

Public Document Pack

Planning and Highways Committee

Thursday, 17th August, 2023

6.30 pm

Meeting Room A, Blackburn Town Hall

AGENDA

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5. ENFORCEMENT – LAND ADJACENT TO 46A NEW WELLINGTON STREET BLACKBURN BB2 4HA

6. ENFORCEMENT – THE ROYAL – 13 PRESTON NEW ROAD, BLACKBURN. BB2 1AR

Date Published: Wednesday, 09 August 2023
Denise Park, Chief Executive

Agenda Item 2

PLANNING AND HIGHWAYS COMMITTEE

Thursday, 13 July 2023

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

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

RESOLUTIONS

13 **Welcome and Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Cllr Zamir Khan who was substituted by Cllr Suleman Khonat, and Cllr Matthew Jackson who was substituted by Cllr Anthony Shaw.

14 **Minutes of the Previous Meeting**

RESOLVED – That the minutes of the previous meeting held on 15th June be agreed and signed as a correct record.

15 **Declaration of Interest**

A Declaration of Interest was received from Cllr Suleman Khonat in relation to Item 5, Petition regarding Full Planning Application (Retrospective) for Rear dormer (retrospective) (amendments following planning refusal App No: 10/23/0076), and that the petitioner was his nephew.

16 **Planning Applications to be Determined**

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.

16.1 **Planning Application 22/1223**

Speaker – Mr Richard Gee (Agent)

Applicant – Mr Lee Buckley

Location and Proposed Development – Barn adjacent to Longshaw Head Farm, Crowthorn Road, Edgworth, BL7 0JX

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

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Directors Report and the additional condition recommended in the Update Report:

Additional condition -

12: Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no development of the type specified in Classes A, B, C, D, E and F of Part 1 and Class A of Part 2 of that Schedule shall be carried out unless planning permission has been granted first.

REASON: Due to the restricted nature of the site, whilst the dwelling as approved is acceptable, any further extensions or alterations normally permitted under the above provisions may in this case conflict with the interests of adjacent properties or the amenity of the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

16.2 Planning Application 23/0374

Applicant – Mr Mohammed Kais Ali

Location and Proposed Development – Land at Wainwright Way/Freckleton Street, Blackburn, BB2 2HL

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.

Decision under Town and Country Planning Acts and Regulations –

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

16.3 Planning Application 23/0412

Applicant – Mr K Baxter

Location and Proposed Development – 13 Willis Road, Blackburn, BB2 2UA

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

Decision under Town and Country Planning Acts and Regulations –

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

Abstained – Cllrs Marrow, J Slater & Baldwin

16.4 Planning Application 23/0414

Applicant – Hollins Park Limited

Location and Proposed Development – Hollins Business Park, Hollins Grove Street, Darwen, BB3 1HG

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

Decision under Town and Country Planning Acts and Regulations –

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

Additional conditions -

23. Notwithstanding the submitted details, prior to first occupation of any of the units hereby approved, a revised site plan/parking layout shall be submitted to and approved in writing by the Local Planning Authority. The revised plan shall include improved disabled parking spaces, to include 1.2m on each side of all disabled spaces. Thereafter the approved parking layout shall be installed and retained in accordance with the approved details.

REASON: To ensure acceptable parking provision for all disabled users, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2 and the BwD Parking Standard

24. The works hereby approved shall be carried out fully in accordance with the recommendations of the ECOLOGICAL SURVEY AND ASSESSMENT by ERAP (Consultant Ecologists) Ltd Reference: 2023-097, dated June 2023.

REASON: In order to minimise harm to local ecological populations, 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.

16.5 Planning Application 23/0437

Applicant – Adventure Forest Ltd

Location and Proposed Development – Witton Country Park, Pavilion Witton Country Park, Preston Old Road, Blackburn, BB2 2TP

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

Decision under Town and Country Planning Acts and Regulations –

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

16.6 Planning Application 23/0445

Applicant – Blackburn with Darwen Borough Council

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

Demolition of two-storey Shadsworth Leisure Centre.

