure satisfactory levels of amenity for surrounding uses and future occupants with reference to matters including noise, odour, light, privacy/overlooking and the relationship between buildings.
- 3.5.12 The proposal has a satisfactory relationship with the existing residential properties at Longshaw Head. The closest unit is circa 20m away and has no windows within the gable elevation that would face, albeit offset, the north elevation of the barn conversion. This ensures there are no concerns relating to loss of privacy and the relationship between buildings. Similarly, no conflicts in relation to noise, odour etc are identified given the residential function of the proposal and the adjacent uses. Compliance with Local Plan policy 8(ii) is achieved.
- 3.5.13 The proposal is supported by a land contamination phase 1 and 2 report. The document has been reviewed by the Council's Public Protection team and accepted. No objection is offered subject to the application of a contaminated land validation report condition. Accordingly, compliance with Policy 8 (iii) is achieved.
- 3.5.14 Environmental Considerations: LPP2 Policy 9 details a requirement for development to avoid unacceptable impacts upon environmental assets or interests, including habitat and species.
- 3.5.15 The application is supplemented by a comprehensive landscaping scheme that aims to enhance biodiversity through the provision of native upland planting to provide habitat and foraging opportunities for native fauna. The proposals also seek to provide screening to the south and southwest of the building and, ultimately, an attractive setting for future occupants.

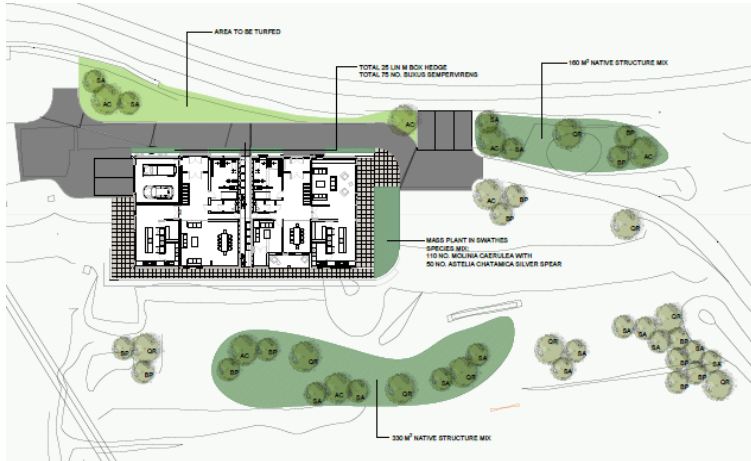


Fig 3: Landscape proposals

3.5.16 The Council’s ecological consultant, GMEU have offered no concerns in relation to the proposed landscaping approach, which is to be secured via planning condition as detailed within section 4 of this report

3.5.17 The application is also supplemented by a bat survey that identified the presence of one common pipistrelle, though no evidence of bat roosts. GMEU have accepted that given the existing building’s portal frame construction and current physical state it would be “highly unlikely to support bats”. No objection to the application is therefore offered, subject to the use of an appropriately worded planning condition to secure net gain for biodiversity.

3.5.18 The site boundary is in close proximity to the boundary of the West Pennine Moors SSSI. The initial consultation response provided by Natural England sought further information regarding surface water impacts of the development. However, following clarification regarding the areas topography – the application site lies at a substantially lower level than the SSI – Natural England have removed their request for further details and offer no objection to the application.

3.5.19 The application is accompanied by a full drainage scheme, which details that the development and surrounding area would not be at risk of flooding. Foul drainage will be dealt with a ‘biodisk sewerage treatment plant’ with treated effluent discharging to the existing below ground drainage system. Those conclusions and proposals are accepted by the Council’s drainage team and no objection is offered subject to a suitably worded planning condition to require development in accordance with the submitted details.

3.5.20 Highway Considerations: LPP2 Policy 10 is the principle consideration in relation to highway issues.

3.5.21 Access to the site is via a single width track that links the development to Crowthorn Road. The proposed access arrangements provide the basis for the objection received from North Turton Parish Council, which states; “the

Parish Council has concerns.. due to the access and egress to the buildings and encroachment into the green belt'

- 3.5.22 The access arrangements do not raise concerns with the Council's highway officer given that it has historically served the building and the other group of properties at Longshaw Head. Furthermore, any alternative use of the building, whether agricultural or commercial, would be likely to generate similar number of vehicle movements with larger vehicles. In that regard the current proposal represents the lowest impact in highway terms.
- 3.5.23 The internal access arrangements within the site are acceptable, with sufficient manoeuvring areas provided for domestic vehicles. Similarly, adequate parking provision in accordance with the Council's adopted parking standards, are provided. Each 5 bedroom property would have 3 dedicated parking spaces.
- 3.5.24 The Council's public rights of way officer has identified the presence of 3 footpaths within and neighbouring the site; Edgworth 117, 118 and 119. Historical changes to the surfacing, gradient and alignment of footpath 118 are noted, though no objection to the planning application is offered given that a separate process to regularise those matters exists.
- 3.5.25 Summary: The principle of residential conversion of the building is compatible with the requirements of the NPPF and local plan policies 3 and 21. The proposed physical alterations represent a chance to improve the existing unsightly appearance of the building and are considered to constitute good design. No technical barrier to supporting the development has been identified, with all matters addressed through the planning assessment or capable of being controlled through the suggested planning conditions detailed within section 4 of this report.

4.0 RECOMMENDATION

4.1 Delegated authority is given to the Strategic Director of Growth and 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: 128-E03_B; 128-L09_A; 128-P06_C; 128-P07_B; 128-S02_A; and YD2_LS_LP001, received 24/12/22

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

3. No development shall commence on site unless and until, a 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.

4. Prior to the commencement of development, a scheme detailing 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 and shall be retained thereafter.

REASON: In the interests of biodiversity, in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

5. Notwithstanding the submitted details, prior to the commencement of development details of the appearance and colour of the external roofing and walling materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be in accordance with the agreed details.

REASON: In the interests of visual amenity, in accordance with the requirements of Policy 11 of the Blackburn with Darwen Borough Council Local Plan Part 2.

6. Prior to first occupation of the development hereby approved, two copies of a comprehensive Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and 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.

7. 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.

8. 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.

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

REASON: In order to minimise the potential for light pollution to occur for neighbours and disturbance for bats, in the interests of residential amenity and biodiversity, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen Borough Council Local Plan Part 2.

10. The development hereby approved shall be undertaken in accordance with the submitted landscape plan, reference: YD2_LS_LP001, received 24th December 2022. 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.

11. The development hereby approved shall be undertaken in strict accordance with the submitted drainage strategy report and drawings (reference; 1165-1011-CIV-10_revision 1; 1165-1011-CIV-50_revision P1 sheets 1 and 2, received 24th December 2022

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).

5.0 PLANNING HISTORY

5.1 10/94/1520 - Termination of maggot breeding use, change of use of barn to dwelling and use of portal frame building for horse box conversions (Approved Dec 1994)

6.0 CONSULTATIONS

6.1 Public Consultation: 3 neighbouring properties have been individually consulted by letter, site notices displayed and a press notice issued. One letter of support has been received (see section 9).

6.2 Public Rights of Way: The applicant intends to keep the three public footpaths 117, 118 and 119 Edgworth on the same lines as the application makes no reference to any diversions for the Public rights of Way. However as the footpaths are in such close proximity to the proposed development we have been out to site to look at the footpaths, particularly 118 and 119 Edgworth.

At some point in the past the line of footpath 118 has been re-landscaped and the route is now obstructed due to the steep gradient from where it leaves footpath 117 Edgworth, this obstructed footpath is currently on our enforcement list. It also appears as though an unofficial diversion has been installed further to the south again where it leaves footpath 117 Edgworth. This route is also now totally unsuitable and can't be used.

The landowner either needs to remove the obstruction from footpath 118 Edgworth i.e. put the gradient back to how it was originally, without installing steps as these are classed as a limitation on a Public footpath and wouldn't be permitted, or apply for a diversion of footpath 118 to take the line of the footpath away from the proposed development. The applicant will need to apply for a temporary closure of the footpaths prior to any works commencing for the site preparation and construction as the original line of footpath 118 is

obstructed and this needs to be clear to enable the public to access footpath 119

Any change of surface to the public rights of way will need prior approval from the Highway Authority before any work commences.

- 6.3 Highways: The application site is accessed via Crowthorn Road, an unclassified road that is partially unadopted and maintained privately. The application site is located adjacent to the private section of Crowthorn Road and is serviced via an existing access point approximately 450m from public highway.

The proposal allows for sufficient parking provision within the development proposals curtilage, along with sufficient access arrangements to the proposed development.

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

- 6.4 Public Protection: The applicant has submitted a contamination risk assessment report. This contains the desk study and contamination assessment as well as proposed remediation/mitigation measures. So in light of the submitted documents the standard land contamination validation condition should be applied, alongside the unexpected contamination condition.

- 6.5 Ecology (GMEU): The existing building is highly unlikely to support bats. It could potentially support nesting birds but again this appears unlikely. The site does lie in close proximity to the West Pennine Moors SSSI but given the scale and type of application, the proposals are unlikely to impact on the interest of the SSSI.

We would expect any such scheme to include 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. We would therefore recommend that the following condition be attached to any permission, if granted:

A scheme for the 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.

- 6.6 Natural England: The initial response received 10th February 2023 detailed a requirement for a surface water impact assessment to be provided at pre-determination stage given the site is within 50m of the boundary of the West Pennine Moors SSSI. Following review Natural England have withdrawn this request on the 31st May 2023 and now offer a no objection response.

6.7 North Turton Parish Council: The Parish Council has concerns due to the access and egress to the buildings and about encroachment into the Green Belt.

6.8 Drainage: No objection.

7.0 **CONTACT OFFICER: Martin Kenny, Principal Planning Officer**

8.0 **DATE PREPARED: 30th June 2023**

9.0 SUMMARY OF REPRESENTATIONS

Support – Andrew Jackson, Longshaw Head Barn, Crowthorn Road, Turton. Received: 16/01/2023

Reference: 10/22/1223

Hi Martin,

Following your letter dated 6th January in regards the proposed planning application for conversion of the barn adjacent to Longshaw Head Farm.

Our neighbours at Longshaw Head Farm have informed us of the proposed conversion and we have viewed the application in detail.

We have no objections and would very much welcome the conversion/re-use and alteration as we feel the barn and surrounding is an eyesore blot on the landscape. We believe this will greatly improve the view of the landscape which is visible from many sights in and around the surrounding area.

I am happy for my comments to be made public.

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/23/0374

Proposed Development: Construction of a new health centre providing services for dental care, opticians and hearing assistance (E(e)) including the formation of a new site access, associated landscaping and car parking

Site Address: Land at Wainwright Way/Freckleton Street, Blackburn, BB2 2HL

Applicant: Mr Mohammed Kais Ali

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 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 74 adjacent properties on 10th May 2023. A site notice was displayed on 31st 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 health developments 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 new health centre providing services for dental care, an opticians and hearing assistance – Use Class E(e). The proposed health centre would be a three-storey building built in a contemporary style. Two new site access points would be formed from Freckleton Street serving two carparks, which would provide a total of 35 spaces. Supplementary landscaping would also be provided throughout the site.
- 2.5 On balance, the proposals would be satisfactory from a technical point of view, with all issues having been addressed during the course of the application process, or capable of being controlled or mitigated through appropriately worded planning conditions.
- 2.6 The key issues to be assessed in determining this application are as follows;
- Establishing the principle for development
 - 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
 - Ensuring ecological harm is appropriately minimised
 - Assessing the potential for land contamination
 - Recording any archaeological remains within the site
 - Minimising the proposals impacts on air quality
 - Ensuring the potential for crime is appropriately minimised

3.0 RATIONALE

3.1 Site and Surroundings

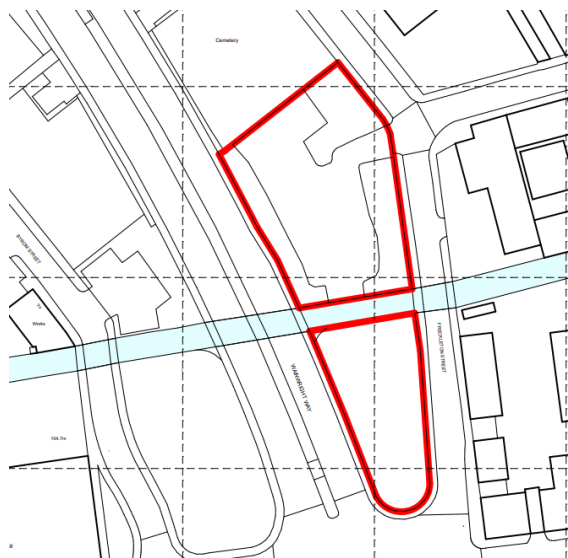
3.1.1 The application site is two plots of vacant land located within the defined inner urban boundary of Blackburn, Blackburn Town Centre and the Freckleton Street Employment Land Allocation. The River Blakewater divides the two parts. The north part is currently covered in hardstanding and grasses with a number of trees and shrubs interspersing its peripheries. The south part is currently covered in grasses with trees and shrubs found adjacent to the river. Signage and a CCTV column is also found within that part.

Figure One – Satellite image of the site



3.1.2 The site has a combined an area of circa 0.75 acres. Commercial buildings, vacant land and the highways network surround to three sides with a historic cemetery positioned immediately to the north. Vehicle access is currently gained to the east off Freckleton Street yet these proposals involve the closure of that existing access point.

Figure Two – Location Plan showing the extent of the site



3.2 Proposed Development

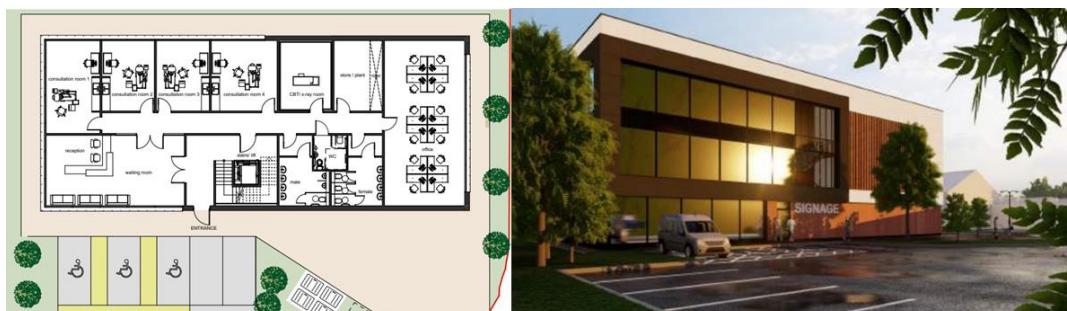
3.2.1 As detailed above, this application seeks full planning permission for the erection of a three-storey health centre providing services for dental care, an opticians and hearing assistance – Use Class E(e). The building would be erected within the north part of the site. A 21 space carpark would be provided adjacent complete with 3 mobility impaired spaces, motorcycle parking spaces, 3 covered cycle storage racks and bin storage areas. New pedestrian and vehicular access points would be formed. A further 14 spaces would be provided within the south part of the site. A new vehicular access point would be formed with a 2m footway either side. Supplementary landscaping would also be provided throughout the site in the form of native and ornamental tree species, low-lying shrubs and grassed areas.

Figure Three – Proposed Site Plan and Landscaping Scheme



3.2.2 The proposed health centre would have a footprint of circa 400 square metres and a flat roof 11.7m in height. Cladding of various colours and styles, terracotta render and a black aluminium curtain walling system would be used to externally finish the elevations. A black aluminium door would also be installed to the south elevation. Any new areas of hardstanding would be surfaced in tarmac with block paving used for the pedestrian areas around the health centre. Receptions, waiting rooms, consultation rooms, toilets and offices would be provided on all three levels of the building.

Figure Four – Proposed Ground Floor Plan and CGI Image



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 26: Town Centres – A Framework for Development
- Policy 36: Climate Change

3.4.3 BwD Parking Standards

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

3.4.4 Freckleton Street Masterplan Supplementary Planning Document (SPD)

4.0 ASSESSMENT

4.1 Principle of Development

- 4.1.1 As detailed above, the site is located within the defined inner urban boundary of Blackburn, Blackburn Town Centre and the Freckleton Street Employment Land Allocation. 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 accord with the relevant requirements of the Freckleton Street SPD. Access would be gained from Freckleton Street and the development would have a good relationship with the link-road (Wainright Way). For clarity, the remaining requirements of Policy 13(4), which relate to land remediation, flood risk and nearby heritage assets, are covered in subsequent sections of this report.
- 4.1.3 Regarding the requirements of Policy 26, support is provided for proposals that deliver supporting community services, such as health facilities. A full review of the proposals has been undertaken by BwD Forward Planning in the context of the current development plan and emerging Local Plan. No objections have been raised to the principle of development and I concur with their findings. The proposed development is therefore acceptable in principle, in accordance with the relevant requirements of Policies 1, 2, 13 and 26 together with the Freckleton Street SPD.
- 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 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 £20,000 (+ 1% monitoring fee) has been requested from the developer through an s106 agreement
- 4.2.2 The monies will be used for improvements to the sites accessibility for the visual and mobility impaired who may need to access the site for appointments etc. Subject to those details 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. 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 all four elevations, a flat roof and modern construction materials, which would all provide a distinctly contemporary design. At up to 11.7m 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 development has been previously approved at the opposite side of Freckleton Street. 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 throughout the site. Such measures would provide visual enhancements around the site. In addition, they would soften the massing of the building from key vantage points along Freckleton Street and Wainright Way. An acceptable Landscaping Strategy has been submitted during the course of the application. 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. 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 Policy 11.

4.4 Heritage Assets

- 4.4.1 The Grade II listed Blackburn Drill Hall is positioned to the southeast of the site. The Grade II Listed Blackburn Fire Station is also positioned nearby. Both are a designated heritage assets. 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 and no objections have been raised. Whilst both the listed buildings have a visual connection to the proposal site, the listed Fire Station is largely screened by the modern development of the new fire station. In the case of the listed Drill Hall, whilst there is some visual impact due to the increased height and prominence of the proposed new building, the impact is only slight and it is acknowledged that, the wider site and area has drastically changed throughout

the 20th century; including the demolition of many of the historic buildings, some of which may have been to allow for the construction of Wainwright Way.

4.4.3 The recommended landscaping condition will mitigate any impacts caused for listed buildings through softening the massing of the development. Subject to compliance with that condition, 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 The setting of the site is predominantly commercial 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 general relationship between buildings.

4.5.2 Owing to ample separation, the proposed development would not be harmful to the amenities of the closest residential neighbours once operational. Furthermore, a Noise Screening Report has been submitted in support of the application, which confirms that adequate acoustic levels can be provided within the proposed building.

4.5.3 A review of the proposals has been undertaken by BwD Public Protection and no objections have been raised. A condition has been advised to control various aspects of the construction phase yet it is not necessary to impose such a condition from a residential amenity perspective given the levels of separation involved.

4.5.4 That said, a condition has been imposed to control any required pile-driving operations (or similar) as those works can be particularly intrusive for the amenities of the nearest neighbours. 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.

4.6 Highways, Servicing and Parking

4.6.1 As detailed above, the proposals involve the formation of two new access points from Freckleton Street alongside the formation of parking and manoeuvring 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 A Transport Statement has been submitted in support of the application that appraises the highways and parking merits of the proposed 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 Regarding the proposed access arrangements, BwD Highways have suggested an alternative that may remove the need for Traffic Regulation Orders. Those comments have been forwarded to the Agent yet a response is yet to be provided. Therefore, a condition is recommended to agree the scope of any required off-site works of highways improvements, which will include details around forming the new access points. A further condition is recommended to maintain adequate visibility around the new vehicle access points.
- 4.6.4 A request has been made by BwD Highways to form a further pedestrian link from Wainright Way yet the east edge of the site has adequate accessibility and such provisions are not necessary on that basis. Furthermore, the site has adequate manoeuvring space for servicing vehicles and the proposed access arrangements would be acceptable, subject to any required off-site works of highways improvements being agreed by way of planning condition.
- 4.6.5 Regarding off-street vehicle parking, shortfalls are proposed when measured against the adopted Parking Standards. That said, the site benefits from a highly accessible location and reduced parking provisions can be justified here on that basis. Three mobility impaired spaces and three cycle racks are proposed, which is acceptable in the context of this development. Conditions are recommended to ensure all those facilities are provided prior to the development becoming operational. Moreover, a condition is recommended to limit the use of the building so as to prevent the formation of a more vehicle parking intensive use(s) without the relevant assessments being undertaken.
- 4.6.6 A further condition is recommended to control the logistics of the construction phase. The condition is 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 Policy 10.

4.7 Flood Risk and Drainage

- 4.7.1 The site is partly within Flood Zone 3 and 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 and the Environment Agency have reviewed the submitted FRA and no objections have been raised. A condition has been advised by the Environment Agency to ensure the development is implemented in accordance with the mitigation measures detailed within the submitted FRA, which is

recommended to be added in order to minimise the risks associated with flooding.

- 4.7.3 The submitted Drainage Strategy has been reviewed by United Utilities and they are satisfied with the proposed approaches. A condition is recommended to ensure the development is implemented in accordance with that strategy. A further condition is recommended to ensure a maintenance plan for the drainage system to be installed is agreed and implemented. Such an approach is consistent with the comments provided by BwD Drainage and United Utilities. Subject to compliance with those conditions, the proposed development would be acceptable with reference to flood risk and drainage, in accordance with the relevant requirements of Policy 9.

4.8 Ecological Assessments

- 4.8.1 The site is currently urban scrubland and it has a low baseline ecological value. Further requirements within Policy 9 state that all development proposals must avoid unacceptable impacts on environmental assets or interests, including habitats and species. The BwD Ecological Advisor has reviewed the submitted appraisal and no objections have been raised.

- 4.8.2 A condition has been advised to prevent vegetation clearance during the bird breeding season. A further condition has been advised to ensure measures are put in place in order to prevent pollution of the adjacent watercourse during construction works. It is recommended that the former be added and the latter be incorporated as part of the recommended Construction Method Statement condition. 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 buildings including a swimming pool and the development would be used by visiting members of the public. 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. Land contamination reports accompany the application, which have been reviewed by BwD Public Protection.

- 4.9.2 They have identified a number of discrepancies with the reports and further details are required to ensure a safe environment is provided for users of the development. It is therefore recommended that all three standard land contamination conditions be added. Such an approach is also consistent with the comments provided 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 Archaeology

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

4.10.2 LCC Archaeology have reviewed the merits of the proposals. Historic maps identify that the north part of the site previously housed the Freckleton Street Public Baths, which opened in 1868, and recorded is a non-designated heritage asset on the Lancashire Historic Environment Record (PRN31088).

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

4.11 Air Quality Assessments

4.11.1 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 have reviewed the merits of the application in relation to impacts on air quality and no objections have been raised.

4.11.2 They have advised that at least 2 parking bays should be provisioned with electric vehicle charging points. A condition is recommended to control those details. Subject to compliance with that condition, the proposed development would be acceptable with reference to air quality assessments, in accordance with the relevant requirements of Policy 36.

4.12 Crime Management

4.12.1 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.

4.12.2 In response to those requirements, developments 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.

4.13 Summary

4.13.1 This application involves the construction of a new health centre providing services for dental care, an opticians and hearing assistance (E(e)) including the formation of new site access points, associated landscaping and car parking. Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies and guidance notes detailed in Section 3.4.

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

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

5.0 **RECOMMENDATION:**

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 £20,000 towards off-site highway works relating to new kerbing and tactile surfacing on Freckleton Street, Weir Street and St Peter Street, 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 (001A), 002A, 003O, 004I, 005J and 5080 01 – Revision C.

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 '5080 01 – Revision C' 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 to preserve the setting of nearby listed buildings, 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).

- 5.5 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 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).

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

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

- 5.8 Visibility splays around the site access points hereby approved shall not at any time be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of 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).

- 5.9 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 '0030' 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).

- 5.10 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and The Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Orders revoking and re-enacting those Orders with or without modification), no commercial operations outside of Use Class E(e) shall take place from the site whatsoever following the development hereby approved being implemented.

REASON: In order to prevent more parking intensive uses being operated from 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).

5.11 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).

5.12 The development hereby approved shall be implemented in strict accordance with all of the recommendations and measures of mitigation detailed within the submitted Flood Risk Assessment, prepared by Toppings Engineers, and dated November 2022.

REASON: In order to ensure adequate flooding mitigation measures are provided in support of the development, 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).

5.13 The drainage for the development hereby approved, shall be carried out in strict accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing Drainage Strategy (DR-C-0101), prepared by Topping Engineers, and dated November 2022. For the avoidance of doubt surface water must drain at the restricted rate of 3 l/s. No surface water is permitted to drain directly or indirectly into the public sewer. Prior to occupation of the development, the drainage schemes shall be completed entirely in accordance with the approved details and retained thereafter for the lifetime of the development.

REASON: In order to ensure adequate drainage systems are provided in support of the development, 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).

- 5.14 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).

- 5.15 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).

- 5.16 No development shall commence on site unless and until, a Contamination Method Statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination, which may be present on site, has first been submitted to and approved in writing by the Local Planning Authority. The submitted Statement shall detail the following;
- a) An investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with

the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority, and;

- b) A comprehensive remediation scheme including an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination).

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

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

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

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

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

- 5.19 No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a phased programme of archaeological investigation, recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of field investigation should be carried out by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance set out by the Chartered Institute for Archaeologists.

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

- 5.20 No above ground works shall commence on site unless and until, a scheme for the provision of two electric vehicle charging points 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 scheme and shall not be brought into use unless and until the agreed measures have been provided in their entirety.

REASON: In order to ensure adequate electric vehicle charging point facilities are provided in support of the development, in the interests of improving air quality, 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

- 5.21 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 10/22/1115 – Construction of a new two storey dental practise (E(e)) including the formation of a new site access, associated landscaping and car parking – Application withdrawn.

7.0 CONSULTATIONS

- 7.1 BwD Forward Planning – The proposed development site (“the site”) is a brownfield, infill site located to the south-west of Blackburn Town Centre. It previously sited a (now demolished) church, and currently comprises hardstanding and vegetation. The site is bounded by Wainwright Way to the

west, Freckleton Street to the east and Canterbury Street to the south. The land to the north of the site is a former church graveyard. The river Blakewater passes east-west through the site.

(Current development plan) The current, adopted plan prioritises development to urban areas (CS1, Policy 1); directs facilities and service, including health, to town and local centres (CS11) and supports sustainable development (CS13; policy 7) and the prioritisation and reuse of brownfield sites. It provides that developments should contribute to the overall character of the area and secure satisfactory amenity (policy 8); demonstrate it is not in unacceptable risk of flooding, including that from surface water run-off (policy 9); is well designed (CS16, policy 11); mitigates and adapts to climate change (policy 36); protects heritage (CS17, policy 39); and integrates green infrastructure with new development (CS19; policy 40). Policy 23 supports the creation of new health facilities. In the Plan, the site is allocated suitable for employment development and identified as a key urban gateway/hub – site reference 13/4: St Peters Quarter, Freckleton Street, Blackburn.

(Freckleton Street Masterplan) The Freckleton Street Masterplan SPD (2007) sets out the Council's planning policy approach for the regeneration of the area, whose use could be focused on knowledge based industries, offices/light industry or general industry. Any development should be guided by the SPD, have a good relationship with the new link road, remediate land as necessary, mitigate flood risk as relevant and pay careful attention to the nearby heritage assets including those at King St.

Policy 4 of the Freckleton Street SPD (2007) states that the St Peter St area is primarily defined by existing uses, which are mainly retail and service related, and good links with the town centre. Development in the area should respect existing building heights and set-backs, with active frontages onto key streets, encourage high quality design and take opportunities to improve the River Blakewater environment. Accepted uses include community facilities and public services.

(Emerging Local Plan 2021-2037 and Blackburn Town Centre SPD (2018)) Under the emerging plan, the site falls within the urban area, and just outside the boundary of Blackburn Town Centre. However, the site is enclosed within the boundaries designated by the [Blackburn Town Centre SPD](#) (2018). [The Town Centre SPD supersedes the Freckleton Street SPD although the Freckleton Street SPD remains of useful reference]. The Blackburn Town Centre SPD identifies the site as a future development opportunity of Wainwright Way (Investment Area 5), with opportunities to create a distinctive urban area, at a key gateway, with high quality iconic buildings. Development may incorporate a mix of uses, particularly knowledge-based industries. Buildings should demonstrate a distinctive contemporary architectural style of approximately 3-4 storeys, create a distinctive townscape whilst having regard to adjacent characters, adopt a palette similar to existing prevalent buildings, and front streets and spaces. Preferred uses include retail, professional and financial, office and light industry. The SPD highlights part of the site is within an area of flood risk, and so flood risk assessments will be required.

As with the adopted plan, the emerging Plan also prioritises sustainable development to urban areas, promotes climate change adaptation and the delivery of biodiversity net gain, seeks the protection of the historic environment and high quality and inclusive design. Policy DM12 encourages all new development to achieve enhanced emissions reduction, and for commercial development (including class E), of 2500sqm or more, to achieve BREEAM Good as a minimum standard.

The emerging Local Plan is now in its final stages of production, and underwent public examination in early 2023, with some modifications proposed. Whilst the Local Plan is not yet adopted (this is anticipated in early 2024), the advanced stages of its preparation mean that some, limited weight can still be placed on it in determining planning applications.

(The Proposal) The proposed development is located on a brownfield infill site, in a sustainable location, on the edge of the town centre, close to public transport services and just off the main ringway road (Wainwright Way). The proposed use (Class E) is consistent with the sites location within the urban area, its current development allocation (13/4) and both the Freckleton Street and Blackburn Town Centre SPDs.

The proposed building is of modern, 2 storey design which is again consistent with the SPD design guidance. Whilst the building does not 'front' Wainwright Way or Freckleton Street, as the SPDs guide, its positioning 'bridges' the gap between the two highways, and promotes natural surveillance, so is not considered significantly contrary to the policy/guidance.

The proposed building is to meet BREEAM 'Very good' standards and so demonstrates a sustainable and energy efficient design conducive with its location at an urban gateway. This is in accordance with policies relating to improved energy efficiency, mitigating carbon emissions and providing improved resilience to climate change. Whilst it falls under the floorspace threshold of the emerging Policy DM15, BREEAM accreditation is encouraged.

The River Blakewater runs through the site, and so, in line with the Freckleton Street SPD, there are opportunities to improve the river environment, mitigate flood risk and deliver biodiversity net gain (NPPF para 174). It is noted a landscaping plan will be agreed with the authority, and so such opportunities should be considered as part of that plan. Similarly, the landscaping should seek to fully integrate with the green infrastructure to the immediate north of the site

The removal of any trees should be replaced with an equivalent or greater number of trees as required by Policy 9 (adopted plan) and DM17 (emerging plan). The site is located close to the Grade II listed building, Drill Hall, and so any impacts on heritage should be considered through the proposal.

The site is located within Flood Zone 2 and 3, and so a flood risk assessment needs to be considered alongside appropriate mitigation. The site may contain

United Utilities infrastructure (see Blackburn Town Centre SPD, Investment Area 5) which needs to be considered as part of any development. Other constraints may also be present on the site and should be investigated and addressed as part of any development.

(The Climate Emergency) The Council has declared a Climate Emergency, and has set out its ambitions to achieve carbon neutrality by 2030. New development has a key role to play in reducing carbon emissions, and in providing adaptation and resilience to climate change. Thus, positive weight should be afforded to those developments that can demonstrate they have considered climate change in their design.

- 7.2 BwD Growth – Given the nature and location of the proposals a contribution should be sought to introduce dropped Kerbs and tactile paving at Freckleton Street / St Peter’s Street and Freckleton Street/Weir Street junctions of around £40,000. This will improve the sites accessibility for the visual and mobility impaired who may need to access the site for appointments etc. A monitoring fee of 1% (£400) would be added to the s106 contributions, which would bring the total to £40,400.
- 7.3 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 and a balanced view in relation to the Non-Designated Heritage Asset (NDHA). I consider that on balance the proposal would meet the statutory test ‘to preserve’, as any harm as a result of the proposal to the setting of the Listed Buildings is negligible. Similarly, any harm caused to the identified NDHA, will also be negligible. Therefore, no balancing exercise is required as per NPPF P.202. As such, the proposal meets the objectives of Chapter 16 of the NPPF and accords with the policies of the Local Plan.
- 7.4 BwD Public Protection – No objections. Should this application be approved, conditions should be imposed to control the logistics of the construction phase, land contamination and air quality mitigation measures.

(Contamination) I refer to the report entitled ‘Site Investigation & Contamination Assessment of Land at Freckleton Street, Blackburn. The report has been prepared by BEK Environmental Ltd dated October 2022. However, a number of discrepancies have been identified in the submitted report. Should permission be granted I would recommend that the standard contaminated land conditions are applied as well as the Watching Brief condition.

- 7.5 BwD Highways – The proposed scheme will provide a new medical facility (Use Class E(e)) with a gross floor area of c.1,320sqm over 3no. floors. Multiple services will be provided, with a dentist, an optician and hearing facilities located on separate floors. A total of 29no. car parking spaces are provided, with accesses located on Freckleton Street. The site will have 14 consultation / treatment rooms, as well as reception areas, waiting rooms, open plan offices. The site will employ approximately 10 full time employees.

(Access Arrangements) Two points of vehicular access are indicated on the plans with parking areas either side of the River Blakewater which dissects the site. The site layout plan indicates that existing on-street parking is likely to impact on the visibility splay requirements for the new accesses. The plan includes annotation which states “*potential replacement of on-street parking bays with traffic regulation order to prevent parking in visibility splay, subject to discussions LHA*”. To consider the loss of on-street parking, a better understanding of current usage and levels of occupation would be required. As an alternative, consideration could be given to projecting the give way lines of the site accesses into the Freckleton Street carriageway so that they are in line with the outside edge of the on-street parking bays either through the introduction of build outs or white lines/hatching. It may well be possible to achieve visibility requirements without the need for TROs or loss of on-street parking.

Pedestrian access is to be from Freckleton Street. There may be occasional demand for pedestrian access from Wainwright Way. It is recommended that provision be made for pedestrian access to the building be made from Wainwright Way although the site layout plan seems to indicate that this may require 3rd party land. Given the severing effect of Wainwright Way and the ease of movement for pedestrians from the north and south along Freckleton Street the proposed access arrangements for pedestrians are appropriate.

(Servicing) Refuse collection shall take place from the kerbside on Freckleton Street. One daily delivery is expected to take place within the main car park area. The largest anticipated vehicle accessing the site would be a 7.5 tonne panel van. A swept path drawing has indicated that such a vehicle can enter and exit the site in a forward gear, as well as manoeuvre within the car park area.

(Parking) BwD Benchmark parking standards suggest that ‘1 car space per 2 staff plus 3 per consulting room’ for car parking, to include 1 space per 10 car parking spaces for disabled parking and 1 cycle space per 10 car parking spaces. 14no. consulting rooms are proposed in the facility, with 10 full-time employees. The BwD benchmark standards therefore indicate a requirement for 47no. car parking spaces. A total of 29no. car parking spaces are to be provided on the site within the 2 proposed car parking areas. This includes 3no. disabled parking spaces. The proposed parking provision is therefore lower than BwDBC benchmark standards.

Due to the accessible location of the site on the edge of Blackburn Town Centre and the availability of short stay parking along Freckleton Street and other streets nearby provision below the benchmark standard is considered to be appropriate. Cycle parking, disabled parking and motorcycle parking provision all comply with BwDBC standards. Cycle parking is provided at 200%. 3no. secure cycle parking stands (space for 6 bicycles) are also proposed, which can facilitate up to 6no. cycles. Shower facilities will also be provided. 1no. motorcycle / PTW space is also provided.

(Site Accessibility) The site is a short walk from Blackburn Town Centre with many amenities within a short walk. Blackburn Railway Station and Blackburn Bus Station are within 1 km of the site. The nearest bus stops to the site are from King Street and Mill Lane.

(Trip Generation) The anticipated trip generation from the proposed development is expected to be low with around 47 new trips in the AM peak and 41 in the PM peak. The level of vehicular traffic to be generated by the development proposals are not likely to have a significant impact on the safe or efficient operation of the local highway network.

(Improvements to the sites accessibility) Given the nature and location of the proposals a contribution should be sought to introduce dropped Kerbs and tactile paving at Freckleton Street / St Peter's Street and Freckleton Street / Weir Street junctions of around £40k. This will improve the sites accessibility for the visual and mobility impaired who may need to access the site for appointments etc.

- 7.6 BwD Drainage – No objections. Should this application be approved, a condition should be imposed regarding the submission of a management and maintenance plan for the sustainable drainage system for the lifetime of the development.
- 7.7 BwD Ecological Advisor – I have no overall objections to the application on Ecology grounds. I would recommend that no vegetation clearance required to facilitate the scheme takes place during the optimum time of year for bird nesting (March to August inclusive), unless nesting birds have been shown to be absent by a suitably qualified person. And, that a Construction Environmental Method Statement is prepared for the development, to include details of measures to be taken during groundworks and construction to avoid any pollution of the River course.
- 7.8 BwD Property Services – No objections.
- 7.9 BwD Cleansing – No objections.
- 7.10 Environment Agency – We have no objection to the development proposed however, the previous use of the proposed development site as a swimming baths 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 surface watercourse, and 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.

(Flood risk) There are no in principle objections to the development as proposed however, we wish to make the following comments. The planning application is accompanied by the following Flood Risk Assessment (FRA). *FRA prepared by Topping Engineers Consulting Structural and Civil Engineers, reference; 22379-FRA-001, dated Nov 2022.*

We have reviewed the FRA in so far as it relates to our remit, and we are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and/or the mitigation measures identified will require the submission of a revised FRA.

- 7.11 LCC Archaeology – The northern half proposed development site is the former site of Freckleton Street Public Baths, which opened in 1868, and recorded as a non-designated heritage asset on the Lancashire Historic Environment Record, PRN31088. Surviving below-ground remains of the Baths would be considered to be of a local significance only, and are a type of building not investigated archaeologically until quite recently.

It is therefore considered that any remains that do survive on this site would merit preservation by record (archaeological excavation and recording). The Historic Environment Team would therefore advise that the archaeological investigation of the site, along with the appropriate reporting of those works and archiving of the results, be secured by means of an appropriate condition.

- 7.12 United Utilities – Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request a condition be imposed to ensure the development shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing Drainage Strategy. A further condition should be added to ensure a sustainable drainage management and maintenance plan for the lifetime of the development.

- 7.13 Lancashire Fire and Rescue – It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'.

- 7.14 Ward Cllrs

- 7.15 No public responses have been received

8.0 CONTACT OFFICER: Christian Barton – Planning Officer

9.0 DATE PREPARED: 3rd July 2023

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/23/0412

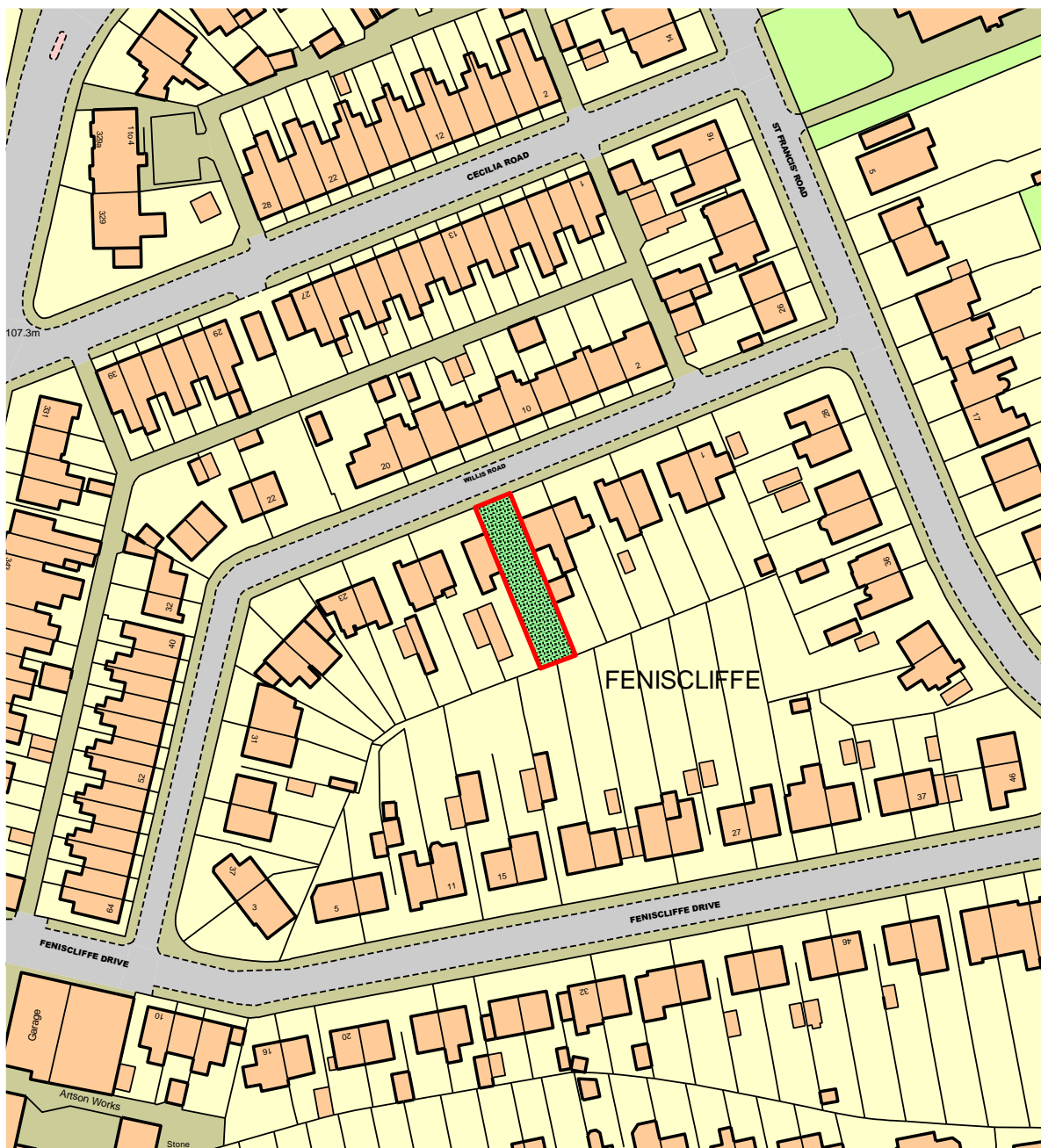
Proposed Development: Replacement of existing cement based spar dash render with new pearl coloured silicone based self-coloured smooth render

Site Address: 13 Willis Road, Blackburn, BB2 2UA

Applicant: Mr K Baxter

Ward: Livesey with Pleasington

**Councillor Mark Russell
Councillor Derek Hardman
Councillor Paul Marrow**



1.0 SUMMARY OF RECOMMENDATION

1.1 The proposed development is recommended to be granted planning permission, subject to the conditions detailed 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 due to the number of public objections received.

2.2 The proposed development has been publicised through letters to residents of the nearest 7 properties, on 17th May 2023. 6 public comments have been received objecting to the application. The objections raised principally relate to visual implications through the use of render on a property that is currently pebbledashed. 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 householder development and associated works, provided they constitute sustainable development and accord with the development plan when taken as a whole.

2.4 The proposals involve the replacement of deteriorating pebbledash with a silicone-based smooth render to all three elevations.

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;

- Assessing any design and visual amenity impacts

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site is a two-storey semidetached dwelling located within the settlement of Blackburn. The site is positioned within a residential area that is populated with dwellings of various styles and ages. Residential properties and garden areas surround to all four sides. The dwelling mostly has pebbledash elevations with slate roof coverings and white uPVC doors and windows. A garage adjoins the east elevation, which has a grey door. A single-storey rear extension is currently under construction, which is yet to be rendered.

Figure One – Satellite image of the site



3.2 Proposed Development

3.2.1 As detailed above, this planning application initially involves removing the existing pebbledash and the applying a smooth silicone based render, which would be pearl (cream) in colour. The red brick plinth wall would not be concealed by the proposed works. The same material would also be applied to the walls of a single-storey rear extension, which is currently under construction.

Figure Two – Proposed Elevation Plans and Image of Render



3.3 Case Officer Site Photos



3.4 Development Plan

3.4.1 Local Plan Part 2 (2015):

- Policy 11: Design

3.4.2 Residential Design Guide Supplementary Planning Document (SPD) (2012)

- Policy RES E1: Materials

4.0 **ASSESSMENT**

4.1 Design and Visual Amenity

4.1.1 The site is positioned within an urban area that has a relatively varied streetscene. Dwellings of varying styles are found locally that are faced with pebbledash and red bricks. 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.

4.1.2 The Design SPD reiterates those requirements in the context of residential developments. Policy RES E1 states that materials used in residential extensions will normally be required to match those used in the existing property. Concerns have been raised in public comments in relation to design and visual amenity matters.

4.1.3 Although specifically related to extensions, it is reasonable to apply the requirements of Policy RES E1 to this assessment. The proposals involve the use of a material that would not match the existing material, nor that of the row of existing properties. That said, the preamble of Policy RES E1 states that materials used for extensions need to be sympathetic to those used in the

original building. In most cases this will mean that a direct match is required, however, in some circumstances an alternative approach may be justified.

- 4.1.4 A recent appeal decision concerning similar matters is detailed below in Section 6. Although the appeal was dismissed, a positive appraisal of the replacement of pebbledash for a smooth render was provided, as follows – *with regard to materials, the application of silicone coloured render to the main house in place of pebbledash would be appropriate to the style and age of the dwelling.*
- 4.1.5 The property in question is of a similar style and age to the application site and above appeal decision provides recent justification from the Planning Inspectorate that such works are an acceptable form of development visually in the context of mid-1900s pebbledash faced properties. Such works are often undertaken in the process of modernising dwellings, and were a similar colour render to be proposed when related to that of the existing pebbledash, no planning permission would be required for those works.
- 4.1.6 Another fallback position to consider involves the application of paint to pebbledash, which is again a common form of development. Paint of any colour can be applied to any building under the provisions of permitted development. White paint is commonly used to cover pebbledash. Were such works to be undertaken at this property a similar finish would be provided to that of the proposed render. An example of such works is found close to the application site whereby a grey paint has been applied making the property appear distinctly different to those along the row.

Figure Three – Neighbouring property with painted frontage



- 4.1.7 When those fallback positions are considered alongside the preamble of Policy RES E1, the proposed development would not negatively contribute towards the visual amenity of the locality to a point where a refusal would be justified. A condition is recommended to ensure the development is implemented in accordance with the submitted details in order to clarify the terms of the consent. Subject to compliance with that condition, the proposed development

would be acceptable with reference to design and visual amenity, in accordance with the relevant requirements of Policy 11 together with the Design SPD.