Decision under Town and Country Planning Acts and Regulations –

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

16.7 Planning Application 23/0455

Speaker – Irfan Mulla

Applicant – Irfan Mulla

Location and Proposed Development – 6 Bargee Close, Blackburn, BB1 1BW

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

Decision under Town and Country Planning Acts and Regulations –

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

16.8 Planning Application 23/0501

Applicant – Blackburn with Darwen Borough Council

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

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

Decision under Town and Country Planning Acts and Regulations –

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

17 Petition

Cllr Khonat left the meeting due to declaring an interest in this item.

Members were informed 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) which was submitted by Mr Yasin Khonat.

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.

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. Members were 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.

Members were 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.

RESOLVED – That the petition be noted.

18 Enforcement

A report was submitted to obtain authorisation for enforcement on the land V10 Polymers, at land known formerly as Rockcliffe Works, North of Paterson Street and Mosley Street Blackburn. BB2 3SP.

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

RESOLVED – Authorisation was granted for the enforcement to be undertaken.

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 AND DEPUTY CHIEF EXECUTIVE

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: 17/08/2023

Application No	Applicant	Site Address	Ward
Application Type			

10/19/1084

GFW Ltd
C/O Agent

GFW Ltd
Waterside Distribution Centre
Waterside Park
Johnson Road
Eccleshill
BB3 3RT

West Pennine

SUPPLEMENTAL REPORT

Outline Planning Application for Outline planning application with all matters reserved except for access, for residential development of up to 95 dwellings following demolition of onsite buildings.

RECOMMENDATION: Permits

10/22/1069

The Trustees of Feniscowles And Pleasington War Memorial Recreation Ground
Livesey Branch Road
Livesey
Blackburn
BB2 5EG

Feniscowles And Pleasington War Memorial Recreation Ground
Livesey Branch Road
Livesey
Blackburn
BB2 5EG

Livesey With Pleasington

Full Planning Application for Re-development of recreation ground to include demolition of existing cub house and construction of new club house, multi use games area pitch, groundsman store, relocation of tennis courts and cricket nets, repositioned football pitch and improvements to access road and parking areas

RECOMMENDATION: Permits

10/23/0274

MR LEARY
IVORY HOUSE
64 STATION ROAD
TURTON
BL7 0HB

Land adjacent 18 Northumberland Close
Darwen
BB3 2TN

Darwen South

Reserved Matters Application for Approval of reserved matters for the appearance, landscaping, layout and scale for the erection of 3 No. dwellings pursuant to planning application 10/20/0806

RECOMMENDATION: Permits

Application No	Applicant	Site Address	Ward
Application Type			

10/23/0535

Blackburn with Darwen Borough Council
Newfield School
Old Bank Lane
Blackburn
BB1 2PW

Newfield School
Old Bank Lane
Blackburn
BB1 2PW

Audley & Queens Park
Blackburn South East

Full Planning Application (Regulation 3) for Proposed installation of a temporary classroom block within the school grounds to provide additional capacity for upto 3 years

RECOMMENDATION: Permits

10/23/0538

Divine Patisseries Ltd
Units 7 and 7A Brookhouse Business Centre
Whalley Range
Blackburn
BB1 6BB

Units 7 and 7A Brookhouse Business Centre
Whalley Range
Blackburn
BB1 6BB

Bastwell & Daisyfield

Full Planning Application for Proposed single storey side extension to replace part of previously approved decking area

RECOMMENDATION: Permits

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/19/1084

Proposed development: Outline planning application with all matters reserved except for access, for residential development of up to 95 dwellings following demolition of onsite buildings.

Site address:

GFW Ltd

Waterside Distribution Centre

Waterside Park

Johnson Road

Eccleshill

BB3 3RT

Applicant: GFW Ltd

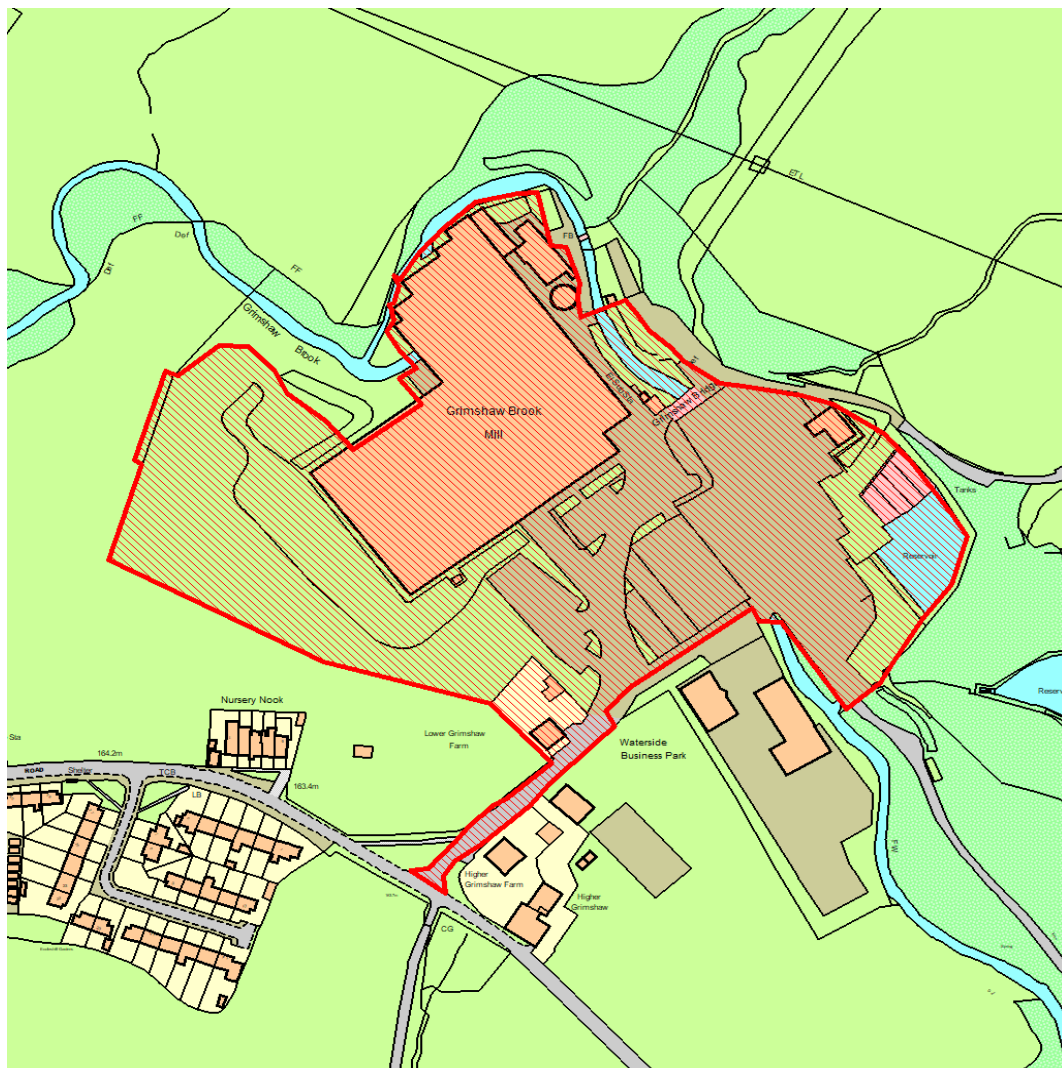
Ward: West Pennine

Councillor Jean Rigby

Councillor Julie Slater

Councillor Neil Slater

SUPPLEMENTAL REPORT



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to a Section 106 Agreement relating to the following:

- **New primary school places in East Darwen;**
- **Highway improvements works to the Darwen East Development Corridor;**
- **Sustainable transport initiatives including (but not limited to) subsidised public transport, traffic calming and improved pedestrian routes;**
- **Green Infrastructure / Public Open Space;**
- **Off-site Affordable Housing; and**

Conditions set out at paragraph 4.1.