4.2 Wider Considerations

- 4.2.1 Further concerns have been raised in public comments regarding the fact that building works have caused disruptions previously, fencing has been erected in the rear garden and estate agents should not purchase properties from clients.
- 4.2.2 The previous undertaking of building works does not prejudice the assessment of this application. These proposed works may cause temporary disruptions for the immediate neighbours yet such an outcome is not uncommon in the context of building works. Furthermore, no measures are required to control this proposed development given its nature and scale.
- 4.2.3 The presence of new fencing was noted on site yet the installations are within the parameters of permitted development and they do not require planning permission. Finally, legalities regarding the sale of properties is not relevant to planning applications. Those comments, therefore, have no material influence on the assessment of this application.

4.3 Summary

- 4.3.1 This application involves the replacement of deteriorating pebbledash with a silicone-based smooth render to all three elevations. Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies and guidance note detailed in Section 3.4.
- 4.3.2 Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Subject to appropriate conditions, the proposal would be acceptable in terms of design and visual amenity.
- 4.3.3 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 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 (1:1250), Existing Site Plan (1:500), Proposed Site Plan (1:500), Existing Elevation Plans (1:100) and Proposed Elevation Plans (1:100).

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

5.3 All materials to be used for the development hereby approved shall be as stated on the submitted application form and approved drawings.

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).

6.0 RELEVANT PLANNING HISTORY

6.1 None.

7.0 CONSULTATIONS

7.1 Ward Cllrs

7.2 Summary of public responses:

- The proposals would appear out of place
- Pebbledash should be retained for the most prominent elevations
- Building works have caused disruptions previously
- Fencing has been erected in the rear garden
- Estate agents should not purchase properties from clients

8.0 CONTACT OFFICER: Christian Barton – Planning Officer

9.0 DATE PREPARED: 28th June 2023

10.0 SUMMARY OF REPRESENTATIONS

Objection – Graham Brown, 11 Willis Road, Blackburn, BB2 2UA. Received: 24/05/2023

With reference to the planning application 10/23/0412 to render the property at 11 Willis Rd with a pearl coloured silicone. I wish to object to that proposal.

My reason is that I believe that it would be totally out of keeping with **every** other house in the area and specifically within that street. I think that whilst in it's own right, some may think that it could be attractive, I believe that it would be unattractive and detrimentally impact on every other house in the street in general and it would visually stand out like a sore thumb.

I live next door to the property and due to its proximity believe that it would impact even greater on myself

A compromise could be that he renders the back of the property including the extension in the pearl coloured silicone, but covers the front and side aspect (where visible from the front aspect) in traditional dash render in keeping with the area

Objection – Ms L Hyde, 15 Willis Road, Blackburn, BB2 2UA. Received: 24/05/2023

I have just received a letter about a planning application regarding Rendering on adjoining house. I would like to object as it would not be in keeping with the other property in this area and would stand out like a sore thumb.

The letter I received from you does not give me a ref no pertaining to the address which is being renovated by the Estate agent that actually purchased the property nearly 3 yrs ago.

Estate agents are not supposed to buy clients properties and I am sure that this correct, however it happened and I have been led a merry dance around this subject.

The whole thing has been a abominal experience right from the start. From builders calling at my home saying they were going to knock down the boundary wall to build the extension. I knew enough about building extensions to know that he could not do this, however now there is a 6ft fence around the whole back garden and an extension Which has completely enclosed my view.

The rendering issue is a problem and only myself and one neighbour have been sent a letter concerning this and I would like to know why others across from the house were not informed. I myself am Objecting to the rendering and the house should be put back to as it looks which is the same along all of the street on the same side.

Objection – Mr & Mrs Whittaker, 19 Willis Road, Blackburn. Received: 25/05/2023

With reference to the above planning application for replacement of existing cement-based spar dash render with new Pearl coloured silicone based self-coloured smooth render we wish to register our objections to the proposed work.

We live on Willis Road and feel that the alteration to the rendering will look out of place with the rest of the properties. Houses on the opposite side of Willis Road are brick built in the early 1900s and the semi despatched properties on the same side as number 13 built in the 1940s.

The plans propose that one house of a set of semis is in essence being completed different in appearance to its attached neighbour and will be out of character for the area and the ages of the properties. The rendered properties are rough coated and to have a smooth coated, in essence a modern look, will be intrusive and out of place given the ages of the surrounding buildings.

Objection – Adam S Whittaker. Received: 25/05/2023

With reference to the above planning application for replacement of the building rendering, I would like register my objections to the proposed work. I live on directly opposite this property and feel that the alteration to the rendering will look out of place with the rest of the properties. Houses on this side of Willis Road were built circa 1947 and have had standard pebble dashed rendering since they were built.

The plans propose that one house on the entire road will be completed with a different appearance and, it will also be different to its attached neighbour. This is out of character for the area and the ages of the properties. The rendered properties are rough coated, and to have a smooth coated, in essence a modern look, will be intrusive and out of place given the ages of the surrounding buildings.

Objection – Alan Wiggins, 12 Willis Road. Received: 30/05/2023

Thankyou for contacting me with regards to the planning application at 13 Willis Road. I write to inform you, of my objection to the planning application. The property will no longer be inkeeping with the area if the pearl coloured silicone render replaces the spar dash.

Objection – Hannah O’Boyle, 14 Willis Road, Blackburn. Received: 30/05/2023

Thank you for the information with regards to the planning application for 13 Willis Road. I’m objecting the replacement of the existing cement based spar dash render, with new pearl coloured silicone smooth render.

The objection is based on the fact that the property will no longer be inkeeping with the area and will stand out against all of the other properties on the road.

I’m concerned that if one house is granted planning permission to go ahead with this, then Willis Road could potentially look like Balamory in the future.

Proposed development: Full Planning Application for Erection of 11 No. industrial units (Use Classes B2/B8/E(g)) with car parking and landscaping

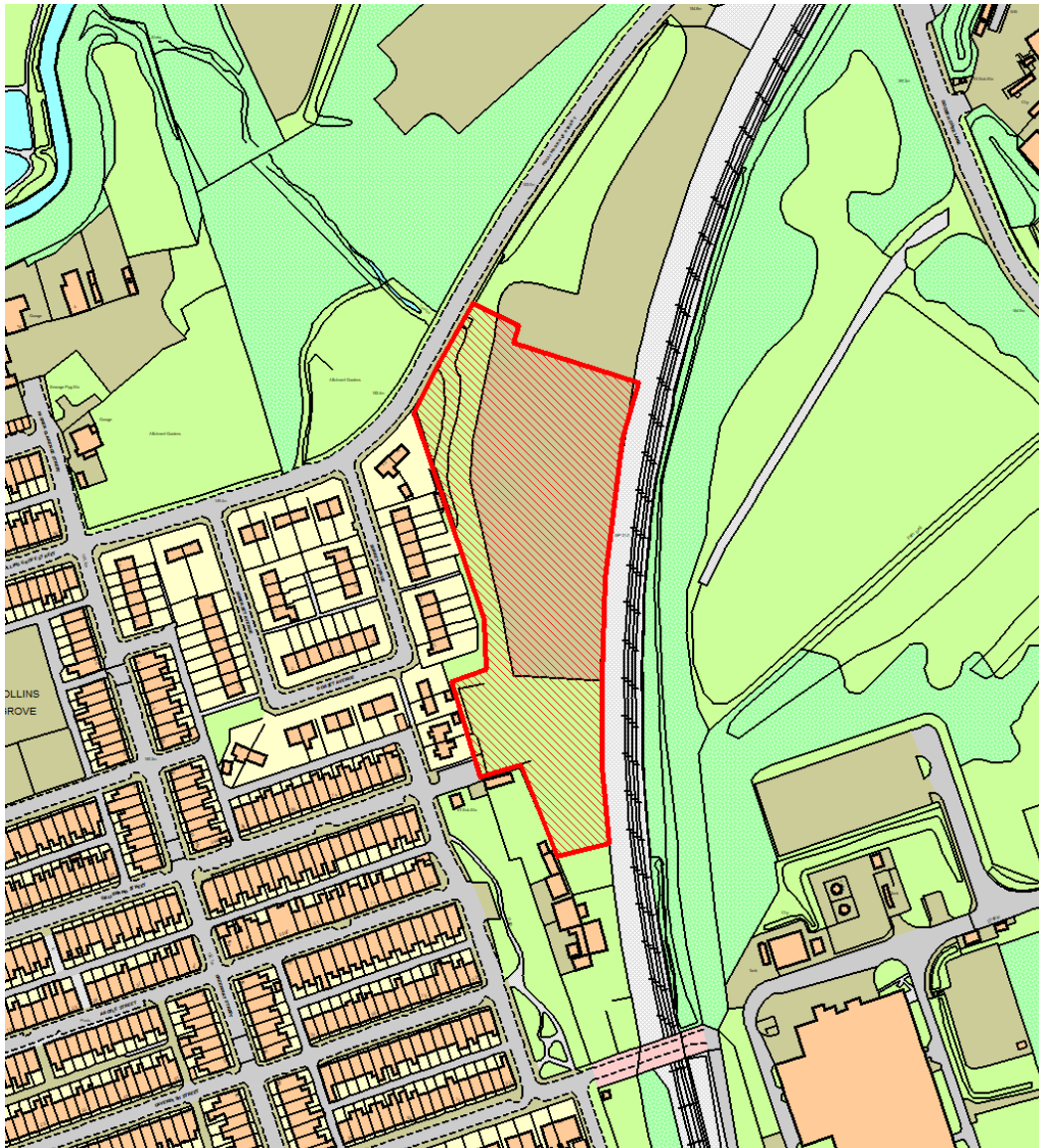
Site Address:

**Hollins Business Park
Hollins Grove Street
Darwen
BB3 1HG**

Applicant: Hollins Park Limited

Ward: Darwen East

**Councillor Katrina Fielding
Councillor Matt Gibson
Councillor Martin McCaughran**



1. SUMMARY OF RECOMMENDATION

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

2. KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1.1 This application is presented to the Committee on account of the application being a significant major planning application, in accordance with the Scheme of Delegation in the Council's Constitution.

2.1.2 The application site comprises two parts; north and south. The whole site has been cleared, having been vacant for a considerable amount of time. However, the northern part is presently being developed for industrial use, approved under Reserved Matters application 10/21/1311. This includes the access into the site.

2.1.3 This proposal seeks to utilise the existing access at the northern end of the site, and extend the industrial use into the southern part of the site, which presently benefits from full permission for residential use (Full permission for 37 dwellings including creation of a new vehicular access to the Southern end of the site was approved under hybrid application 10/20/0107).

2.1.4 However, the residential use has not come forward and the residential use has recently been demonstrated as unviable. Indeed the Planning and Highways committee at their meeting in June 2023, under planning ref 10/23/0243, recently approved a deed of variation to remove a financial contribution in the s106 agreement attached to the original Hybrid approval 10/20/0107. With prospective tenants already lined up for the proposed new industrial units in the southern half of the site, this is an opportunity to bring forward a viable development and regenerate the site.

2.1.5 The proposal would see a notable employment development which would be a natural extension to the industrial units presently being constructed in the northern half of the site, which lies within a Primary Employment Area. The proposal, directly adjacent to it, and utilising the same access, would be supportive of Policy 13: 'Employment Land Allocations', Policy 14: "Primary Employment Areas" and Policy CS3: "Land for Employment Development".

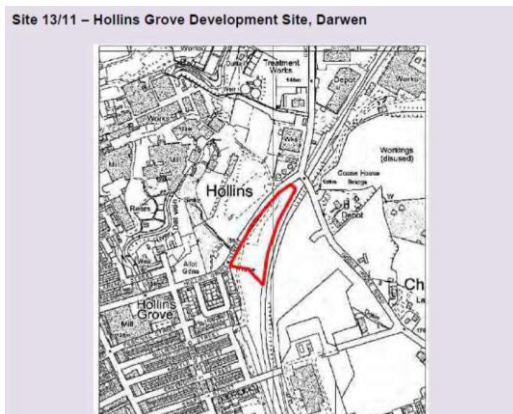
2.1.6 Assessment of the application finds that the proposal will deliver a high quality scheme that will assist in meeting the Council's strategic aims and objectives, including economic growth, as well as regeneration benefits from bringing this prominent and strategically located site into active use with a viable development. All relevant issues have been addressed through the application or can be controlled or mitigated through additional planning conditions. The proposal is therefore considered acceptable, subject to conditions.

3. RATIONALE

3.1.1 Site and Surroundings

3.1.2 The application site is located on the east side of Hollins Grove Street opposite the rear boundary and access of Crown Paints Ltd to the west of the site. The Blackburn-Bolton railway line is to the east of the site.

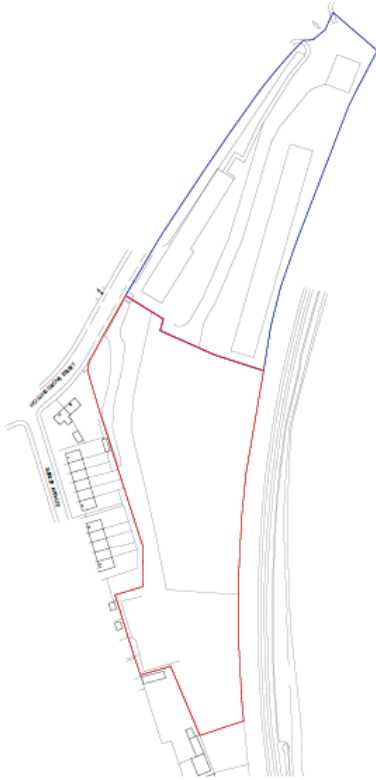
3.1.3 The southern part of the site, to which this application relates, is unallocated in the Local Plan. The northern part of the site is allocated as Primary Employment Area and an Employment site within the Local Plan. The site allocation in the location plan is shown below.



3.1.4 The site lies within a High Risk Coal Mining Area, a high risk contamination area, and is constrained on the west side by Hollins Grove Street and the East side by the railway line. The site is irregular in shape, being long and narrow and tapering to the northern and southern ends.

3.1.5 The site is bounded with a metal fence on all sides. It is relatively flat and is raised up from Hollins Grove Street, which runs along the north-west boundary of the site and is set below the site. This boundary is mostly bounded by deciduous trees and the metal industrial fencing. Along the south-western boundary, there are residential properties on Surrey Avenue, Gillibrand Street and Hollins Grove Street. The existing vehicular access point lies towards the northern point of the northern part of the site, which would be utilised for this proposal.

3.1.6 The location plan, and aerial view of the site, is shown below:



4. Proposed Development

4.1.1 The proposal seeks full planning permission for the erection of 11 No. industrial units (Use Classes B2/B8/E(g)) on the southern part of the site, with associated car parking and landscaping, utilising the existing access through the northern (employment) part of the site. This proposal is in addition to the 13 industrial units previously approved on the northern half of the site.

4.1.2 The whole site benefits from an extant planning approval. The Hybrid approval gave full planning permission for 37 dwellings on the southern half of the site, and outline approval for industrial units on the northern half of the site. However, whilst the industrial units have secured Reserved Matters approval and are under construction, the residential / southern half of the site has proved unviable to build out as residential. A deed of variation to the s106 agreement attached to the Hybrid approval has recently removed the requirement for any financial contribution to be made in respect of the hybrid approval. The hybrid approval is an extant permission.

4.1.3 For full context, the full site plan approved under the hybrid approval is shown on the left, below. The Reserved Matters approval for the industrial units on the northern half of the site, including the site access, is shown on the right, below:



Hybrid approval Site plan

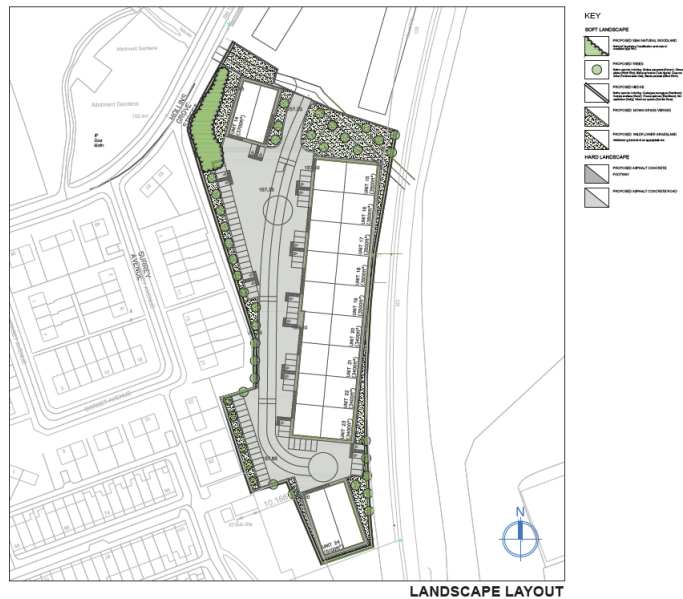


RM approval for industrial units on northern part

4.1.4 The proposed site and landscaping plans now submitted for the proposed industrial units on the southern half of the site are shown below. This includes a continuation of the access road from the northern half of the site.



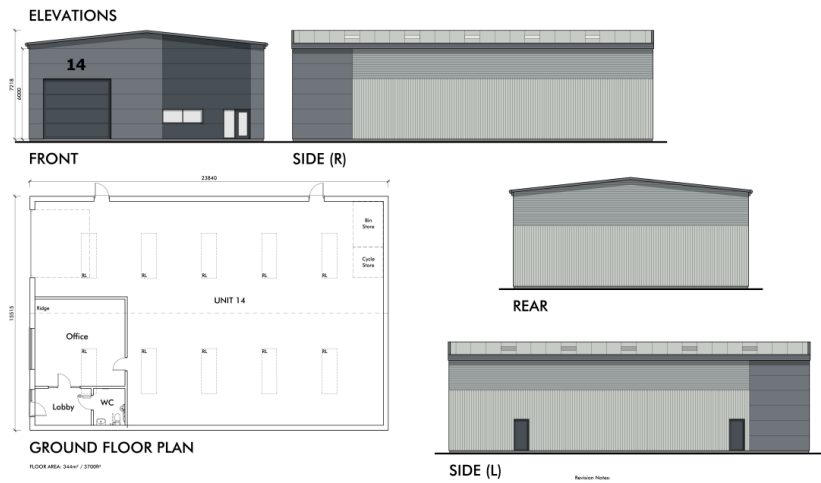
Proposed Site plan



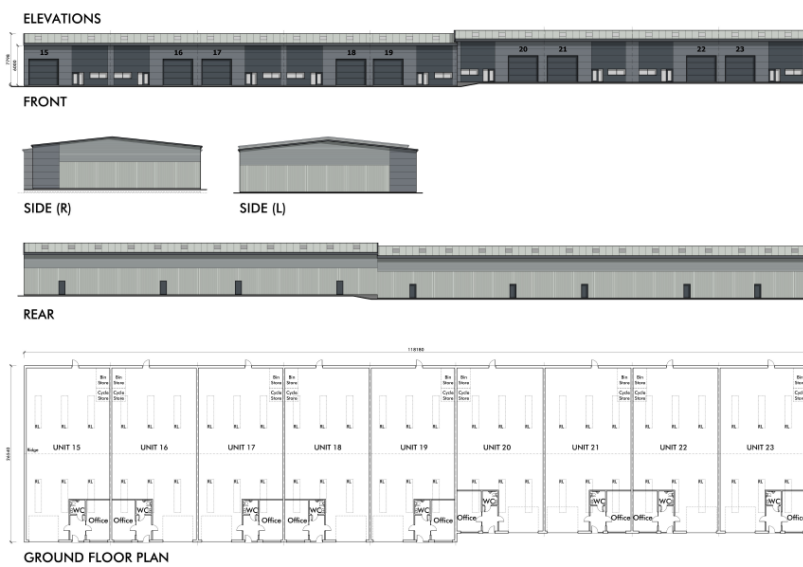
Proposed Landscaping plan

4.1.5 The proposed floor plans and elevations for all the proposed units are shown below:

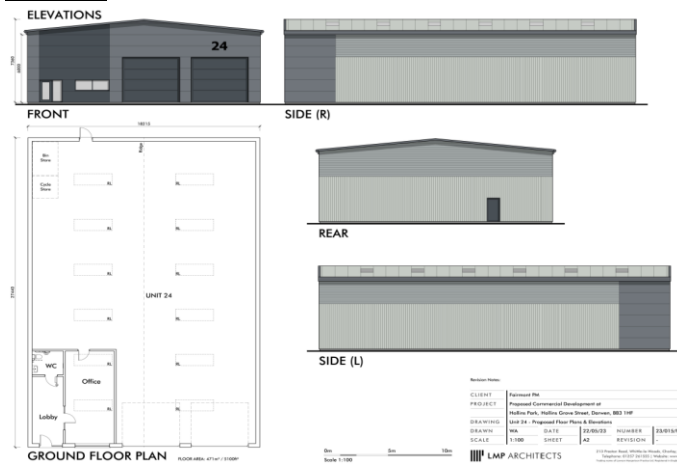
Unit 14:



Units 15-23



Unit 24



4.1.6 The applicant asserts that the industrial use of the buildings will likely be light industrial storage, but the applicant would like to retain as much flexibility as possible in terms of keeping options open.

4.1.7 Although no hours of use were specified in the application submission, the use will be restricted to 07:00 – 18:00 hours (Monday to Saturday) and 10:00 – 16:00 hours (Sundays/Bank Holidays), as recommended by Public Protection.

4.1.8 The units would be situated within the site set in a linear fashion, continuing the style of layout in the northern part of the site. 1 unit would be on the western section of the site, and 9 units on the eastern section, allowing for 1 larger unit to be placed on the southern end of the site. In total, 3727sqm of commercial floorspace is proposed.

4.1.9 The proposed units are shown in context below.

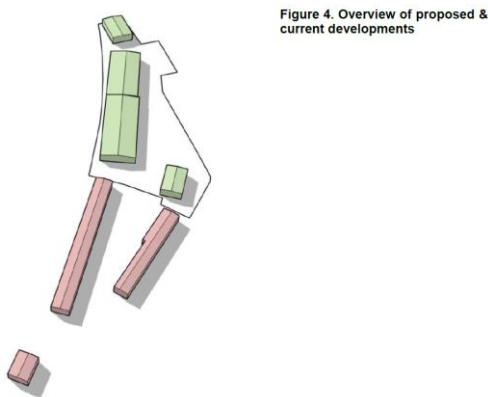


Figure 4. Overview of proposed & current developments

Context plan: The proposed units are shown in red (above), with the already approved industrial units shown above them in green.

4.1.10 The scheme makes provision for 79 off-road parking spaces (including 17 disabled bays) and includes a shared service yard. Landscaping proposed along the boundary and surroundings. The development would also be enclosed by fencing.

4.1.10 The units would feature a mix of aluminium, cladding and grey block effect masonry, which breaks up the perceived mass and provides a modern finish, and would be in keeping with the buildings already approved in the northern part of the site.

4.1.11 Various reports were submitted with the application, including:

- Outdoor lighting report
- Phase 2 Geo-Environmental Investigation, Risk Assessment and Remediation Strategy
- Air Quality Assessment
- Drainage Layout
- Transport Statement
- Noise Assessment
- Coal Mining Report

- Planning Statement
- Design and Access Statement
- Landscaping Plan

5. Development Plan

5.1 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:

5.2 Core Strategy (2011)

- Policy CS1 – A Targeted Growth Strategy
- Policy CS3 - Policy CS3: Land for Employment Development
- Policy CS4 – Protection and Re-Use of Employment Sites
- Policy CS13 – Environmental Strategy
- Policy CS15 – Protection and Enhancement of Ecological Assets
- Policy CS16 – Form and Design of New Development
- Policy CS21 – Mitigation of Impacts / Planning Gain

5.3 Local Plan Part 2 (2015):

- Policy 1: The Urban Boundary
- Policy 2: Inner Urban Boundary
- Policy 8: Development & People
- Policy 10: Accessibility & Transport
- Policy 11: Design
- Policy 12: Planning Contributions
- Policy 12: Employment Land Allocations
- Policy 14: Primary Employment Areas
- Policy 26: Climate Change
- Policy 40: Integrating Green Infrastructure & Ecological Networks with New Development

Other material considerations:

5.4 Design Guide Supplementary Planning Document

5.5 National Planning Policy Framework (NPPF):

5.6.1 The National Planning Policy Framework (Framework) is a material consideration in planning decisions. The Framework sets out a presumption in favour of sustainable development.

6. Assessment

In assessing this application there are a number of important material considerations that need to be taken in to account. These are;

- Principle of Development

- Highway Safety
- Design and visual amenity
- Residential Amenity
- Contamination
- Biodiversity / BNG
- Flood Risk and Drainage
- Planning balance, Viability and Planning Contributions

6.1 Principle of Development

6.1.1 The site lies within the inner urban boundary of Blackburn, where Policies 1 and 2 of the Local Plan support new development in principle.

6.1.2 The site also lies directly adjacent to an allocated Employment / Primary Employment Area site in the Local Plan, and whilst the southern part of this site is unallocated, it would be a natural extension of the site.

6.1.3 The previously approved residential use in the extant Hybrid approval for the site has now been demonstrated as unviable. With prospective tenants already lined up for the proposed new industrial units, this is an opportunity to bring forward a viable development. The proposal is considered sustainable development and would bring with it social, environmental and economic benefits to what would otherwise remain vacant land in a prominent location within the inner urban area of Darwen.

6.1.4 The proposed development would be supportive of Policy 13: 'Employment Land Allocations', Policy 14: "Primary Employment Areas" and Policy CS3: "Land for Employment Development". Assessment of the application finds that the proposal will deliver a high quality scheme that will assist in meeting the Council's strategic aims and objectives, including economic growth, and the regeneration benefits from bringing this prominent and strategically located site into active use with a viable development.

6.1.5 The proposal is therefore supported in principle, subject to a balanced assessment of the specific impacts.

6.2 Highway Safety

6.2.1 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.

6.2.2 The site lies within a sustainable location within the urban area of Darwen. The proposed site layout plan utilises the existing access into the site, which is acceptable for this application, and has appropriate parking and manoeuvring within the site. Car parking will be in accordance with the parking standards, including 17 dedicated disabled bays. Moreover, the scheme makes provision for some additional parking (15 spaces) which will allow for the northern part of the site to also access and use, as an overflow area, if required. To enhance sustainability of the proposed

development, electric vehicle charging points will also be provided. All areas of the proposed development can be easily accessed by the emergency services.

6.2.3 The Council's Highways consultee has reviewed the proposals and raises no objections in principle. However, some minor amendments were suggested, which are presently being addressed and/or countered by the applicant. Any additional or amended conditions will be included in the Update Report.

6.2.4 Included amongst the revisions suggested by Highways are:

- a) An additional pedestrian and cycle access point (gated if required) from Hollins Grove Street close to Unit 14;
- b) The layout of disabled parking spaces to be revised to include 1.2m on each side of all disabled spaces; and
- c) Cycle parking should be provided in line with recommendations within BwD Parking Standards.

6.2.5 With regard to point a) above, the suggested additional pedestrian and cycle access point, the applicant has commented that they do not agree with this, as the levels are very steep at this point. Furthermore there are mature trees around that area which it is highly desirable to retain. In addition, if there was pedestrian access here, this would be prone to unwanted pedestrians and could encourage criminal activity as an easy escape route. The applicant asserts that they already have issues with criminal damage and theft at the site, and by placing a gate at the bottom of a steep incline, that would only encourage this. For these reasons it is considered that the proposal is acceptable as submitted.

6.2.6 With regard to point b) above, a revised plan with improved disabled parking spaces can be provided. A condition can be attached requiring a revised plan to be submitted.

6.2.7 With regard to point c) above, secure cycling storage will be accommodated within the buildings, rather than an external storage area.

6.2.8 It is considered that the proposed access, parking, and manoeuvring are all considered acceptable, and accord with the requirements of Local Plan Policy 10.

6.2.9 The Highways consultee also requested financial contributions towards sustainable transport improvements, and to the overall increase in traffic at the Hollins Grove Street / Goose House Lane junction. However, the developer is unable to make any contributions without making the development unviable. This is discussed further in Section 6.8 of this report.

6.3 Design and Visual Amenity

6.3.1 The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve.

6.3.2 Local Plan Part 2 (LPP2), Policies 8 and 11 and CS16 require proposals to contribute positively to the overall physical, social, environmental and economic character of the area in which the development is sited, demonstrate an understanding of the wider context and make a positive contribution to the local area.

6.3.3 The existing built form of the adjacent commercial development has been the key influence upon the scale and massing of the proposed site. The scale of the proposed commercial units ensures their appropriateness and flexibility for various uses to enhance their long term viability. The density of the proposals equates to 9.24 units per hectare which is similar to that of the adjacent development of 13.40 units per hectare.

6.3.4 The proposed buildings have been designed to ensure that their façades are maximised whilst the roof pitch is reduced to provide efficient height for access and internal space whilst minimising the visual impact.

6.3.5 The proposed elevations will feature variations of grey horizontally laid flat and trapezoidal cladding with composite roof cladding. Aluminium framed windows and doors along with rooflights provide occupants with sources of natural light throughout each unit. This is wholly in keeping with the industrial units approved on the northern part of the site.

6.3.6 The size, scale, height, massing, and design / appearance (including materials) are considered suitable for the development's location and environment. Compliance with Local Plan Part 2 (LPP2), Policies 8 and 11 and CS16, is therefore achieved.

6.4 Residential amenity

6.4.1 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.

6.4.2 Policy 8 also requires that the proposal will, in isolation and in conjunction with other planned or committed development, contribute positively to the overall physical, social, environmental and economic character of the area in which the development is sited.

6.4.3 There are residential properties along the western boundary of the south of the site. A Noise assessment was submitted with the application. In terms of potential noise and disturbance arising from the proposed industrial units, the Council's Public Protection team has raised no objections and any potential amenity impacts can be mitigated by conditions, to include hours and maximum noise levels restrictions. No hours of operation were specified in the submission, with the applicant hoping to retain as much flexibility as possible. However, as recommended by Public Protection, the use will be restricted to 07:00 – 18:00 hours (Monday to Saturday) and 10:00 – 16:00 hours (Sundays/Bank Holidays), which the applicant has agreed to.

6.4.4 In terms of the visual impact, including the siting / separation distances, and any impacts on neighbouring properties in terms of outlook, light and privacy, the applicant has positioned the majority of the buildings along the eastern boundary, furthest away from the nearest residential dwellings to the west, and closer to the railway line to the east. Parking spaces are positioned closest to the residential dwellings to the west, with fencing and a natural landscaping buffer further reducing any impacts.

6.4.5 The inwardly facing orientation of the buildings also enhances the security and surveillance for the proposed development. Lancashire Constabulary were involved with the scheme prior to submission of the application, and have raised no objections to the proposal as submitted.

6.4.6 Subject to the imposition of the conditions recommended by the Council's Public Protection team, all existing and future residents should not be adversely affected by the proposals. With these safeguards, the proposal is considered acceptable in terms of amenity impacts, and compliance with the requirements of Policy 8 of the LPP2 is achieved.

6.4.7 Network Rail has also asked for conditions to be attached to ensure there are no unacceptable impacts on Network Rail's infrastructure.

6.5. Contamination

6.5.1 Policy 8 of the Local Plan states that where appropriate, land should be remediated to a standard which provides a safe environment for occupants and users and does not displace contamination. Policy 13/11 also requires the site to be remediated to a safe standard.

6.5.2 The site is a former railway sidings and is classed as being previously developed. It is also within 250m of other contaminated land areas. The site is also within a High Risk Coal Mining Area.

6.5.3 All the necessary professional reports were submitted with this application, including a Phase 2 Geo-Environmental Investigation, Risk Assessment and Remediation Strategy. The Council's Public Protection team raised no objections, and are satisfied that conditions can adequately secure the safety of future users of the site. The Coal Authority has also raised no objections to the proposal.

6.6 Landscaping / Biodiversity / BNG

6.6.1 Policy 9 of the Local Plan seeks to protect the environment, and landscaping is also assessed against Policy 9. Development is expected to incorporate existing trees into the design and layout of a scheme, and development proposals should not lead to unacceptable impacts on environmental assets, including protected species such as bats, and their habitats.

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

6.6.3 The site is a cleared site. The density of development allows for a biodiversity enhancement of the site where 24.45% of the site has been designated as green spaces. GMEU Ecology unit has raised no objections to the proposal, subject to conditions.

6.6.4 In terms of the proposed landscaping, it will serve multiple purposes. The landscaping to the west of the site will act as a buffer to help screen the development from the nearest residential properties. The landscaping will also visually enhance the site and the local area, and create a new green space to the north east of the site with a welcoming entrance and associated biodiversity enhancement.

6.6.5 Subject to securing final details of the landscaping and BNG by condition, the proposals are considered acceptable, in accordance with the requirements of Policy 9 of the Local Plan and the NPPF.

6.7 Flood Risk and Drainage

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

6.7.2 No objections have been raised by or the Council's Drainage Team, the Environment Agency, or United Utilities, subject to conditions to ensure appropriate foul and surface water drainage, and the protection of UU's assets.

6.7.3 Subject to these safeguards, the impact on drainage is considered acceptable, and is in compliance with Policy 9 of the Local plan and the NPPF.

6.8 Planning balance, Viability and Planning Contributions

6.8.1 Local Plan Policy 12 concerns itself with securing planning contributions where they make proposals acceptable. However, there needs to be evidence of why a specific development creates the need, what it will provide, and how a requested figure has been calculated.

6.8.2 As discussed at Section 6.2 of this report, the Council's Highways consultee raised no objections in principle, but financial contributions were requested towards sustainable transport improvements and to the overall increase in traffic at the Hollins Grove Street / Goose House Lane junction. The figures requested, and their justification, was set out as follows:

Site Accessibility:

A spur route of the Weavers Wheel runs along Goose House Lane and Lower Eccleshill Road nearby but does not provide any formal provision for cyclists. There are also a number of planned Cycle Network routes identified within the emerging LCWIP nearby. The nearest bus stops on Lower Eccleshill Road do not have timetables, shelters, access kerbs or bus cage markings on the carriageway. **A contribution towards sustainable transport improvements to improve the sites**

accessibility by sustainable modes (£10k bus stop improvements to provide access kerbs and £15k LCWIP cycle network improvements) of £25k is recommended.

Traffic Impact:

In comparison with the previously approved residential use the proposed development will increase vehicle trips on the local highway network by 25 two-way movements in the AM peak and 16 two-way movements in the PM peak. The TS states that “once this has been distributed to the north and south on Hollins Grove Street, the effect of this additional traffic on the local highway network will not be material. The total traffic impact associated with the development proposals is 43 in the AM peak and 35 in the PM peak. The trip generation is more than double that of the previously approved residential development. **Reworking the assessment of impact from nearby development on the Hollins Grove Street / Goose House Lane junction indicates that the proposed development on the site would contribute 9% (assuming a 50/50 distribution on Hollins Grove Street) to the overall increase in traffic at the junction and should therefore make a 9% contribution towards the scheme costs of £60.5k.**

6.8.3 Notwithstanding the above request for financial contributions, in this case, prior to submission of this current application, a viability appraisal was submitted (under Deed of Variation planning application ref: 10/23/0243), which demonstrated that the development cannot provide any commuted sum contributions due to viability. The appraisal included costings for both residential, and the commercial development now proposed. The viability appraisal was the subject of a third party assessment commissioned by the Council.

6.8.4 The Deed of Variation application 10/23/0243 amended the Transport provision commuted sum (in the s106 for 10/20/0107) to zero. The financial contribution of £35,000 previously contained within the Section 106 Agreement was therefore removed. This is an extant permission, and is a material consideration.

6.8.5 The reason for this application coming forward as commercial units instead of residential is that the developer was unable to proceed with residential due to the substantial increase in finance cost, material costs, and interest rate increase. Although changing to commercial units would still be at a loss, upon completion of these units some of the monies lost could be recuperated through rental income over a number of years.

6.8.6 The Local Plan clearly states that the Council is committed to ensuring that an appropriate balance is struck between securing necessary infrastructure investment from new development, and maintaining the financial viability of high quality development that will lead to growth. Therefore, in this particular case the benefits of allowing the proposal to proceed in terms of regenerating a brownfield site in the inner urban area to provide growth of new employment and generating jobs, is considered to outweigh the requested developer contributions, which would otherwise be a barrier to any development coming forward on this site, resulting in long term vacancy.

6.8.7 For the above reasons, the proposals accord with Policy 12 of the LPP2.

6.8.8 In terms of site specific highways impacts (i.e. without the financial contributions requested by the Highways consultee) the NPPF states, at paragraphs 110-111, that:

“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

6.8.9 It is considered that the benefits of the proposal in terms of job creation and redevelopment of this vacant site outweighs the predicted 9% increase in traffic at the affected junction. The highway safety impact of the proposal is not considered to be unacceptable and the residual cumulative impacts on the road network would not be severe. In the planning balance, it is therefore considered that the impacts would not be at a level to warrant refusal.

6.8.10 For all the above reasons, subject to all of the recommended conditions, a viable, sustainable development would be achieved. On this basis it is recommended that planning permission be granted.

7. RECOMMENDATION

7.1 Delegated authority is given to the Strategic Director of Growth and 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 and Existing Site Plan: 23/015/L01, Sheet A2.

Proposed Site Layout: 23/015/P01, Rev A.

Proposed Floor Plans and Elevations: Unit 14: 23/015/P02, Sheet A2.

Proposed Floor Plans and Elevations: Units 15-23: 23/015/P03, Sheet A1.

Proposed Floor Plans and Elevations: Unit 24: 23/015/P04, Sheet A2.

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

3. The development hereby permitted shall be restricted to the following times:

Monday to Saturday: 07:00 - 18:00 hours

Sundays/Bank Holidays: 10:00 - 16:00 hours

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

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

i. A comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Detailed proposals for subsequent site investigation based on the CSM shall be included as appropriate; the developer will be advised whether any further site assessment is required.

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

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

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

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

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

REASON: To protect the health of future occupiers of the site in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

7. Outdoor floodlighting shall not exceed 2 lux and, where luminaires are visible, 1000 candelas at the boundary of any residential premises for the duration of the approved use. Assessment of light intrusion shall be made in accordance with the Institute of Lighting Professionals guidance document: 'Guidance Notes for the Reduction of Obtrusive Light'.

REASON: To minimise potential loss of amenity at residential premises caused by intrusive light pollution, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

8. The noise rating level arising from the application site shall not exceed 45dB(A) at the boundary of any residential premises for the duration of the approved use. Assessment shall be made in accordance with BS4142 'Methods for rating and assessing industrial and commercial sound'.

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

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

Monday to Friday 08:00 - 18:00 hours

Saturday 09:00 - 13:00 hours

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

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

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

REASON: To ensure that satisfactory measures are in place to alleviate any dust & dirt impact at adjacent residential premises, to safeguard the amenities of the adjoining premises and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

11. Should pile driving &/or vibro compaction be required on site, the commencement of the development shall not take place until there has been submitted to and approved in writing by the Planning Authority a programme for the

monitoring of noise & vibration generated during demolition & construction works. The programme shall specify the measurement locations and maximum permissible noise & vibration levels at each location. At each location, noise & vibration levels shall not exceed the specified levels in the approved programme unless otherwise approved in writing by the Planning Authority or in an emergency.

REASON: To minimise noise/vibration disturbance at adjacent residential premises, to safeguard the amenities of the adjoining premises and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

12. Should floodlighting be required on site a scheme shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Floodlights shall be installed in accordance with the agreed scheme and retained for the duration of the works.

REASON: To minimise potential loss of amenity due to intrusive light pollution affecting residents living in the vicinity, to safeguard the amenities of the adjoining premises and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

13. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

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

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

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

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with the requirements of Policy 9 - Blackburn with Darwen Borough Local Plan Part 2 (2015), and the National Planning Policy Framework.

14. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local

planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

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

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

REASON: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development, in accordance with the requirements of Policy 9 - Blackburn with Darwen Borough Local Plan Part 2 (2015), and the National Planning Policy Framework.

15. Prior to the commencement of development hereby approved a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include tree species, number, sizes, ground preparation, planting specifications, management and aftercare provision, as well as any tree management works to existing trees to be retained.

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.

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

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways, and receptors;and
 - potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

REASON: To ensure that the development does not contribute to, or 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.

17. 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.

18. Prior to commencement of the development hereby approved, a Construction Method Statement shall be submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

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

19. Notwithstanding the detail shown on the approved plans, prior to the units hereby approved being first brought into use, a revised parking scheme to show 1.2m on each side of all disabled spaces, and details of electric charging points / spaces, shall be submitted to and approved in writing by the Local Planning Authority, and

thereafter made fully available for use in accordance with the approved details, and permanently retained for that purpose.

REASON: To provide sufficient disability parking bays and electric charging points for low emissions vehicles, in accordance with Policy 10 of the Blackburn with Darwen Local Plan Part 2 (2015), and the adopted Parking Standards.

20. The external walling and roofing materials to be used in the construction of the development hereby approved shall be as specified in the approved details referred to in Condition 2.

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

21. Prior to first occupancy of the units hereby approved, a scheme showing secure cycling provision for each unit shall be submitted to and approved in writing by the Local Planning Authority, implemented in accordance with the approved details, and thereafter retained.

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

22. Prior to works commencing on site, a method statement and risk assessment must be submitted and approved in writing by the Local Planning Authority, in consultation with Network Rail, and thereafter implemented and retained in accordance with the approved details. The scheme shall include:

- Full details of ground levels, earthworks and excavations to be carried out near to the railway boundary,
- Any vibro-impact works on site,
- Lighting design, to ensure no overspill of light onto Network Rail land,
- Details of any scaffolding works within 10m of the railway boundary,
- Details of the disposal of both surface water and foul water drainage directed away from the railway,
- Details of appropriate vehicle safety protection measures along the boundary with the railway, and
- A suitable trespass proof fence adjacent to the boundary with the railway.

REASON: To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway.

8. PLANNING HISTORY

8.01 The following details the planning history of the site:

- **10/23/0312** – Variation of Conditions No. 2 (approved drawings) and No.4 (use class restriction) pursuant to planning application 10/22/0988 - "Erection

of 1 No. Industrial Unit (Amendment to approved unit on application 10/21/1311) " - to allow Use Class E to Unit 1, insertion of new mezzanine floor and alterations to elevations – PENDING*.

*[*The above application is relying on the approval of this current application for the provision of a small amount of additional parking required for the amended size/use of Unit 1].*

- **10/23/0243** - 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 – Approved.
- 10/22/0988 – Erection of 1 No. Industrial Unit (Amendment to approved unit on application 10/21/1311) - Approved.
- **10/21/1311** - Reserved Matters Application for Approval of the matters reserved by the Outline (Hybrid) planning permission ref: 10/20/0107 (Appearance, Landscaping, Scale and Layout) for the erection of 13no. Industrial units with associated landscaping and access to the land off Hollins Grove Street – Approved.
- **10/20/0107** – Hybrid application for full planning 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 – Approved.
- **10/20/0827** – Discharge of conditions application pursuant to Hybrid application 10/20/0107.
- **10/17/1357**- Erection of 84no. new dwellings with associated external works and car parking – Withdrawn.
- **10/11/1128** - Extension of time on application 10/08/0568 - Outline application for residential development, 48 Units, together with associated open space and landscaping works and B1/B2 (Business/Industrial) development and associated car parking – Approved.
- **10/08/0568** - Outline application for residential development, 48 Units, together with associated open space and landscaping works and B1/B2 (Business/Industrial) development and associated car parking – Approved.
- **10/07/1385** - Outline application for residential development (82 units) together with associated open space and landscaping works and B1/B2 (Business/Industrial) development and associated car parking – Refused.

- **10/04/1158** - Removal of condition 5 on consent 10/03/1233 relating to painting of boundary fence. Removal of condition 3 on permission 10/03/1233 relating to submission of landscaping scheme. Modification of condition 5 on consent 10/03/0189 and condition 6 on consent 10/03/1233 to extend hours of use from 8.00-17.00 Mon-Fri, 8.00-12.00 Saturday to permit use from 7.30 -18.00 Monday to Saturday – Withdrawn.
- **10/04/0860** Additional lighting columns; two lengths of 2.2m palisade fence to close gap between existing fences; alterations to existing palisade fence; additional CCTV column; and alterations to existing lighting – Withdrawn.
- **10/03/1233** - Installation of temporary offices, hard surfaced area, lighting columns and CCTV cameras, perimeter fencing and storage containers and alterations to site access – Approved.
- **10.90/1994** - Outline application for Commercial and residential development – Approved.
- **10.90/1993** - Commercial development (Classes B1, B2 & B8) - Offices, Industry, Storage – Withdrawn.

9. CONSULTATIONS

9.1 75 individual letters were sent to the local residents. In addition, site notices were posted, and a press notice advertised in the local newspaper.

9.2 One objection was received from a local resident, but this was retracted following the submission of a revised site / landscaping plan, which showed screening between the site and the rear elevations of residential properties at the southern end of the site.

9.3 Statutory and Non-statutory Consultee Responses

Coal Authority

9.4 No objections.

Drainage

9.5 No objections, subject to conditions.

Police

9.6 No objections.

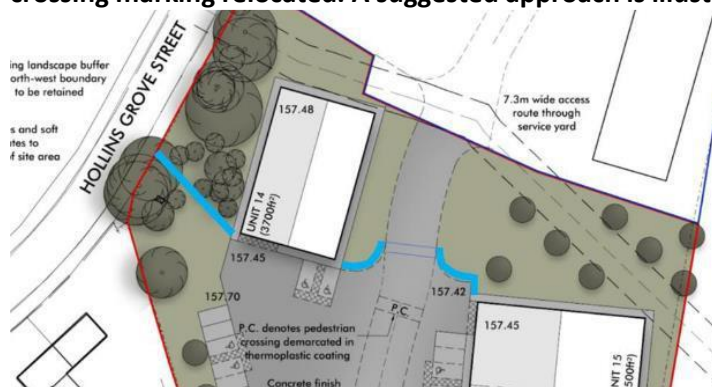
Highways

9.7 No objections in principle. However, various amendments are suggested, and contributions are requested towards sustainable transport improvements and to the overall increase in traffic at the Hollins Grove Street / Goose House Lane junction.

Access

Vehicular access to the application site will be provided via an extension to the access road serving the adjoining northern commercial site and will include a standard industrial specification road, with a 7.3m wide carriageway. Access serving the northern part of the site is taken from Hollins Grove Street, via a simple priority-controlled junction designed to accommodate heavy goods vehicles (HGVs), approved as part of the 10/20/0107 planning application. The Transport Statement indicates that pedestrian and cycle access will be provided at the same location as the vehicular access.

In line with Policy 10, Part 3 of the current local plan to demonstrate that measures are included to encourage access on foot and by bicycle, it is requested that an addition pedestrian and cycle access point (gated if required) be provided from Hollins Grove Street close to Unit 14. This should be further supported by extending the internal footway from Hollins Grove Street to the front of unit 14, across the access road to adjoin the footway to the side of Unit 15 with pedestrian crossing marking relocated. A suggested approach is illustrated below.



Site Layout / Swept Paths

Swept path analysis for the site access and service areas is presented in the TS appendices. The analysis is presented for an articulated vehicle and demonstrates that such vehicles can enter and leave the site in a forward gear. It is anticipated that smaller goods vehicles will typically visit the site.