2.0 BACKGROUND / KEY ISSUES / SUMMARY OF PLANNING BALANCE

- 2.1 This outline planning application is reported to Committee as a major application type that cannot be determined under delegated powers, in accordance with the adopted Scheme of Delegation.
- 2.2 This report supplements the original report – referenced 10/19/1084 - presented to Committee at their meeting held on 15th April 2021, at which time Members resolved to approve the application, subject to a Section 106 Agreement and conditions. In November 2022, following a delay in issuing a formal decision, due to the Section 106 Agreement not having been formally agreed / completed, the Local Planning Authority received notification that the applicant wished to challenge the S106 requirements, due to concerns that the development could not be delivered consistent with the resolution to approve, as a consequence of viability.
- 2.3 In February 2022, a Viability Assessment (VA) was submitted on behalf of the applicant. Following an audit of the VA and protracted negotiation between the Council's consultants and those acting on behalf of the applicant, full policy compliant Section 106 developer contributions has been agreed. Details are set out in the assessment below.
- 2.4 In addition to the above, Members are recommended to approve an amended condition for off-site highway works to the access at the junction of the private road leading into the site and Johnson Road and the length of the access road. Details are set out in the assessment.
- 2.5 The proposal represents an outline scheme, with access, which would deliver a housing led development appropriate to the surroundings and which would widen the choice of family homes, consistent with the Council's planning strategy for housing growth, as set out in the Core Strategy. The development would deliver housing at a site which is currently allocated for housing development under Policy 16/11 of the Local Plan Part 2. The

proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions and Legal Agreement under Section 106 of the Town and Country Planning Act 1990.

- 2.6 Full details of the application are set out in the host Committee Report (ref. 10/19/1084).

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site (the site) measures 4.9 hectares in area. It is located within the Green Belt, at Waterside Park, on the north eastern side of Johnson Road. Darwen town centre is located approximately 4km to the south west and Blackburn town centre is located approximately 6km to the north west.

3.2 Proposed Development

- 3.2.1 Outline planning permission is sought for the redevelopment of the site for residential use, as set out in the submitted drawings, supporting statement and technical reports. The proposal involves demolition of existing industrial buildings and Lower Grimshaw Farm, and erection of up to 95 no. dwellings would be erected within the site boundary. As part of the scheme, GFW Ltd. would relocate to an alternative location.
- 3.2.2 Access is applied for in full. All other matters are reserved for subsequent approval under an application for 'Reserved Matters' (RM) which would include Appearance, Landscape, Layout and Scale. Details of the access arrangements applied for in full are including on Plan 3 of the Transport Assessment (ref. PROP-04).
- 3.2.3 Notwithstanding matters reserved, an indicative site plan of 95 dwellings, highway infrastructure and open space is submitted with the application. Dwellings comprise; 45no. 2/3 bed, 39no. 4 bed and 11no. 5 bed. Based on this indicative layout, the total footprint of the proposed development is 7,585 m², at a density of 35 dwellings per hectare within the built up area and 10.4 units per hectare across the whole site. Members are reminded that the layout is indicative only and is not considered under this outline application.

3.3 Development Plan

- 3.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.3.2 The Development Plan comprises the Core Strategy and adopted Local Plan Part 2 – Site Allocations and Development Management Policies. In determining the current proposal, the following are considered to be the most relevant policies:

3.3.3 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS5 – Locations for New Housing
- CS6 – Housing Targets
- CS7 – Types of Housing
- CS8 – Affordable Housing Requirement
- CS13 – Environmental Strategy
- CS14 – The Green Belt
- CS15 – Ecological Assets
- CS16 – Form and Design of New Development
- CS18 – The Borough Landscapes
- CS19 – Green Infrastructure
- CS21 – Mitigation of Impacts / Planning Gain

3.3.4 Local Plan Part 2 (LLP2)

- 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 12 – Developer Contributions
- Policy 16/11 – Housing Land Allocations – Johnson Road
- Policy 18 – Housing Mix
- Policy 36 – Climate Change
- Policy 39 – Heritage
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape
- Policy 47 – The Effect of Development on Public Services

3.3.5 Joint Lancashire Minerals and Waste Local Plan

3.3.6 Joint Lancashire Minerals and Waste Development Plan

3.3.7 Joint Lancashire Minerals and Core Strategy (2009)

3.3.8 Site Allocations Development Management Policies Plan Part 1 (2013)

Policy M2 – Safeguarding Minerals

3.4 **Other Material Planning Considerations**

3.4.1 Residential Design Guide Supplementary Planning Document (2015)

This document provides targeted advice to ensure high quality new homes. It aims to ensure that new development reflects the individual and collective

character of areas of the Borough and promotes high standards of design. The document also seeks to ensure a good relationship between existing and proposed development in terms of protecting and enhancing amenity.