Site Accessibility

A spur route of the Weavers Wheel runs along Goose House Lane and Lower Eccleshill Road nearby but does not provide any formal provision for cyclists. There are also a number of planned Cycle Network routes identified within the emerging LCWIP nearby. The nearest bus stops on Lower Eccleshill Road do not have timetables, shelters, access kerbs or bus cage markings on the carriageway.

A contribution towards sustainable transport improvements to improve the sites accessibility by sustainable modes (£10k bus stop improvements to provide access kerbs and £15k LCWIP cycle network improvements) of £25k is recommended.

Traffic Impact

In comparison with the previously approved residential use the proposed development will increase vehicle trips on the local highway network by 25 two-way movements in the AM peak and 16 two-way movements in the PM peak. The TS states that "once this has been distributed to the north and south on Hollins Grove Street, the effect of this additional traffic on the local highway network will not be material. The total traffic impact associated with the development proposals is 43 in the AM peak and 35 in the PM peak. The trip generation is more than double that of the previously approved residential development.

Reworking the assessment of impact from nearby development on the Hollins Grove Street / Goose House Lane junction indicates that the proposed development on the site would contribute

9% (assuming a 50/50 distribution on Hollins Grove Street) to the overall increase in traffic at the junction and should therefore make a 9% contribution towards the scheme costs of £60.5k.

Car Parking

Sufficient levels of car parking and disable parking (in line with BwD parking standards) are to be provided. Consideration has been given to the inclusion of 15 parking spaces within this application to serve the need of planning application 11/23/0312 on the northern part of the site. However, the disable parking bays shown only tend to have a 1.2m buffer on one side.

Please can the layout of disabled parking spaces be revised to include 1.2m on each side of all disabled spaces.

Cycle Parking

The TS indicates that the site is accessible by bicycle but does not provide any detail of cycle parking and there is no sign of any cycle parking being provided on the proposed site plan.

Cycle parking should be provided in line with recommendations within BwD Parking Standards.

Network Rail

9.8 No objections, subject to conditions and informatives.

Public Protection

9.9 No objections, subject to conditions and informatives.

Electricity North West

9.10 No comments offered. No response received, despite reminders. Should any response subsequently received, these will be included in the Update Report.

Cleansing

9.11 No objections.

Ecology

9.12 No objections, subject to conditions.

Environment Agency

9.13 No objections, subject to conditions.

United Utilities

9.14 No objections, subject to conditions.

Tree Officer

9.15 No objections, subject to conditions.

10.0 CONTACT OFFICER: Tom Wiggans, Planner

11.0 DATE PREPARED: 3rd July 2023

12.0 SUMMARY OF REPRESENTATIONS

Ian Thomson, 5 Surrey Avenue, Darwen – received 13th June 2023

Ian Thomson

5 Surrey Avenue

Darwen

BB3 1HF

Sunday, 11 June 2023

Gavin Prescott,
Strategic Director of Growth & Development,
Town Hall,
Blackburn,
BB1 7DY

REF:10/23/0414

Dear Mr Prescott

Thank you for your letter dated 6th June 2023 regarding the erection of 11 light industrial units with car parking and landscaping.

I would like to raise an issue I have with the plans as shown on the application. They show car parking right up to the edge of the planner's property overlooking my home and garden. The plans do not show any planting of trees as we were previously promised. The company have previously ripped out a lovely line of trees in what was seen by the local residents as an aggressive show of strength, claiming they needed to quickly clear the area for development. They also removed a strong fence that secured the site and added to the security of our property, denying access from the land to our property. This part of the land remains an eyesore nearly two years later, untouched by anyone since the days they removed the trees and fencing. As a result, I have little faith in the company doing anything to replace the trees. I am asking that our privacy is protected by planting trees to screen the car park from our properties.

Yours sincerely

Ian Thomson

Local resident



Trees or a tall hedge should be planted along the yellow line I have marked on the plan.

Ian Thomson, 5 Surrey Avenue, Darwen – retracting objection – received 20th June 2023:

Hi

Thank you for your quick response.

Assuming the company actually put the changes in place and the council will act to ensure that they do then I am happy with the changes and no longer have any objections.

Ian Thomson

Proposed development: Full Planning Application for Alteration of zip wire anchor location and installation of wooden pole

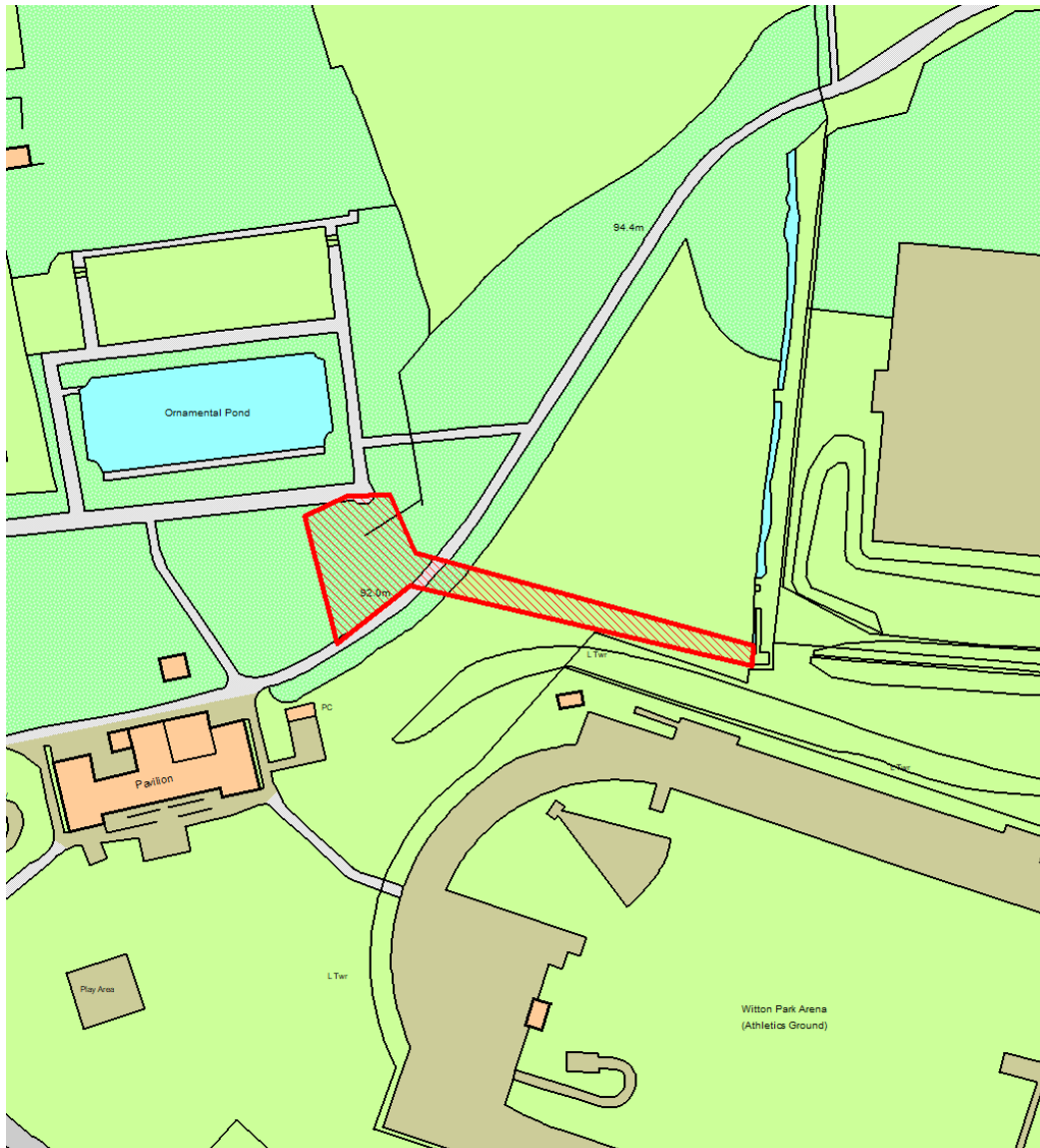
Site Address:

**Witton Country Park Pavilion
Witton Country Park
Preston Old Road
Blackburn
BB2 2TP**

Applicant: Adventure Forest Ltd

Ward: Billinge & Beardwood

**Councillors: Tasleem Fazal
Jackie Floyd
Mohammed Irfan**



1.0 SUMMARY OF RECOMMENDATION

1.1 **APPROVE** subject to the conditions detailed within section 4 of this report

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 This application is before the Planning and Highways Committee, in accordance with the Scheme of Delegation, as the proposal falls under Regulation 4 of the Town and Country Planning Regulations 1992

2.2 Members previously considered and approved planning application 10/22/0897 "*Construction of Go Ape high ropes course and replacement of disused container with reception office*" at the November 2022 meeting of the Planning and Highways Committee. That permission provided for a tree top adventure course comprising; access towers, tree platforms, timber and wire crossings, zip wires and zip wire landing platform. The current proposal seeks to revise the position of the zip wire and associated landing platform.

2.3 The proposed leisure facility is identified as an appropriate exception for development within the Green Belt, as defined by Local Plan Policy 3 and the National Planning Policy Framework (NPPF). Furthermore, the proposal will not harm the openness of the Green Belt, nor conflict with the purpose of including land within it.

2.3 The proposal is also satisfactory from a technical point of view, with all issues relative to the assessment having been addressed through the application process, or capable of being controlled or mitigated through appropriately worded planning conditions

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site is located within Witton Country Park. The site comprises an irregular shaped area of woodland and open grassed area to the north and north east of the pavilion building and athletics track, and south of the former service buildings and ornamental pond associated with Witton House.

3.1.2 The site and immediate surroundings are located within the green belt.

3.2 Proposed Development

3.2.1 Full planning approval is sought for a revised location for the zip wire and zip wire landing platform associated with the tree top adventure course approved under planning application 10/22/0897.

3.2.2 The proposal will reorient the zip wire southward from the previously approved position. Due to the absence of a suitable tree to anchor the zip wire in its new location, a wooden pole will be sunk into the ground, with support provided by a retained chestnut tree. A timber landing platform will also be provided.



Fig 1: Location plan from application 10/220897



Fig 2: Location plan for current application

3.3 Development Plan

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

3.3.2 Core Strategy

- CS14 – Green Belt
- CS15 – Protection and Enhancement of Ecological Assets
- CS16 – Form and Design of New Development

3.3.3 Local Plan Part 2

- Policy 3 – The Green Belt
- Policy 7 - Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 - Development and the Environment
- Policy 10 – Accessibility and Transport

- Policy 11 – Design
- Policy 41 - Landscape

3.4 Other Material Planning Considerations

3.4.1 The National Planning Policy Framework 2021 (NPPF), is a material consideration in planning decisions. The document should be considered as a whole, though *Chapter 13: Protecting Green Belt Land* is of particular relevance to the assessment of this application

3.5 Assessment

3.5.1 Principle of Development: The principle of development was established under planning application 10/22/0897. The proposed use was identified as being consistent with local green belt policy, as set out within Local Plan policy 3 and national policy set out within the NPPF.

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

3.5.3 Design and Appearance: 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.

3.5.4 The proposal includes the provision of a zip wire landing platform. The platform would be exposed to view given its position on the grassed area outside the woodland.

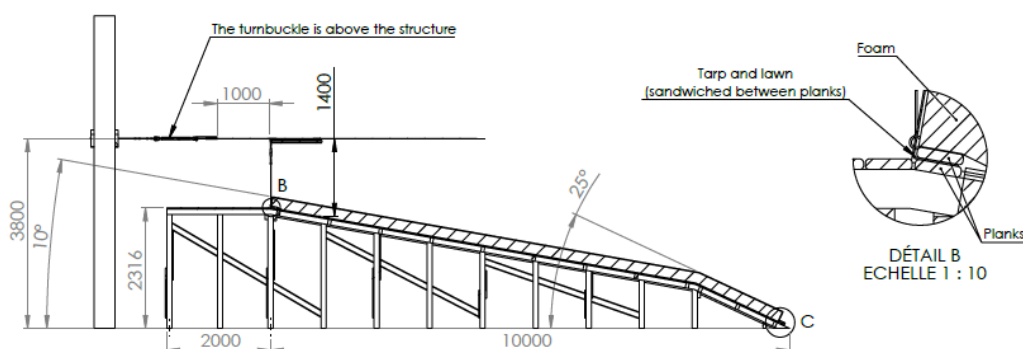


Fig 3: Zip wire landing area details

3.5.9 Notwithstanding the revised position, the landing platform would be consistent with that previously agreed within planning application 10/22/0897. The proposed landing platform will be constructed in timber and covered in fake grass to provide a safe surface for participants to land on. The material choices are considered to assimilate well with the immediate setting and reduce the overall visual impact of the structure within the Green Belt setting.

Furthermore, the planting secured by condition within the extant permission around the platform will help to screen the structure, though full benefits would not be obtained for a number of years until the planting has matured.

3.5.10 The proposed zip wire anchor would be a simple timber pole sunk in to the ground. It's position and form assimilate well with the setting and raise no concerns.

3.5.11 Given the above factors, compliance with Policy 11 is achieved.

3.5.11 Arboricultural Considerations: Local Plan policy 9 advises that development will be expected to incorporate existing trees in to the design and layout of schemes.

3.5.12 The application is supplemented by a tree report that indicates that some minor pruning will be required to the branches of the adjacent trees to the zip wire launch in order to provide for a safe gap for users. Overall, the amended location will require a lower level of tree works than the previously approved scheme.

3.5.13 Consistent with the extant approval, the amended zip wire crossings also require cables and/or brace attachments to the trees. None of the cabling or braces come into contact with the trees but are held away from the bark by sacrificial wooden 'full round' battens. The battens are kept in place with nails to ensure the correct position during construction however no loading is placed on the nails and penetration is kept to a minimum. As the tree grows it pushes these battens out into the metal cables and braces, which eventually dig into and crush the battens instead of the tree. During annual tree inspections these battens are inspected and can be replaced if necessary.

3.5.14 The Council's tree officer agrees that the new proposal would require less pruning to create a clearway for the zip wire than the previous scheme. This approach is welcomed. Further, the proposed method of fixing the zip wire platform to the launch tree is consistent with the approach previously agreed within the consented scheme. No objections are offered.

3.5.15 Compliance with Policy 9 (parts 11 to 14) is achieved.

3.5.16 Ecological Considerations: Further requirements within Policy 9 state that all development proposals must avoid unacceptable impacts on environmental assets or interests, including habitats and species.

3.5.17 The potential for adverse impacts upon ecological interests are limited. Consideration of the previous application established that the launch trees do not provide potential for bat roosts. The landing area will now utilise a timber pole as the anchor. The timber landing platform will be on an area that is currently open grass without ecological interest.

3.5.18 The Council's ecological advisor GMEU has considered the proposal and offered no objection subject to the application of a standard condition restricting tree works within the bird nesting season (1st March to 31st August)

unless the absence of nesting birds has been established by a suitably qualified ecologist.

3.5.19 Subject to the suggested condition, compliance with Policy 9 (parts 6 to 9) is achieved.

4.0 RECOMMENDATION

4.1 Delegated authority is given to the Strategic Director of Growth and 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, received 23/05/2023

Schematic Drawing: Foam Landing Area, received 23/05/2023

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

3. The removal of vegetation from the site shall be conducted outside the bird nesting season (1st March to 31st August) or within 48 hours of a suitably qualified ecologist having confirmed the absence of any nests. If present, any nests must be protected from works until they are no longer in use.

REASON: To safeguard biodiversity interests, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

5.0 PLANNING HISTORY

10/22/0897 - Construction of Go Ape high ropes course and replacement of disused container with reception office

6.0 CONSULTATIONS

6.1 Public Consultation: 32 properties have been individually consulted by letter, site notices displayed and a press notice issued. No comments have been received.

6.2 Highways: No comment.

6.3 Tree Officer: I have inspected the site and considered the information in the supporting statement. The new proposal would require less pruning to create a clearway for the zip wire than the previous scheme. Two trees in the vicinity of the path would require some light pruning to provide sufficient clearance for the use of the zip wire as detailed in the supporting statement. The location of the proposed amended zip wire would be more visible within the parkland setting.

Conclusions: The proposed alteration will have less impact on the main body of the woodland but would lead to some visual intrusion on the openness and setting of the parkland.

6.4 Ecology (GMEU): I have no objection to the relocation of the zip wires location. The only potential ecological would be nesting birds, which could be dealt with via a standard bird nesting condition.

7.0 CONTACT OFFICER: Martin Kenny, Principal Planner

8.0 DATE PREPARED: 30th June 2023

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/23/0445

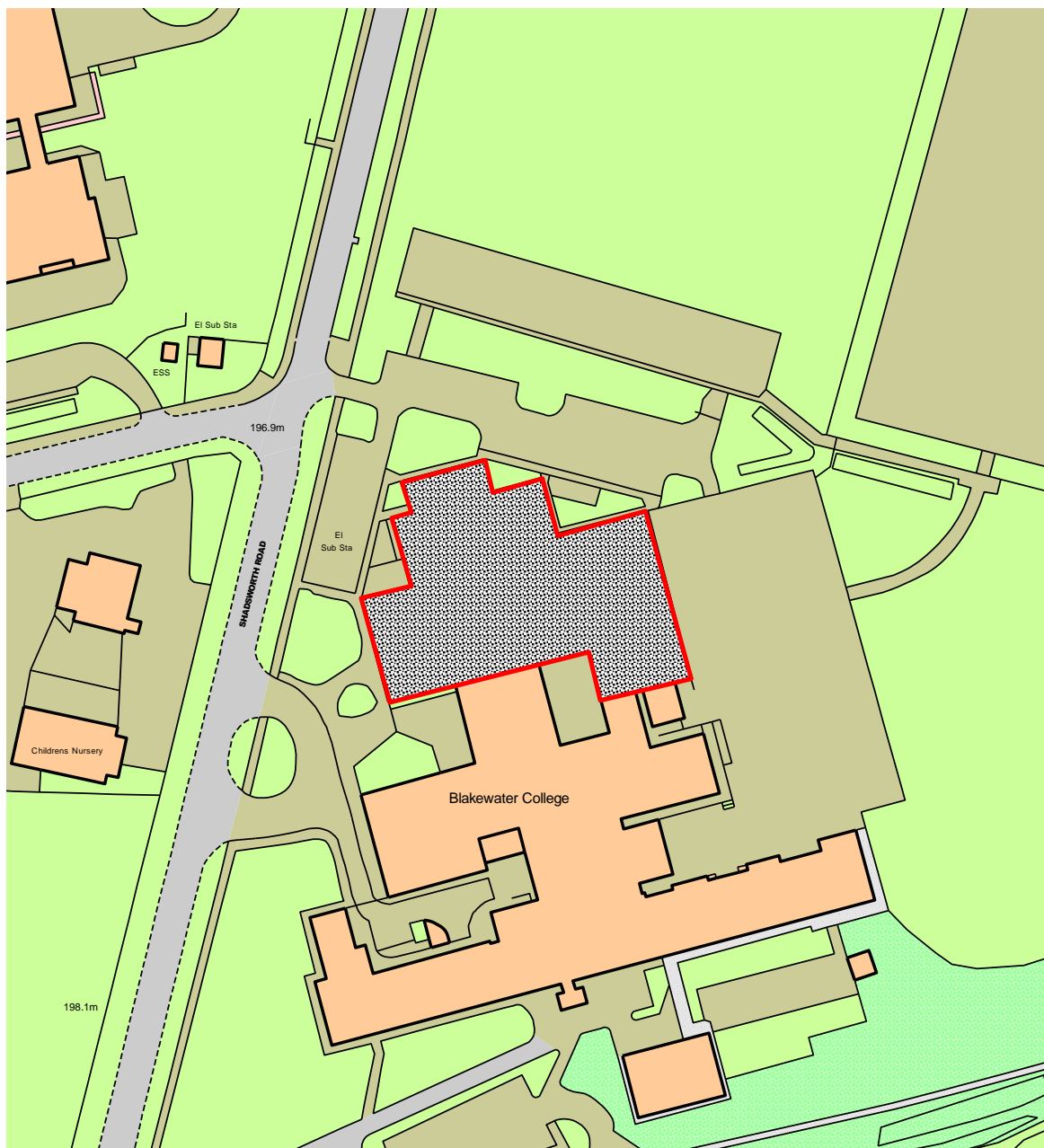
Proposed Development: Demolition of two-storey Shadsworth Leisure Centre

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 McGurk
Councillor Jim Shorrocks**



1.0 SUMMARY OF RECOMMENDATION

- 1.1 The proposed development is recommended to be given prior approval, subject the relevant conditions within Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which is detailed below for clarity.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

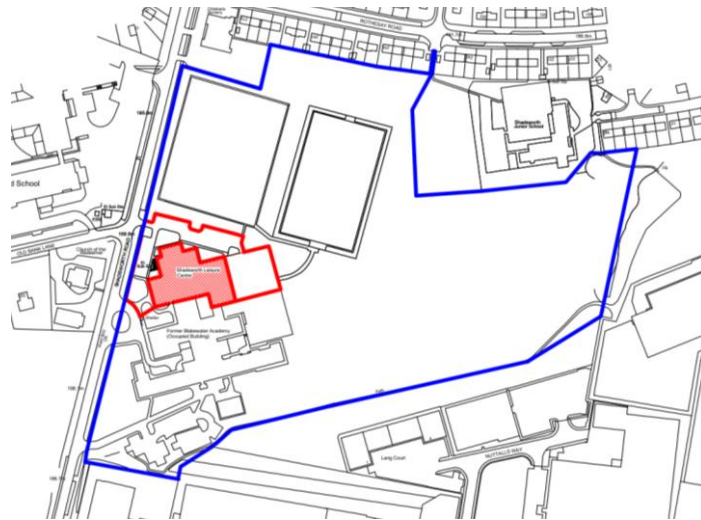
- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Council's Constitution, and given that the Applicant is the Council.
- 2.2 Site notices were displayed by the Applicant, on 23rd May 2023. Site notices have been displayed by the Case Officer, on 09th June 2023. In addition, the adjoining occupier has been notified by letter, on 26th May 2023. Public comments have been received raising concerns regarding the potential for disruptions to be caused during demolition works. 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 demolition developments and associated works, provided they constitute sustainable development and accord with the development plan when taken as a whole.
- 2.4 This application seeks prior approval for the entire demolition of the leisure centre alongside the implementation of various site restoration works.
- 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.
- 2.6 The key issues to be addressed in determining this application are follows;
- Assessing the method of demolition
 - Assessing any proposed restoration of the site

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site is a two-storey leisure centre, which is currently vacant and in a state of disrepair. The wider site comprises of a central building together with carparks, playing pitches and landscaped areas. Land within the wider site is edged in blue on the location plan shown below. Open recreational land is positioned to two sides with an educational building adjoining to the south and commercial buildings positioned to the west.

Figure One – Submitted Location Plan

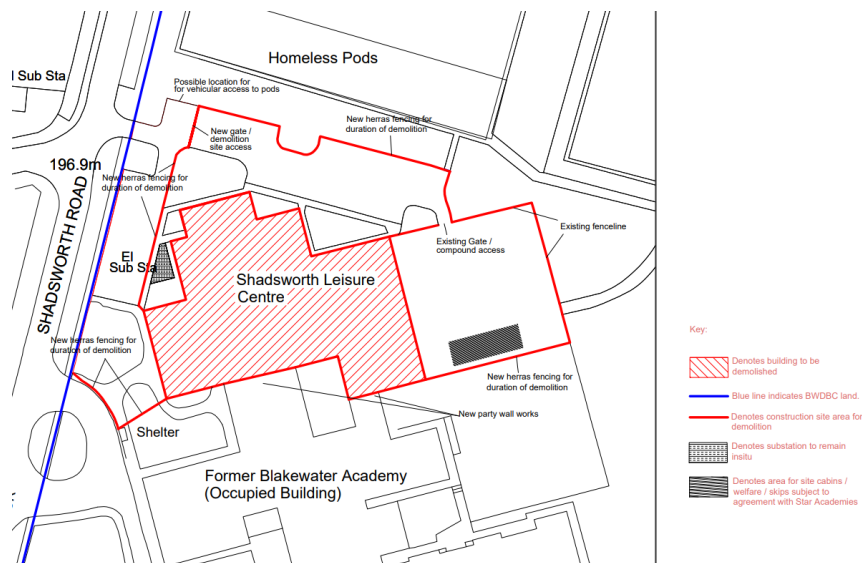


3.2 Proposed Development

3.2.1 As detailed above, this application is made under Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order (The GPDO) 2015 (as amended) and it involves the entire demolition of the leisure centre. A Demolition Method Statement and associated plans have been submitted in support of the application. The development will be implemented with the use of a phased demolition programme.