3.4.2 Green Infrastructure & Ecological Networks SPD (2015)

This document provides guidance in relation to maximising opportunities to improve existing green infrastructure and to create new green infrastructure and ecological networks.

3.4.3 Air Quality Planning Advisory Note

3.4.4 Local Plan Review

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

3.4.5 National Planning Policy Framework (The Framework) (2019)

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

Areas of The Framework especially relevant to the proposal are as follows:

- Section 2: Achieving Sustainable Development
- Section 5: Delivering a sufficient supply of homes
- Section 6: Building a strong, competitive economy
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal erosion
- Section 15: Conserving and enhancing the natural environment

3.4.6 National Planning Policy Guidance (NPPG).

3.5 Assessment

3.5.2 Principle

The principle of residential development at the site, in accordance with the development description set out above, is established by the sites housing allocation, as confirmed in the Local Plan Part 2, and Committee's resolution to grant outline planning permission, in April 2021, subject to completion of a Section 106 Agreement.

3.5.3 Audit of the applicants VA, by the Council's appointed independent consultant, has concluded that the development can be delivered with what the Local Planning Authority accept to be policy compliant Section 106 financial contributions from the developer, as mutually agreed, totalling **£1,506,900**, itemised as follows:

- £201,400 for education;
- £237,500 for highways;
- £38,000 for Public Open Space (POS); and
- £1,030,000 for off-site Affordable Housing.

3.5.4 Members are advised that the original resolution to grant outline planning permission was subject to a Section 106 Agreement for a total of £476,900, for education, highway improvements and POS, as itemised above. Affordable housing was originally agreed to be delivered on site, at a ratio of 20% of the overall total of new homes. The alternative approach of a financial contribution towards delivery of off-site Affordable Housing is mutually agreed.

3.5.5 As a further consideration, Members are recommended to agree an amendment to condition no. 25, which requires submission of details pertaining to necessary off-site highway works to the junction of the private access road leading into the development site and Johnson Road and along the length of the access road. An additional requirement is added to the condition to provide for a pedestrian footway along the length of the access road. The full suite of conditions is set out below, at paragraph 4.1(ii).

4.0 RECOMMENDATION

4.1 Approve subject to:

- (i) **Delegated authority is given to the Strategic Director of Growth & Development and Deputy Chief Executive to approve planning permission, subject to an agreement under Section 106 of the Town & Country Planning Act 1990, relating to the payment of £1,506,900; Payments are to be made prior to commencement of development:**

- £201,400 for education;
- £237,500 for highways;
- £38,000 for Public Open Space; and
- £1,030,000 for off-site Affordable Housing.

Should the Section 106 agreement not be completed within 6 months of the date of the planning application being received, the Strategic Director of Growth & Development and Deputy Chief Executive will have delegated powers to refuse the application.

- (ii) The following conditions:

1. Details of the appearance, landscaping, layout and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

REASON: Because the application is in outline only and no details have yet been furnished of the matters referred to in the Condition, these are reserved for subsequent approval by the Local Planning Authority.

2. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

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

3. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

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

4. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received (to be added)

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

5. Prior to commencement of any works at the site, an Arboricultural Method Statement, Tree Removal Plan and Tree Protection Plan shall be submitted to and agreed in writing by the Local Planning Authority. The method statement shall clearly state how the trees to be retained on site will be protected during construction works. The agreed method statement shall be implemented in full prior to the undertaking of any on site works and retained for duration of the demolition and construction works.

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

6. No development shall commence until a sustainable surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
 - (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);

- iii) locations of surface water headwalls where they might outfall into the watercourse and any other necessary drainage infrastructure within 15 - 30m of the watercourse; and
- (iv) A timetable for its implementation.

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

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

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

7. No development shall commence until full route, construction and technical specification details of de-culverting works to the watercourse running through the site (Grimshaw Brook) have been submitted to and approved in writing by the Local Planning Authority. The de-culverting works shall be carried out in strict accordance with the approved details.