3.2.2 Hand stripping techniques and machinery will both be used. Removal of internal asbestos and mechanical/electrical services will be the first phase of works followed by the removal of external cladding. The leisure centre will then be detached from the adjoining building in order to allow the remaining structure to be demolished with the use of an excavator. That phase of the development is anticipated to take around 2-3 weeks. The foundations will then be grubbed out with any voids filled with soil. The site will then be grassed over.

Figure Two – Demolition Plan



3.3 Case Officer Site Photos



3.4 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (The GPDO)

- Schedule 2, Part 11, Class B – demolition of buildings

3.5 Development Plan

3.5.1 Local Plan Part 2 (2015):

- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Transport and Accessibility
- Policy 11: Design

4.0 **ASSESSMENT**

4.1 Preliminary Matters

4.1.1 Concerns have been raised in public comments relating to the fact that no prior consultation has taken place with neighbours. In addition, it is alleged that no formal agreement has been secured with adjacent occupiers. However, the Applicant has advised that a dialogue has been entered into with the adjoining occupier and that they are aware of the situation. Furthermore, any formal agreements that need to be made regarding the use of leased land to facilitate the development should be secured separate to the assessment of this application.

4.2 The GPDO

4.2.1 Schedule 2, Part 11, Class B allows for the demolition of buildings, subject to the following limitations;

4.2.2 The building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support.

The current condition of the building, its fire risk and presence of large quantities of asbestos both internally and externally results in it being impracticable for the owner to implement works to maintain the building. Therefore, the proposals do not conflict with that limitation.

4.2.3 The demolition is “relevant demolition” for the purposes of section 196D of the Act (demolition of an unlisted ect. building in a conservation area).

The proposals do not conflict with that limitation.

4.2.4 The building is used, or was last used, for a purpose falling within;

- i. Article 3(6)(p) (drinking establishments etc.) of the Use Classes Order; or
- ii. Article 3(6)(q) (drinking establishments with expanded food provision) of that Order;

The proposals do not conflict with that limitation.

4.2.5 The building is used, or was last used, for the purpose of;

- i. A concert hall;
- ii. A venue for live music performance; or
- iii. A theatre; or

The proposals do not conflict with that limitation.

4.2.6 The demolition relates to a statue, memorial or monument (“a commemorative structure”) in place for a period of at least 10 years on the date of any proposed demolition, other than a commemorative structure;

- i. That is a listed building;
- ii. That is a scheduled monument;
- iii. Within a cemetery, on consecrated land, or within the curtilage of a place of public worship;
- iv. Within the grounds of a museum or art gallery; or
- v. Within the curtilage of a dwellinghouse

The proposals do not conflict with that limitation.

4.2.7 Based on the information provided, the proposed development does not conflict with the above limitations. Accordingly, an assessment must now be undertaken regarding the specific assessment criteria detailed within Schedule 2, Part 11, Class B. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 11, Class B do not specifically require regard be had to the development plan. However, the policies of the

development plan are material considerations as they are relevant to the assessment matters detailed below.

4.3 Method of Demolition

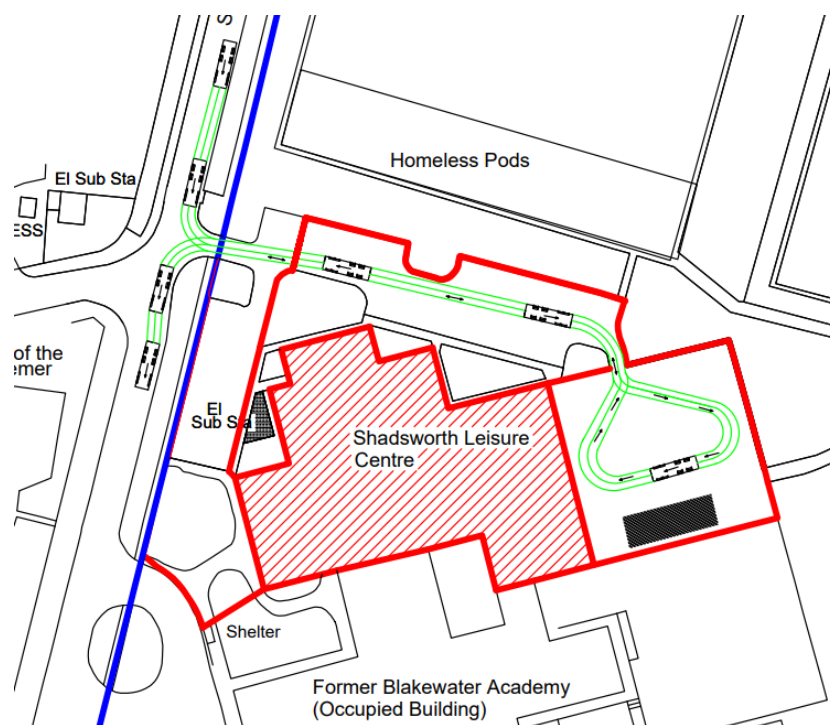
- 4.3.1 As detailed above, a Demolition Method Statement has been submitted in support of the application alongside plans that clarify a number of logistical matters. The submitted statement covers matters in the way of a works schedule, construction working hours, site access details, operative parking, wheel washing facilities, noise management, dust management and the disposal of wastes.
- 4.3.2 Concerns have been raised in public comments relating to a number of aspects of the development alongside the information submitted. Regarding the submitted information, the GPDO only requires this type of application to *be accompanied by a written description of the proposed development, a statement that a notice has been posted...and any fee required to be paid*. All of those requirements have been met as part of the submitted information.
- 4.3.3 Regarding works to weatherproof exposed walls as part of the adjoining building, those are clarified as part of the submitted Demolition Plan. The roof detailing will be modified with thermal improvements and external cladding applied, which is acceptable. Temporary metal fencing is universally used to enclose development sites and it would be financially impractical to use a more permanent boundary treatment.
- 4.3.4 No works are proposed to the adjacent substation, as shown above in Figure Two. The proposed working hours are in accordance with the relevant British Standards. Again, it would be financially impractical to implement the proposed works outside of those times as the project would take much longer to complete. Additional disruptions would also be caused for residential neighbours were the works to be undertaken during more sensitive times.
- 4.3.5 Dust management has been appraised as part of the submitted Demolition Management Plan. Spoil will be dampened down during dry weather conditions and all vehicles leaving the site will be appropriately sheeted. Demolition of the building will have some transient noise impacts associated with it. That said, the majority of the works are limited to hand stripping techniques. Dropping the main shell of the building is likely to be the most noise intrusive phase yet that aspects of the demolition is only anticipated to take around 2-3 weeks.
- 4.3.6 A review of the proposals has been undertaken by BwD Public Protection and BwD Drainage. No objections have been raised. Conditions have been advised to control demolition working hours, the emission of dust, and any required pile-driving operations (or similar). However, there is no mechanism to impose conditions on this type of application and the development must simply be implemented in accordance with the submitted details, as per the requirements of the GPDO. The recommended working hours and dust control measures conditions align with the details within the submitted Demolition Management

Plan. Furthermore, no foundations are proposed as part of these works and there is no requirement to assess impacts in the way of pile-driving operations (or similar). For those reasons, the proposals would be acceptable in relation to neighbour impacts.

4.3.7 Regarding highways logistics, the submitted information confirms that vehicles of up to 10m in length will be used to transport wastes off site. A compound area will be provided to the north and east of the building, which is adequate in size to enable such a type of vehicle to safely manoeuvre, as detailed below in Figure Three. Designated areas will also be provided for site operative parking.

4.3.8 BwD Highways have raised no objections to the proposals and I concur with their findings. Conditions have been advised yet none are recommended. That said, conditions cannot be imposed on this type of application and the highways details provided as part of the submitted information are adequate to control any consequential highways related impacts, as discussed above. For those reasons, the proposals would be acceptable in relation to highways impacts.

Figure Three – Vehicle Tracking Plan



4.3.9 Regarding bat roosting potential, a Preliminary Roost Assessment has been submitted in support of the application. Although a low roosting potential has been identified within the building, the assessment identifies that at least one evening emergence survey is required to be undertaken during May – September.

4.3.10 The survey is scheduled for 06th July 2023 and its findings will be presented as part of a committee update report. Subject to the ecologist being satisfied that the proposals would not lead to unacceptable impacts on roosting bats, the

proposed method of demolition would be acceptable, in accordance with the relevant requirements of Policies 8, 9 and 10.

4.4 Proposed restoration of the site

4.4.1 As detailed above, the proposed restoration works involve infilling any voids from the foundations. Grass will then be used as the surfacing treatment. The site will be enclosed by temporary metal fencing until it is redeveloped. Those measures are relatively standard practice for a development of this type. On that basis, the proposed restoration of the site is acceptable, in accordance with the relevant requirements of Policy 11.

4.5 Summary

4.5.1 This application is made under Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order (The GPDO) 2015 (as amended) and it involves the entire demolition of the leisure centre alongside site restoration works.

4.5.2 Subject to adverse impacts on roosting bats being adequately avoided, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies detailed in Section 3.4.

4.5.3 The proposed development therefore complies with the relevant requirements of the GPDO alongside those of 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 give prior approval, subject to the relevant conditions contained within Schedule 2, Part 11, Class B of the GPDO, as follows;

5.1 The development must, except to the extent that the local planning authority otherwise agree in writing, be carried out, where prior approval is required, in accordance with the details approved.

REASON: In order to ensure compliance with the relevant requirements of Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order (The GPDO) 2015 (as amended).

5.2 The development must be carried out, where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given.

REASON: In order to ensure compliance with the relevant requirements of Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order (The GPDO) 2015 (as amended).

6.0 PLANNING HISTORY

6.1 No relevant planning history.

7.0 CONSULTATIONS

7.1 BwD Public Protection – No objections. Should this application be approved, conditions should be imposed to control demolition working hours, the emission of dust, and any required pile-driving operations (or similar).

7.2 BwD Highways – As part of the application the applicant has provided a general method statement amongst other documents for the demolition works and has stated how the appointed contractor will provide some of the more specific location details that are unknown at this stage. The applicant has made an attempt to address highway concerns which for the most part provide an understanding of the methodology proposed for the works on site.

7.3 However, should the application find that prior approval is a requirement for the proposed works, then conditions attached to any approval that may be granted would allow the proposal to be carried out in a more rigorously controlled manner in respect of highway safety. Overall, the Local Highway Authority would raise no objection to the proposed works.

7.4 BwD Drainage – No objections.

7.5 Ward Cllrs

7.6 Summary of public responses:

- No prior consultation has taken place with neighbours.
- No formal agreement has been secured with adjacent occupiers.
- Minimal technical details have been submitted in support of the application.
- Minimal details have been provided regarding weather proofing and how the party walls are to be made good.
- The use of temporary metal fencing will be inadequate to prevent future vandalism and trespassing.
- No details have been provided regarding works to the electricity substation.
- The proposed demolition will be undertaken during normal office hours.
- The subsequent noise, dust and vibration will cause significant disruptions for neighbours.

8.0 CONTACT OFFICER: Christian Barton – Planning Officer

9.0 DATE PREPARED: 3rd July 2023

10.0 SUMMARY OF REPRESENTATIONS

Objection – Star Academies, Shadsworth Road, Blackburn, BB1 2HT. Received: 16/06/2023

I acknowledge receipt of the planning application notice for demolition of the two storey Shadsworth Leisure Centre (reference **10/23/0445** dated 26th May).

Star Academies occupy the adjacent former school premises by way of a 5-year lease from the Council ending 31st August 2026. The former school is Star Academies' head office, with a workforce of approximately 60 staff on site. We also share the building with the National Institute of Teaching ("NIOT"), who are the Department for Education's preferred body for teacher training in the Northwest region. At any one time we could have up to 150 teachers/students on site for teacher training.

Although we are generally supportive of the proposal and wish to facilitate this, we need to ensure that there is proper consultation, a full understanding of what the implications will be for us and the NIOT and then steps agreed to mitigate the impact on our business and operations.

Our main concerns are:

1. We have not had any prior consultation in relation to the proposal and its potential impact on us.
2. Other than preliminary plans and an outline method statement, there is very little detail on the planning portal for us to consider.
3. The leisure centre and former school are physically attached by way of various party walls. Following demolition, these walls will be exposed to the elements and we have yet to see any detail relating to structure, weather proofing and how the party walls are to be made good.
4. We note the proposal to erect a Herras fence around the site for security purposes during the works. However, it is unclear whether this is to be upgraded or whether any other physical security arrangements will be provided post demolition. In our opinion, a Heras fence line will not be appropriate or fit for purpose in the long term, given that the premises has been a target for vandals and trespassers for many years. This is especially so as the demolition will open up some of the less secure areas of our current demise.
5. The electricity supply for our premises is fed through a switch room within the leisure centre and may be disrupted during the works. We require a continuous electricity supply for our IT equipment. No detail has been provided as to how this important electricity supply is to be maintained or managed over the demolition phase. There may be other services effected. However, again no survey reports have been made available. We also do not have the information in relation to how the switch room will be left as I understand the proposal is to retain it.

6. It's noted that the proposed demolition will be undertaken during normal office hours. The subsequent noise, dust and vibration will cause significant disruption to our normal operation. We will need to agree a programme which will minimise the impact on our staff and the teacher training being delivered on site. We may be able to have our staff work remotely for a period of time but this will all need to be agreed and coordinated with the applicant and then communicated to staff.

7. It is proposed to use an area within our demise for the demolition. This has yet to be formally agreed.

In summary, we are very concerned that the demolition works will cause a significant amount of disruption and disturbance to ourselves and the NIOT, particularly because there has been no articulation as to how such disturbance may be mitigated. In light of this and the lack of other information available for us to consider we request that the planning application and works are postponed in order to give us time for the above concerns to be addressed.

Proposed development: Full Planning Application (Retrospective) for Amendment to Approved Plans 10/21/1060 - 'Double storey side extension, double and single storey rear extension and front extension including porch' - Garage conversion, minor rear amendment to extend up to the boundary line by 100mm and pier removed between the two patio doors to create one large opening

**Site Address:
6 Bargee Close
Blackburn
BB1 1BW**

Applicant: Irfan Mulla

Ward: Blackburn Central

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



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1.1 The application is reported to the Committee in accordance with the Chair Referral Scheme of the Scheme of Delegation due to the objections received, and the previous application being referred to the Committee.

2.1.2 This proposal is essentially the same as the previous approval 10/21/1060, which has been implemented (work in progress) and is therefore an extant consent. The only differences between the current application and the previous approval are minor amendments to the rear extension, including a very slight increase in length at the far end of the garden, and the previously approved integral garage being converted into ancillary living accommodation (utility room and WC).

2.1.3 Assessment of the application finds that the proposal is acceptable in terms of its size, scale and appearance, and would not unacceptably compromise residential amenity or highway safety. The proposal therefore complies with the relevant development plan policies. Therefore, in accordance with the presumption in favour of sustainable development as set out in the NPPF, the proposal is considered acceptable.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site is situated on the western side of the residential cul-de-sac Bargee Close, Blackburn. To the rear of the site is a private garden area and a detached garage, and a small driveway is positioned to the side. To the rear is an area of green infrastructure. The site is within the inner urban area of Blackburn in a coal low risk area. The existing dwelling is a two storey detached dwelling constructed in red brick, having a hipped tiled roof form.

3.2 Proposed Development

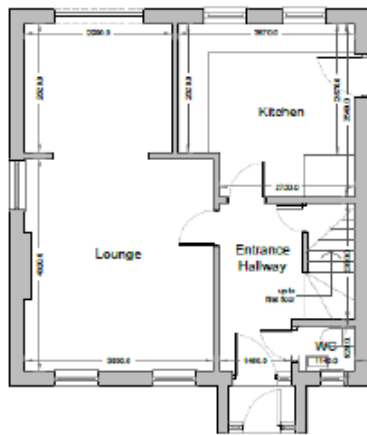
3.2.1 This application is assessed in the knowledge that a previous approval for a very similar development was approved by the Planning and Highways Committee in December 2021, and works have since been taking place on site, so the permission has been implemented. This extant permission is a material planning consideration in the assessment of this current application.

3.2.2 Given the above context, it is considered relevant to show the plans and elevations of the following:

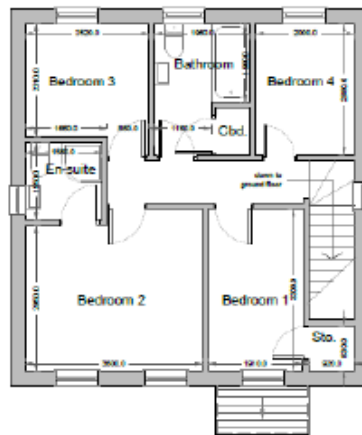
- The dwelling as it previously existed (prior to work commencing on site);
 - The development as previously approved under 10/21/1060 (extant permission);
- and
- The proposed development now applied for under this current application.

These are all shown below:

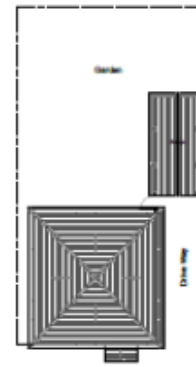
3.2.3 Existing plans and elevations (as the house previously existed, prior to work commencing on site):



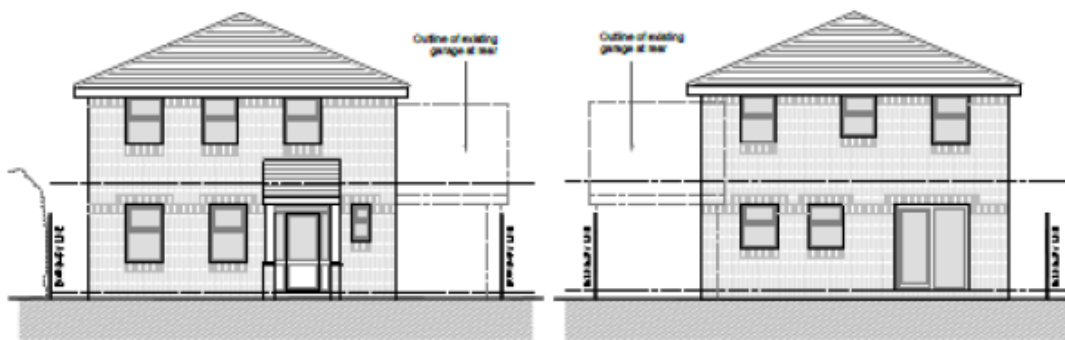
Existing Ground Floor Plan
SCALE 1:50 @ A2



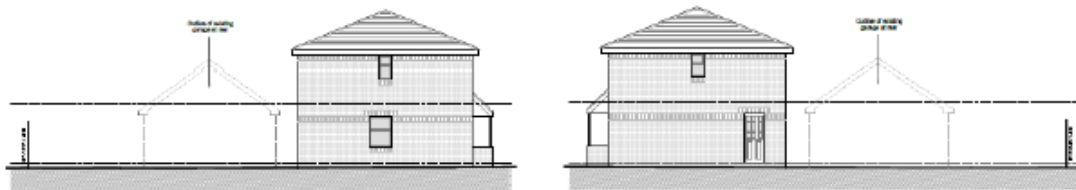
Existing First Floor Plan
SCALE 1:50 @ A2



Existing Roof / Site Plan
SCALE 1:200 @ A2

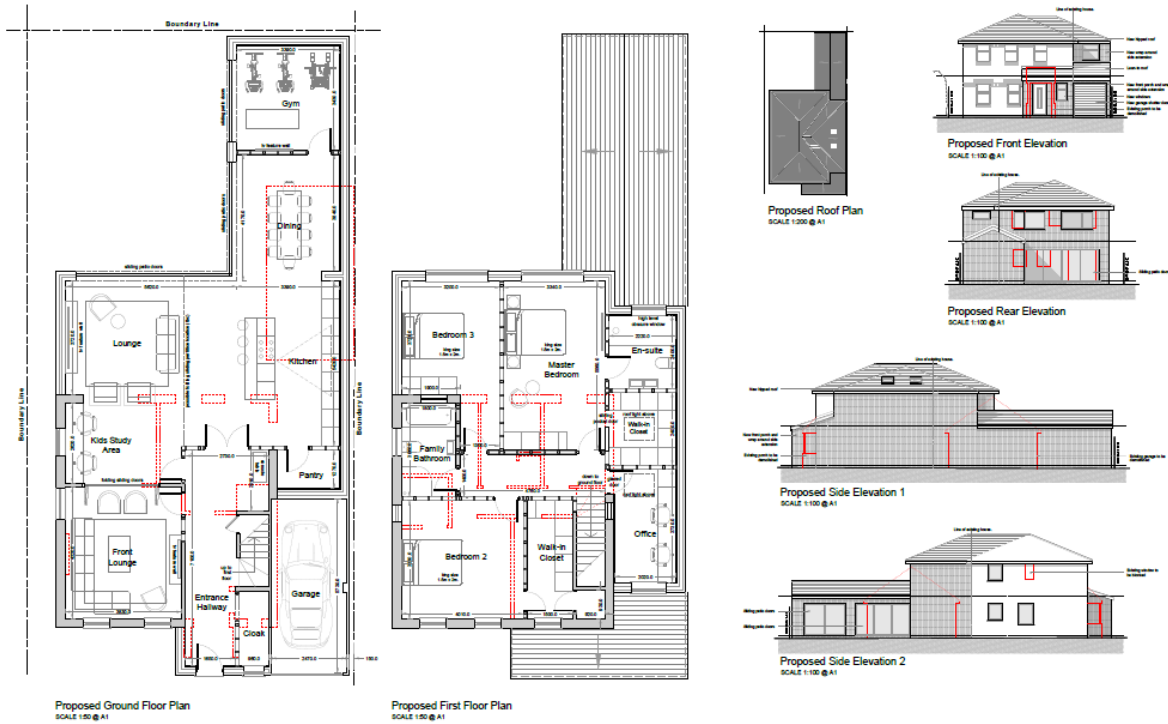


Existing front and rear elevations

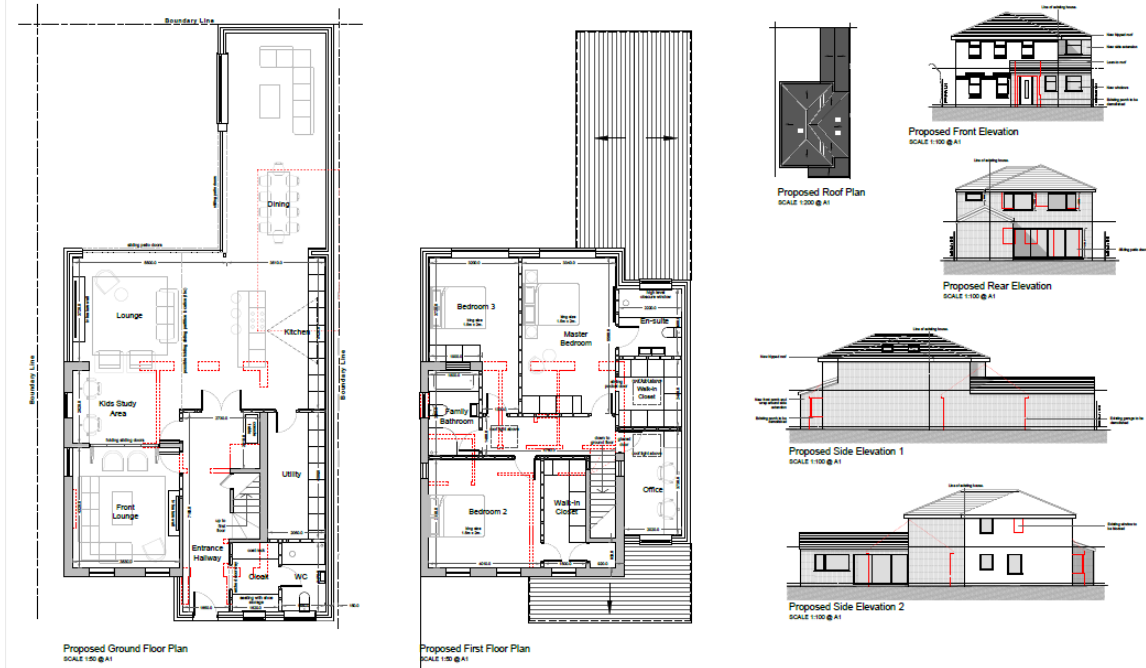


Existing side elevations

3.2.4 Extant permission: Previously approved plans and elevations (as approved under 10/21/1060):



3.2.5 Proposed development (as now applied for in this current application):



3.2.6 Site photos, taken 8th June 2023



3.3 Development Plan

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

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

Core Strategy (2011)

Policy CS16: Form and Design of New Development

Local Plan Part 2 (2015)

Policy 1: The Urban Boundary

Policy 8: Development & People

Policy 10: Accessibility & Transport

Policy 11: Design

Other material considerations

Residential Design Guide Supplementary Planning Document (SPD)

BwD Parking Standards

National Planning Policy Framework (NPPF)

3.4 Assessment

3.4.1 In assessing this full application the following important material considerations are taken into account:

- Principle of development
- Visual Amenity / Design
- Residential Amenity

- Highways / Parking
- Neighbour objections
- Conclusion / Planning balance

3.5 Principle of development

3.5.1 There is no objection in principle to the proposed development. The applicant has sought to regularise works which are taking place on site.

3.5.2 The previous approval 10/21/1060 is an extant approval, and is therefore a material consideration in the assessment of this application.

3.5.3 The proposed works are very similar to what has already been approved. In the above context, there is no necessity to re-visit the previously approved aspects of the development, which were fully considered at the Planning and Highways Committee meeting in December 2021. Assessment of this application therefore focuses specifically on the minor amendments proposed, and the issues raised in the neighbour objections.

3.6 Visual amenity / Design

3.6.1 CS Policy 16 and Local Plan Policy 11 require a good standard of design and an understanding of the site's wider context. The Design SPD, in relation to siting, scale and appearance, reinforces this.

3.6.2 To the rear, the circa 100mm increased projection of the single storey rear extension, at the far end of the garden, would have a negligible impact on the design and appearance of the approved scheme. Likewise, the introduction of a window in the side elevation of the rear extension to replace full length glazed doors would have a neutral impact on the character and appearance of the house and the surrounding area.

3.6.3 At the front, the introduction of a new and altered window in place of the previously approved garage doors would again have a neutral impact in terms of its impact on the character and appearance of the house and the wider street scene. The fenestration details are considered to be proportionate to the dwelling, and materials would match the house.

3.6.4 Subject to a condition requiring the use of matching materials, the proposal is considered acceptable in terms of visual amenity, and compliance with Policies CS Policy 16 and Local Plan Policy 11 is achieved.

3.7 Residential amenity

3.7.1 LP Policy 8 and the Residential Design SPD require a satisfactory level of amenity for surrounding occupants in terms of light, privacy and overlooking.

3.7.2 The application site is a detached dwelling located toward the end of a cul-de-sac, and the only property that would be materially affected is the property to the (north) side, 4 Bargee Close.

3.7.3 The occupiers of this property have objected for a number of reasons, including concerns about loss of light/sunlight to their house and a breach of the 45 degree rule to the front and back.

3.7.4 To the rear, the circa 100mm increased projection of the single storey rear extension, at the far end of the garden, would not have a material impact on the outlook, light or privacy of neighbours. The additional slight increase in length, in the context of the overall length of the wall of the house and extension along the boundary, would be minimal, and barely noticeable when compared to the previously approved scheme.

3.7.5 The alteration to the fenestration on the side elevation of the rear extension would also have no adverse impacts, as the side of the extension along the boundary with the neighbour would remain a blank wall face.

3.7.6 At the front, the replacement of the previously approved garage door with a new window would again have no impact on neighbour amenity.

3.7.7 In their letter of objection, the neighbour raised a number of issues, which relate mainly to the acceptability of the extant permission previously approved by Planning Committee. These issues are referred to later in this report.

3.7.8 However, the proposal as now submitted does not materially or unacceptably increase the amenity impact of the extant permission, and is considered acceptable. In the planning balance, it is considered that the proposal complies with the requirements of LP Policy 8 and the Residential Design SPD.

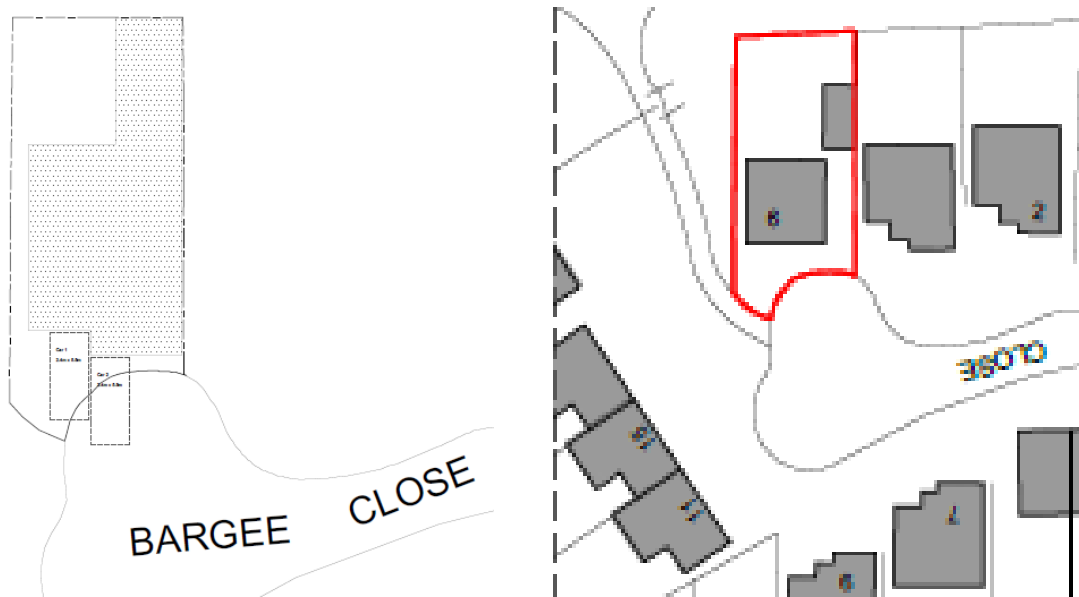
3.8 Highways / parking

3.8.1 Policy 10 requires that highway safety is not compromised, and that there is an adequate level of parking. The BwD Parking Standards require 2 parking spaces for 3 bedroom dwellings.

3.8.2 As discussed in the previous approval, the number of bedrooms in the property would actually decrease as a result of the development; the existing house has 4 bedrooms and this would be reduced to 3 larger bedrooms and a small office room. The on-site parking requirement would therefore not change.

3.8.3 However, the original scheme had a replacement integral garage within the proposed side extension, to compensate for the loss of the detached garage to the rear. This integral garage would now be altered to living space as part of this current proposal, so there would be an overall reduction in parking provision of one space.

3.8.4 Parking provision at the front of the property is not formally laid out. However, during assessment of the application, the applicant was asked to provide a parking plan to show 2 cars can be accommodated within the curtilage of the site. Below is the plan that was provided (along with an extract of the red edge from the site location plan).



3.8.5 Two parking spaces cannot be fully accommodated within the curtilage of the application site, and it is therefore likely that cars parking at the front of the property will overhang part of the highway. However, the parking provision is considered acceptable for a number of reasons. Material considerations and mitigating factors are set out below:

3.8.6 The property is situated at the head of a cul-de-sac where there will be no through traffic. No unacceptable impacts on highway safety are therefore likely to occur.

3.8.7 There are no parking restrictions along Bargee Close, and on street parking outside the house, is therefore possible without interrupting traffic flow or affecting highway safety.

3.8.8 In reality the garage was unlikely to be used for parking vehicles in any case. The integral garage previously approved was slightly below the desired standards for garages as set out in the Parking Standards (internal measurements would not meet the dimension set out in the Parking Standards for a garage parking space).

3.8.9 There was no condition attached to the previous approval requiring the integral garage to be retained. Should the applicant have so desired, upon completion of the previously approved development, the integral garage could have been converted into ancillary living space at any time, without the need to apply for planning permission to do so.

3.8.10 The number of bedrooms at the property would remain as per the previous approval, which actually decreased the number of bedrooms from 4 to 3.

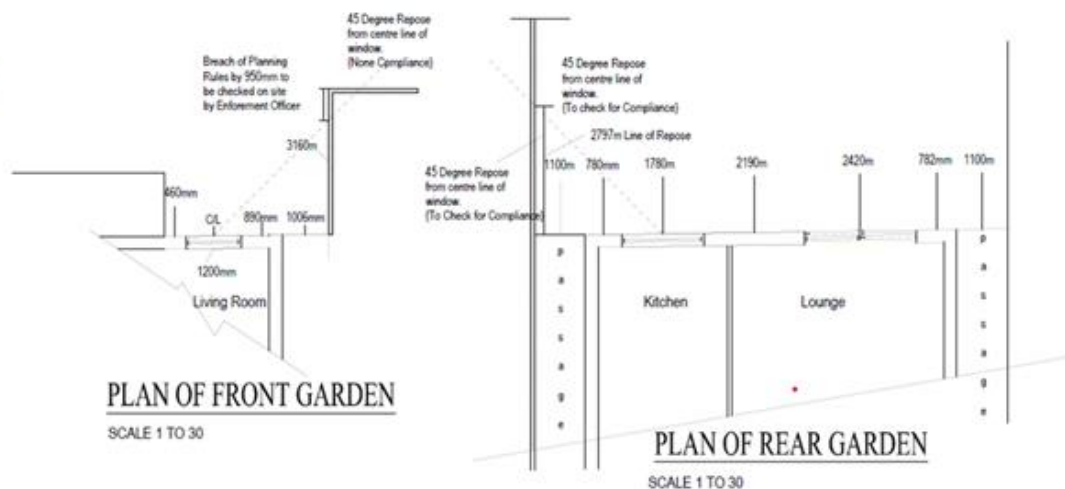
3.8.11 On balance, and having due regard to all the above factors, it is considered in the planning balance that there would not be an unacceptable impact on highway safety as a result of the proposal, and compliance with Local Plan Policy 10 and the NPPF is therefore achieved.

3.9 Neighbour objections

3.9.1 The proposal has prompted a strong objection from an adjoining neighbour. These have been fully considered in the main body of this report, insofar as they relate to the aspects of this current proposal that differ from those of the extant permission.

3.9.2 Other specific matters raised in the objections refer to the acceptability of the extant planning permission, rather than the proposed changes now applied for. The matters raised which relate to the extant permission previously approved include the following:

- *The front single storey extension breaches the 45-degree rule (see image submitted in the letter of objection, below).*



Officer comment:

3.9.3 Each planning application is assessed on its own merits. Notwithstanding the minor breach of the 45 degree rule in this instance, the application has been approved and is an extant permission.

- *This restricts light into neighbouring house habitable room window.*

Officer comment:

3.9.4 Any loss of light, and how great that loss might be, is just one factor, in addition to numerous other factors, that are taken into consideration in the planning balance when assessing the acceptability of a planning application.

- *This contravenes the Right to Light Act 1959.*

Officer comment:

3.9.5 Matters controlled under Building Regulations or other non-planning laws cannot be taken into account in the assessment of a planning application.

- *Blocks views.*

Officer comment:

3.9.6 Loss of view cannot be taken into account in the assessment of a planning application.

- *The 45 degree rule is legislation that must be enforced, and the Council is not doing this.*

Officer comment:

3.9.7 Criteria ii) of Policy 8 of the Local Plan “Development and People” states that development will be permitted where it can be demonstrated that:

“.. it would 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”.

3.9.8 The “45 Degree Rule” is referenced under RES E2 of the Residential Design Guide Supplementary Planning Document (SPD). Whilst SPD’s are a material consideration, they do not form part of the development plan itself – they provide further guidance to expand on the application of adopted policy. RES E2 of the SPD states:

RES E2: ‘45 Degree Rule’

The Council will normally implement the ‘45 degree’ rule when assessing applications for house extensions to ensure there will not be an over bearing impact on adjoining properties.

Each application will be dealt with on its individual merits.

3.9.9 Each case is assessed on its own merits. RES E7 states that the Council “will normally implement the 45 degree rule”, and that “Each application will be dealt with on its own merits”.

3.9.10 RES E15 and RES E16 of the SPD provide further guidance on Front extensions and Porches, as set out below:

RES E15: Front extensions

Front extensions on properties will only be acceptable where:

- i) there is no set build line in place;
and
- ii) the extension is not detrimental to the character of the property and the street scene.

RES E16: Porches

Proposals for porches will be required to meet the following criteria:

- i) they do not dramatically alter the appearance of the house;
- ii) are modest in scale and reflect the style and materials of the house;
- iii) are in keeping with the appearance of the street and do not detract from the character of the street scene;
- iv) the porch roof reflects the roof style of the existing house; and
- v) facing materials match the existing house using the same bond and mortar wherever possible.

3.9.11 The Council made a decision under the previous application that the impact of the front porch / extension was considered acceptable in terms of neighbour amenity, and the impact on the street scene.

- *The Council's and government's rules do not allow extensions to be built in front of or beyond the original wall.*

Officer comment:

3.9.12 This assertion is not the case. The above policies clearly allow development at the front of properties, providing the impacts are appropriately considered when making a decision.

3.9.13 In many cases, planning permission is not even required for front porches, subject to certain criteria, set out below:

Adding a porch to any external door of your house is considered to be permitted development, not requiring an application for planning permission, provided:

1. the ground floor area (measured externally) would not exceed three square metres.
2. no part would be more than three metres above ground level (height needs to be measured in the same way as for a house extension).
3. no part of the porch would be within two metres of any boundary of the dwellinghouse and the highway.

- *The front extension protrudes too far out and is out of keeping with the street scene.*

Officer comment:

3.9.14 A balanced assessment of the visual impact of previous approval concluded that the proposed development would have an acceptable impact on the host building, and on the character of the street scene.

3.9.15 In the report to the Planning and Highways committee, officers commented that “the addition of a replacement (slightly larger) front porch and the continuation of the roof canopy over the garage to the side of the house would serve to further emphasise the set back of the first floor”.

- *Works were carried out not in accordance with the previously approved plans prior to the current application to regularise the works being submitted.*

Officer comment:

3.9.16 The applicant has not committed any criminal offence by carrying out the presently unauthorised works. All works not in accordance with the approved plans have been carried out at the applicant's own risk. The applicant has now sought to regularise the works through the correct channels, by submitting a planning application to accurately reflect what is being built on site.

3.10 Conclusion / Planning balance

3.10.1 In conclusion, each planning application is different and is assessed on its own merits. The majority of issues raised by the neighbour relate to aspects of the proposed development that have already been approved by the extant permission.

3.10.2 These impacts have already been assessed and have been deemed to be acceptable. Therefore, despite the issues raised in the objections, the proposal is considered to meet policy requirements and is considered acceptable development.

4.0 RECOMMENDATION

4.1 Delegated authority is given to the Strategic Director of Growth and 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 proposals as detailed on drawings:

Dwg no. BB325-001: Location Plan

Dwg no. BB325-501-C: Proposed Plans and Elevations

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

2. Notwithstanding the submitted details, the external walling and roofing materials to be used in the construction of the development hereby permitted shall match those used in the existing building.

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.

5.0 PLANNING HISTORY

- **10/21/1060** - Full Planning Application for Double storey side extension, double and single storey rear extension and front extension including porch – **APPROVED by Planning and Highways Committee in December 2021.**
- 10/21/0063 – Prior approval for Proposed construction of third storey and roof above existing, max height 9.5m, height to eaves 7.5m - REFUSED

- 10/89/1458: The site is situated within a residential area that was granted approval for the erection of 140No. dwellings in 1989 under planning app ref. 10/89/1458. Permitted development rights were not removed from any of the plots.

6.0 CONSULTATIONS

6.1.1 The application was registered on 31st May 2023. 8 neighbours were notified about the proposed development by letter on 2nd June 2023. Section 9 contains the full summary of the representations received.

6.1.2 1 letter of objection was received from a neighbour on 21st June, raising the following concerns:

6.1.3 On 23rd June, amended plans were submitted correcting some minor inaccuracies in the original submission: *“Pier removed between the two patio doors to create one large opening. There is a pillar in the middle of 300mm and then rather than a patio opening a window opening of 2440mm x 1160mm.”*

6.1.4 Although only a very minor alteration to the originally submitted plans, a 14 day reconsultation was undertaken on 26th June. A further letter of objection was received from an interested party on 29th June, also referring to a breach of the 45 degree rule to the neighbour’s property at the front of the house.

6.1.5 All the issues raised in the letters of objection have been addressed in this report. Should any further consultation responses be received before the consultation expiry date of 10th July, these will be reported to members in the Update Report.

7.0 CONTACT OFFICER: Tom Wiggans, Planner

8.0 DATE PREPARED: 30th June 2023

9.0 SUMMARY OF OBJECTIONS:

Objection – Mr & Mrs Dhanchora, 6 Bargee Close, Blackburn. Received: 21/06/2023

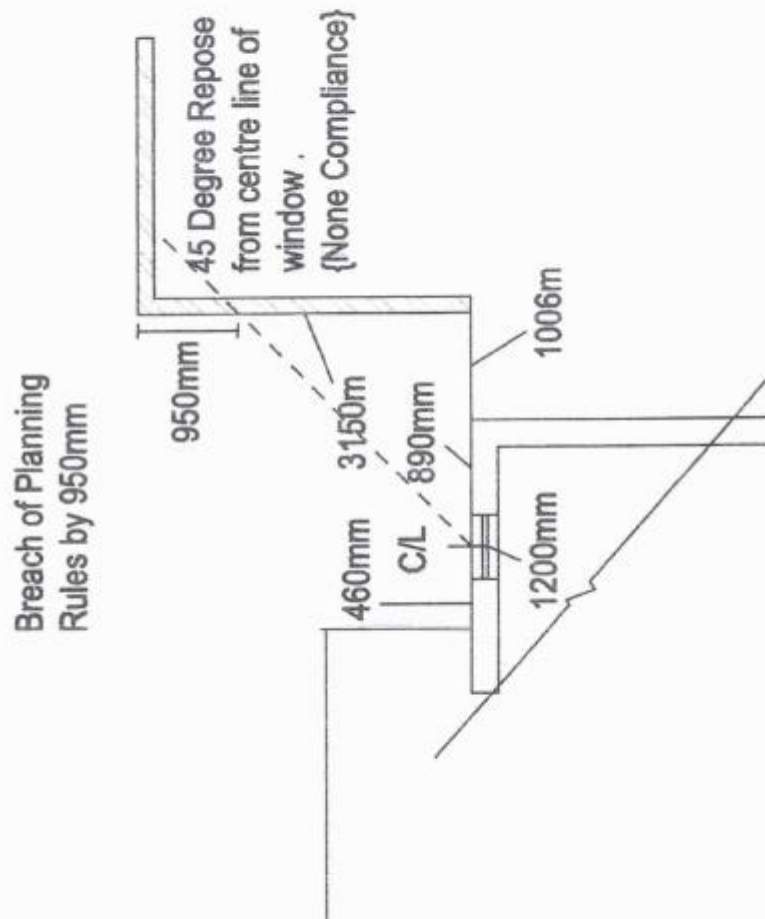
We have received the retrospective full planning application notice Ref No: **10/23/0455**, for 6 Bargee Close, Blackburn, BB1 1BW and we at No 4 Bargee Close, strongly object to this plan from going ahead. The reasons are as follows:

- The front single storey extension is breaching the 45-degree rule which blocks our natural daylight and sunlight (please see the attached plan). Mr Mulla's architect has repeatedly ignored the 45-degree rule as mentioned on the council's portal and it was the failure of the case officer to enforce a rule that all homeowners must abide by. This suggests that the Council chooses whether or not to follow legislation that has been set, suggesting it is one rule for one and one rule for another. It is clear that all parties did not take our house into account nor the effect the new extension would have on our lives.
- The above breach has deprived us from natural light which we have enjoyed for the past two decades. This new extension has taken this away from us and has made our lounge extremely dark. This has contravened with the Right to Light Act 1959.
- Mr Mulla's plan has gone against the council's and government's rules *not* to build an extension in front of or beyond the original wall. In the neighbourhood and in the surrounding areas, there are no houses with protruding front extensions. Furthermore, we have neighbours in the neighbourhood and surrounding areas who have made extensions that are all set back at least a metre from their original walls to be in line with the appearance of the close. This extension protrudes out blocking our view to the Cul de Sac and our neighbours' homes and more concerning blocking our natural light (please see the attached pictures as proof).
- The front extension is also destroying the natural beauty of the cul de sac by the way the house protrudes out.
- We believe that the owner of the property intentionally deceived the council into believing that the development included a garage when applying for the initial planning permission but the foundational work and total build shows Mr Mulla had no intention of making a garage but rather a room as detailed in the retrospective application. It was only after a visit by the council was it found that Mr Mulla was not building according to the approved plan.
- The back extension also has been extended till the end of the garden boundary. Again, he has deceived the council in his application setting out to build something else and extended it further.

All the above has caused us major stress as instead of the peaceful and comforting home we once knew, we are now forced to sit in a room which has become darker by this extension.

We strongly urge the council to reject this application and to finally take our concerns into consideration. We would like the front single storey extension to be reduced in size setting it back so it does not affect our natural light. If the council fails to stop this application and allows the build to continue, we will have no choice but to take legal action against our

neighbours and also bring to public notice through the media how the council stipulates rules on their planning portal but fails to act when someone does not abide by them.













Objection – Ashraf Adam, Received 29.06.2023

Dear Gavin,

Good Afternoon my dear friend i am writing to you as the regards the 45 Degree ruling for planning applications,

alot of planners ask for this ruling , but in the case of 6 Bargee close the ruling has not been applied to the front of number 4 Bargee close, as Areeba The Architects have not provided this information,

I have bee on site and conveyed a survey regarding this ruling and the neighbour 6 Bargee close has exceeded the 45 degree ruling and this should be addressed to the Architects to provide this ruling as a mater of peace of mind so that the NEIGHBOURHOOD WARS CAN STOP,

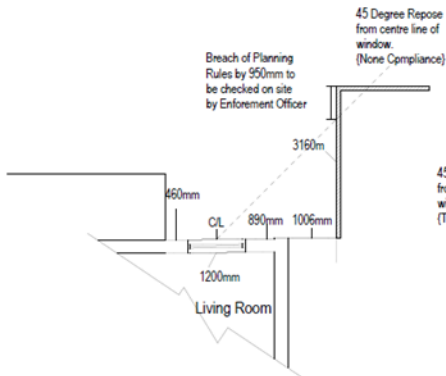
please see attached an e mail regarding the front of the house which is the problem. The back of the house is not a problem.

lets sort this minor issue out and stop this NEIGHBOURHOOD WAR .

Thank you very much

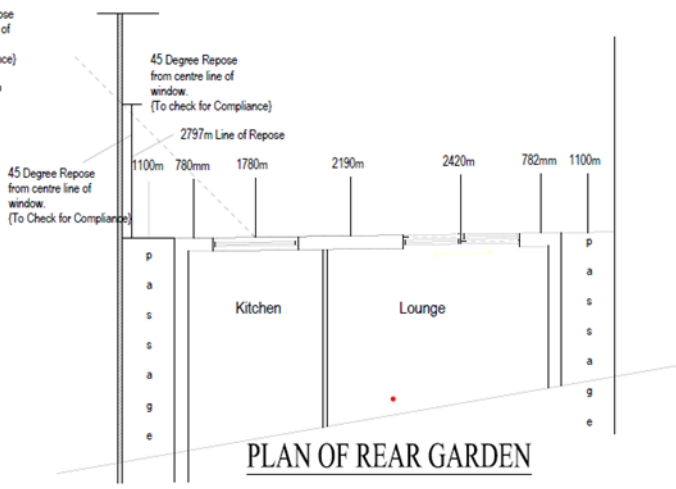
Kind Regards

Ash



PLAN OF FRONT GARDEN

SCALE 1 TO 30



PLAN OF REAR GARDEN

SCALE 1 TO 30

	Project: Add Breaching of 45 Degree
	Client: M.R.E.S. Structures
	Drawn Title: 45 Degree plan of Front Garden & Rear Garden
	Date: 20/03/2024 Revision: 01/04/2024
	Drawn: M.R.E.S. Structures

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/23/0501

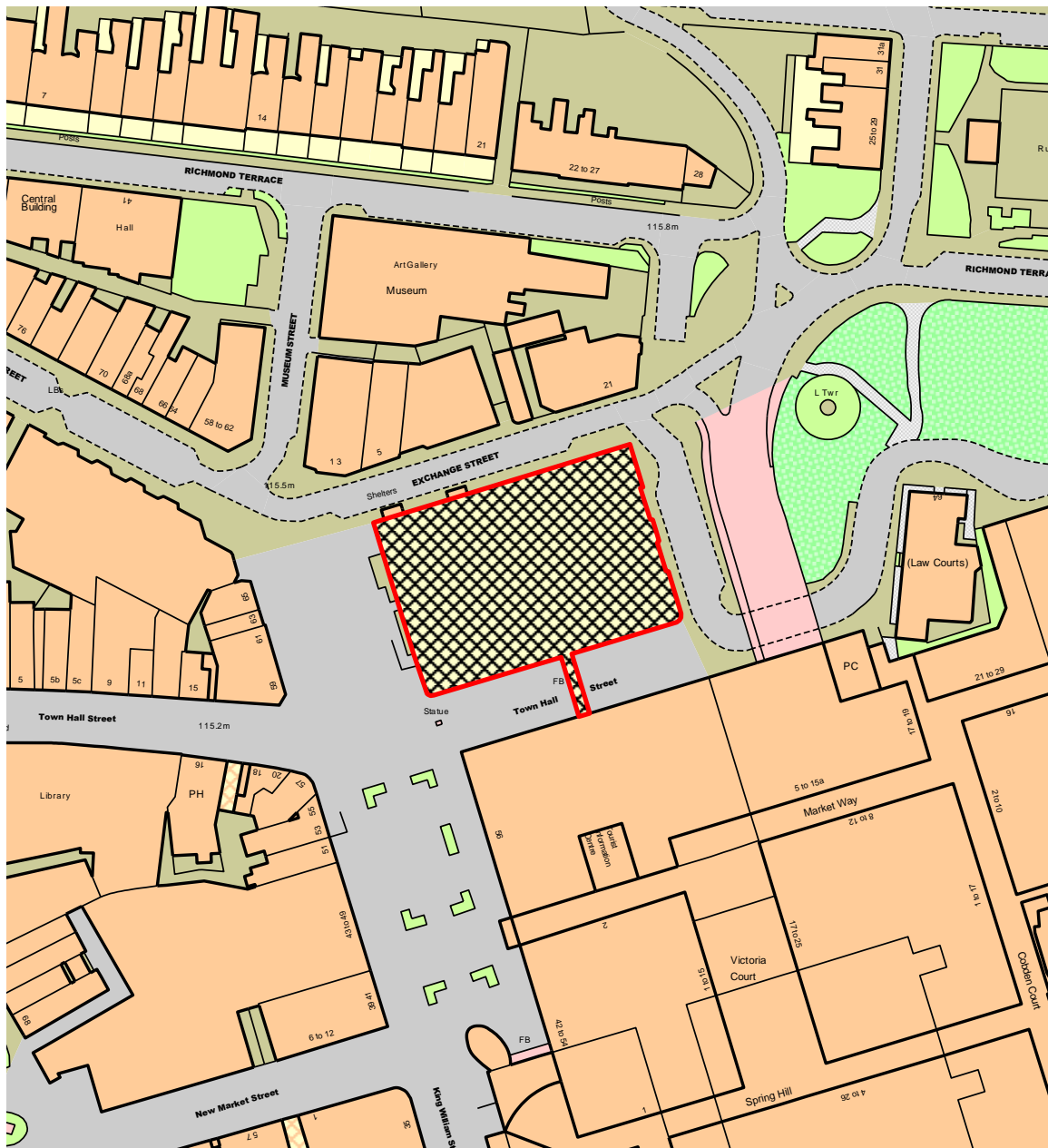
Proposed Development: Proposed creation of entrance hatch and counter following removal of an existing opening and creation of ground floor room with erection of a timber stud wall and installation of double doors

Site Address: Blackburn Town Hall, King William Street, Blackburn, BB1 7DY

Applicant: Blackburn with Darwen Borough Council

Ward: Blackburn Central

Councillor Samim Desai
Councillor Zamir Khan
Councillor Mahfooz Hussain



1.0 SUMMARY OF RECOMMENDATION

- 1.1 The proposed development is recommended to be granted planning listed building consent, 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 has been made on behalf of the Council.
- 2.2 A site notice was displayed on 21st June 2023. No public comments have been received. 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 heritage developments and associated works, provided they constitute sustainable development and accord with the development plan when taken as a whole.
- 2.4 The proposals involve internal alterations to the Grade II listed Blackburn Town Hall. 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.
- 2.5 The key issues to be addressed in determining this application are limited to assessing impacts on the historical significance of the listed building.

3.0 RATIONALE

3.1 Site and Surroundings

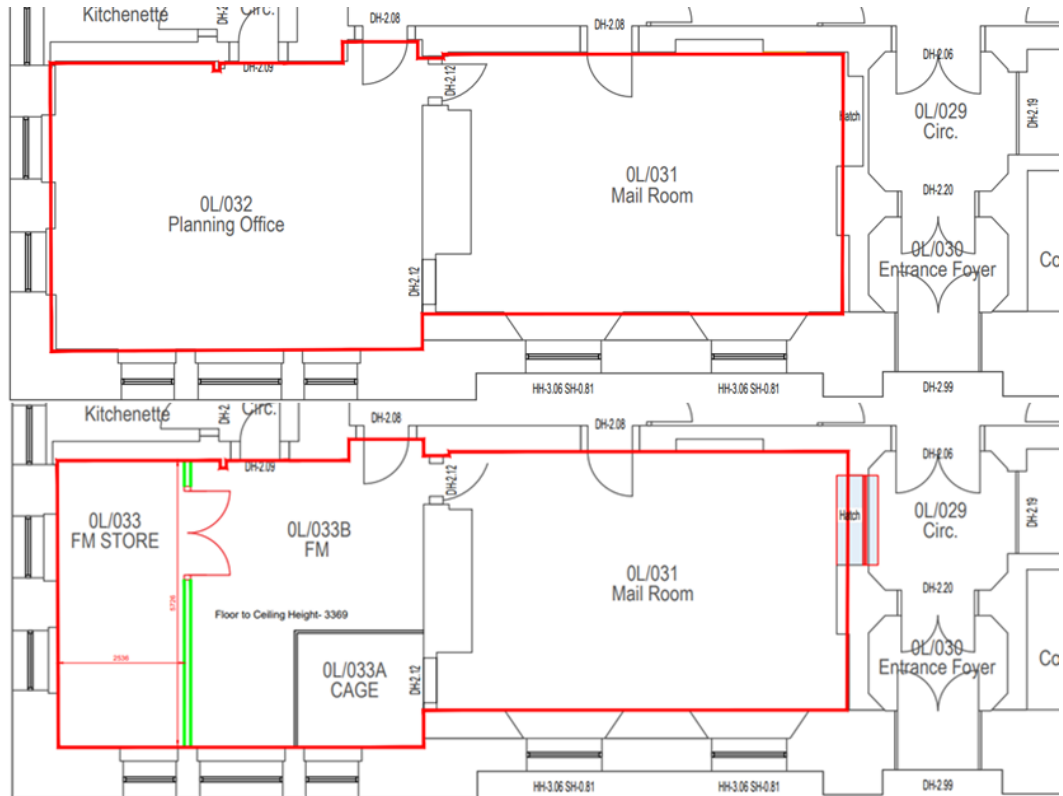
- 3.1.1 The application site is a Grade II listed building which was built in 1852 and designed by James Patterson. It is a large rectangular stone building with a rusticated ground floor, modillion eaves cornice over the first floor, and a pierced balustrade above the attic storey. The building has stone quoins, round-arched Italianate windows, and Corinthian columns to the front at first floor. The building is used as the Town Hall, containing reception areas, council chambers, and offices.

3.2 Proposed Development

- 3.3 As detailed above, this planning application seeks listed building consent for the implementation of various internal works. An entrance hatch and counter would be installed following removal of an existing opening. A ground floor room would also be formed through the erection of a timber stud wall and installation of double doors.
- 3.4 The stud walls would be constructed from plasterboard with a painted plaster finish. The colour schemes to be used would match those used in the renovation of other areas of the town hall. The double doors would be softwood

panelled doors with glazed panels. The hatch would feature a veneer worktop supported by chrome plated metal legs. The works would be conducted to the rear of the building.

Figure Two – Existing and Proposed Floor Plan



3.5 Development Plan

3.5.1 Local Plan Part 2 (2015):

- Policy 39: Heritage

3.5.2 Listed Building Consent Supplementary Planning Guidance (SPG) (1999)

4.0 **ASSESSMENT**

4.1 Listed Building Impacts

4.1.1 The site is a Grade II building that has been subject to an abundance of internal alterations previously. Its character is largely derived externally with the best preserved internal areas found to the front of the building. 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. Those requirements are reinforced by the Listed Buildings SPG.

4.1.2 The proposed works form part of wider initiatives to renovate the town hall and restructure staff locations. Such outcomes provide adequate justification

regarding the need for the works. A review of the proposals has been undertaken by the BwD Heritage Advisor and no objections have been raised. The style and finish of the materials to be used would be consistent with works approved under application 10/21/0127.

- 4.1.3 A condition is recommended to ensure the development is implemented in accordance with the submitted details in order to ensure a satisfactory form of development is achieved. Subject to compliance with that condition, the proposed development would be acceptable with reference to listed building impacts, in accordance with Policy 39 together with the guidance of the Listed Buildings SPG.

4.2 Summary

- 4.2.1 This application involves internal alterations to the Grade II listed town hall. Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policy and guidance note detailed in Section 3.4.

- 4.2.2 Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Subject to appropriate conditions, the proposal would be acceptable in terms of listed building impacts.

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

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

- 5.2 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 (OTH-LBC01), FMBC001, FMBC002 and FMBC003.

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

- 5.3 All materials and finishes to be used for the development hereby approved shall be as stated on the submitted application form and approved drawings, unless otherwise approved in writing by the Local Planning Authority.

REASON: In order to ensure a satisfactory form of development is achieved, in the interests of preserving the character of the listed building, and to comply with the requirements of Policy 39 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

6.0 RELEVANT PLANNING HISTORY

- 6.1 10/21/0477 – Remedial and renewal works to the Bay Roof projecting to the South facing Elevation to include increasing the diameter of the concealed downpipe within the left hand side (front view) Corinthian Column, renewing the outlets, roof finishes including flashing's/soakers and rainwater goods (listed building consent) – Approved, with conditions – June 2021.
- 6.2 10/21/0127 – Internal alterations, refurbishment and restoration of existing office spaces to the first and second floors (listed building consent) – Approved, with conditions – March 2021.

7.0 CONSULTATIONS

- 7.1 BwD Heritage Advisor – Largely the refurbishment works are the same as the other phases and therefore I can't see why the Local Planning Authority would consider this work any differently than those already agreed. Clearly retaining the Town Hall as 'Council' Offices provides significant benefits which outweigh any very minor impact from the refurbishment works themselves.

The biggest intervention is perhaps the subdivision of an existing office space and the provision of the new double door set. The need for this change and the formation of a 'hatch' as shown on the drawings will need to be justified as part of the listed building consent submission. You will need to explain the purpose/need etc. I don't know those particular office spaces and don't know whether any internal features of note are effected by the works i.e. decorative coving etc.

Regardless when considering the whole building as the 'heritage asset' I can't see how these relatively minor alterations will cause any significant level of harm. As with the previous phases of the interior work the main significance of the town Hall lies in its external appearance, built form, materials and grand Council rooms/spaces etc. and its historic association to the town. The internal office spaces are of much less importance and have seen change over the years. I don't see these further changes as being anything different and have no substantive concerns over the work proposed.

- 7.2 Ward Cllrs

- 7.3 No public responses received

8.0 CONTACT OFFICER: Christian Barton – Planning Officer

9.0 DATE PREPARED: 30th June 2023

10.0 SUMMARY OF REPRESENTATIONS – none.

DEPARTMENT OF GROWTH & DEVELOPMENT

ORIGINATING SECTION: Planning.

REPORT TO: Planning & Highways Committee.

TITLE: Petition regarding Full Planning Application (Retrospective) for Rear dormer (retrospective) (amendments following planning refusal App No: 10/23/0076)

At: 10 Brantfell Road

Blackburn

BB1 8DN

(Ref: 10/23/0460)

Applicant: Mr Yasin Khonat

Ward: Shear Brow & Corporation Park

Councillor: Akhtar Hussain

Councillor: Suleman Khonat

Councillor: Salma Patel

1.0 **PURPOSE OF REPORT**

- 1.1 To inform members of the receipt of a petition supporting a current planning application relating to Full Planning Application (Retrospective) for Rear dormer (retrospective) (amendments following planning refusal App No: 10/23/0076).
- 1.2 The application is submitted by Mr Yasin Khonat

2.0 **BACKGROUND AND DETAILS**

- 2.1 The current planning application – reference 10/23/0460 was received by the Local Planning Authority (LPA) on 2nd June 2023, and was registered on the same day. 5 Neighbourhood letters of consultation were sent out on the date of registration to local addresses near the application site and a site notice and press notice displayed on 6th June 2023 and 26th June 2023 respectively. The statutory 21 day consultation period expired on 27th June 2023 for the consultation letters and site notice. The statutory 14 day consultation period for the press notice will expire on 10th July 2023.
- 2.2 The petition was received by the LPA on 21st June 2023. The lead petitioner is the applicant of the current planning application. The petition has been submitted specifically in support of dormer extensions to dwellinghouses within the Conservation Area (CA) with specific reference made to the wards Corporation Park. A redacted version of the petition is appended to this report.

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

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

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

- No.36 Brantfell Road (10/17/0416) Demolition of outbuilding and garage, installation of velux windows, proposed rear dormer extension and single storey rear extension – approved subject to conditions on 05/07/2017. It is acknowledged a rear dormer was approved as part of this application, however, it should be noted this property sits at an elevated position and therefore the dormer is not as visually prominent to that of the constructed dormer at No.10 Brantfell Road.
- No.385 Revidge Road (1015/0499) – Proposed rear dormer – approved subject to conditions on 12/01/2016. Again, whilst it is acknowledged a rear dormer was approved, it should be noted this stretch of Revidge Road lies adjacent to an open golf course and garage colony. Thus it is not considered there are any similarities to this approval and the proposal at No.10 Brantfell Road.

2.9 Additionally, since these two approvals, in 2021 the National Planning Policy Framework (NPPF) has been significantly amended. The updated NPPF provides robust guidance for LPA's on the impact of development proposals in context with heritage assets and great importance is placed in protecting these assets such as Conservation Areas.

2.10 In response to the petitioner's perception that the advice they receive is predominantly negative relating to proposals for rear dormer extensions in the Conservation Area, this is acknowledged by officers as families wish to extend their homes. However, it should be noted that Planning Officer's always try and suggest revisions to a proposed scheme where appropriate to make it more acceptable from a design perspective that respects the character and appearance of the conservation area, and harmonises with the host property. This is clearly evident in the assessments of the proposals at Gibraltar Street, South Street in Darwen, and more recently at No.4 St Andrew's Street, Blackburn, all of which are located within Conservation Areas.

2.11 Further, most recently, the LPA has supported a rear dormer extension at No.335 Revidge Road (10/23/0176). This property is also situated within the Corporation Park Conservation Area. This further emphasises the LPA are not opposed to development proposals and will support proposals within Conservation Areas and this perception the LPA do not support rear dormer proposals within a specific CA i.e. Corporation Park Conservation Area is incorrect. As per above, each application is assessed on its own merits taking into account the context of the site and its surroundings.

2.12 The lead petitioner also states incorrect advice was provided to them prior to the erection of the dormer at No.10. The advice provided was correct and the applicant was informed by email a dwelling house within a designated Conservation Area would contravene Part 1, Class B requirements of the General Permitted Development Order (GPDO). Whilst all on-line queries are responded to as an informal opinion and therefore without prejudice, for

formal clarification on development proposals, all enquirers should apply for a Lawful Development Certificate.

- 2.13 Had the applicant submitted a pre-application enquiry prior to the construction of the dormer, the applicant would have clearly been made aware the proposal would not be supported emphasising the reason why and other relevant material planning considerations would have been highlighted.
- 2.14 The petition contains 53 signatures, directly from nearby addresses on Brantfell Road, Langham Road, and East Park Road. Signatures from residents outside of the Shear Brow & Corporation Park ward are also within the petition. The petition is appended to this report. Members are advised that the petition received is identical to the petition received relating to the previous planning application 10/23/0076, and which was reported to the Committee at their meeting on the 16th March 2023.
- 2.15 Members are advised that all material issues that must be considered in the decision making process are being currently assessed with the planning application, and this takes into account the previously refused planning applications for similar proposals (10/21/1266 & 10/23/0076), and in particular the subsequent appeal decision for the first application as this is a fundamental material planning consideration that forms an important part of the assessment of this application. In addition, the Committee authorised enforcement action to be taken for the removal of the dormer extension at their meeting on the 21st April 2022 (ref: 2021E0370). The Enforcement Notice was served on the 7th December 2022, which took effect on 20th January 2023, having a compliance period of 6 months. The notice is currently the subject of an appeal.
- 2.15 The following photographs show the dormer extension as constructed to the rear of the application site.





3.0 **RECOMMENDATION**

3.1 That the Petition be noted by Members and that the lead petitioner/agent acting on behalf of the applicant be informed of any decision taken, including the outcome of the application.

4.0 **BACKGROUND PAPERS**

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

4.2 Planning applications: 10/23/0460, 10/23/0076 and 10/21/1266
Enforcement case file: 2021E0370.

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

6.0 **DATE PREPARED** –27th June 2023.

Petition Raised for Brantfell Road Blackburn

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

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

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

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

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

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

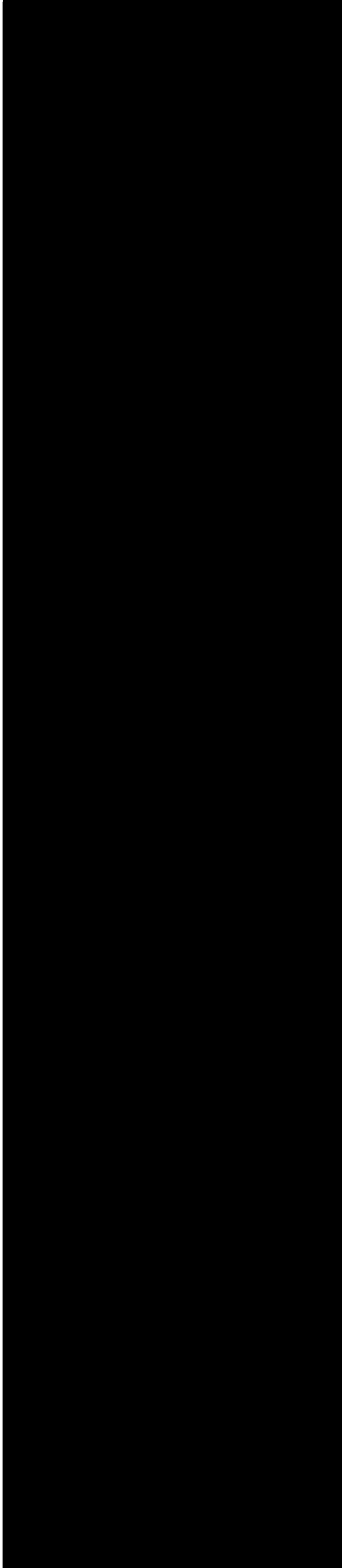
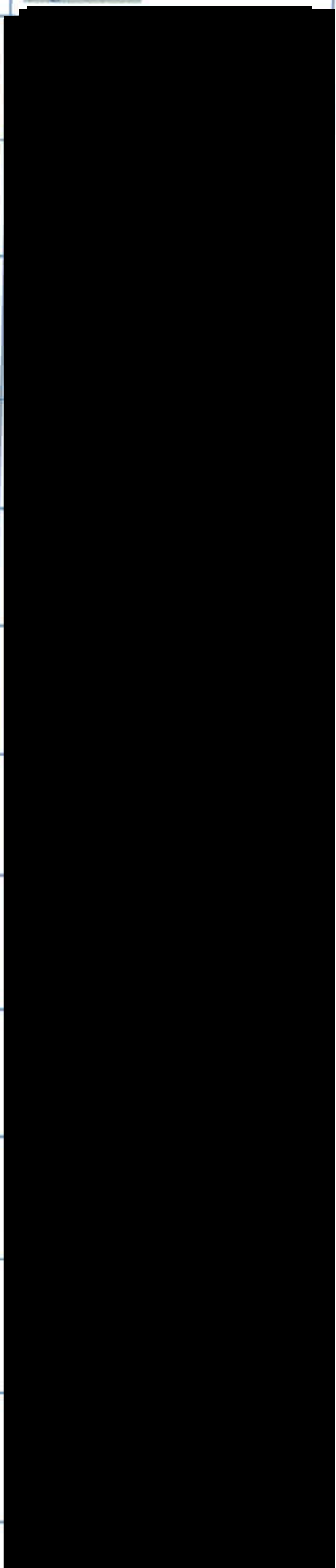
Also as per the councils guide online reference 13.0 implications of conservation status - conservation areas are not intended to stifle new development nor preserve areas as museum pieces but rather conservation areas should evolve to meet changing demands. The demand for larger properties are there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

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

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

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

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

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

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

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

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

NAME	Address	Signature
[REDACTED]	16 BRANTFELL RD. BLACKBURD. BBI 8DN.	[REDACTED]
	12 BRANTFELL RD	

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