REASON: To promote sustainable drainage and to ensure a safe form of development to guard against flood risk and adverse impact on ecological assets, in accordance with Policies 9 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

8. Prior to occupation of the development hereby approved, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
 - (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

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

REASON: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development, in accordance with the requirements of Policy 9 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

9. Notwithstanding the submitted Lighting Assessment, prior to occupation of the development hereby approved, a scheme detailing lighting design, specification and location for all external lighting to the highway, POS and dwellings shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate preservation of a dark / unlit corridor along high value ecological features, including Grimshaw Brook, the de-culverted watercourse and woodland / scrub edge, in order to protect otter habitat and commuting, bat commuting and foraging areas and barn owl hunting areas. The lighting scheme shall be implemented in strict accordance with the approved detail.

REASON: In order to safeguard ecological assets including Otter, Bat and Barn owl habitat, in accordance with Policies 9 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

10. The following works including 1: Demolition of buildings B4 and B2 and 2: Works to the river course and / or de-culverting, shall not in any circumstances commence unless the Local Planning Authority has been provided with either:
- a) A licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2017, authorising the specified development to go ahead;
 - Or
 - b) A statement in writing from the relevant body (Natural England) to the effect that it does not consider that the development will require a licence. In these circumstances, a Method Statement - based on the provisions of Section 4 of the Bat Survey Report (e3p, ref 80-051-R4-2 - dated October 2019) - should be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall be produced by a suitably qualified specialist and it shall demonstrate methodology preventing injury to bats (Wildlife & Countryside Act 1981).

REASON: In order to safeguard ecological assets including Otter and Bat habitat, in accordance with Policies 9 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

11. Notwithstanding the submitted details, an updated Bats and Bat Roosts Survey shall be submitted, in writing, for approval with a Reserved Matters Application:

Any recommended mitigation measures shall be carried out in strict accordance with the approved assessment.

REASON: In order to safeguard ecological assets including Otter, Bat and Barn owl habitat, in accordance with Policies 9 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

12. Notwithstanding the submitted details, prior to the commencement of development including enabling works, demolition, site clearance, the ecological measures for Otter and Barn Owl (Otter and Water Vole Survey

Report (e3p, 80-074-R4-2, dated Oct 2019) and Ecological Appraisal (e3p, ref 80-051-R1-1, dated Oct 2019)), shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and / or abundance of Otter and Barn Owl and invasive and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, the need for Natural England licences, and a timetable for their implementation, will be submitted to and approved in writing by the planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

REASON: In order to safeguard ecological assets including Otter and Barn Owl habitat, in accordance with Policies 9 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

13. Prior to the commencement of any works on site, a detailed Invasive Plant Species Survey of the site shall be carried out by a remediation / invasive species specialist. The results of this survey and any recommendations or mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Any recommended mitigation measures shall be carried out in strict accordance with the approved detail.

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

14. The development shall be implemented in strict accordance with the submitted Flood Risk Assessment prepared by Reford Consulting Engineers originally dated October 2019 and the mitigation measures identified therein.

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

15. A Demolition, Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority with a Reserved Matters application. The CEMP shall provide for the following:

- An appropriate 'stand-off' zone from the watercourse which are to be retained and to be unimpacted by the proposed de-culverting works, to safeguard Otter habitat;

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities, including a method statement outlining how the developer intends to use and manage the facility. The approved wheel wash shall be put in place at all vehicle access points onto the public highway when work commences and shall remain in operation throughout the period of development;
- measures to control the emission of dust and dirt during construction; and
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

Demolition and construction shall proceed in strict accordance with the approved detail for the duration of the works.

REASON: In order to safeguard protected habitat; to avoid the deposit of debris onto the highway, in order to protect the amenity of the occupiers of the adjacent properties and in order to protect the visual amenities of the locality, in accordance with Policies 8, 9 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

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

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

17. Prior to the occupation of the development hereby approved, a comprehensive Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and updated CSM. All the installed remediation must be retained for the duration of the approved use, and where necessary,

the Local Planning Authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

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

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

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

19. Each dwelling shall have its own dedicated electric vehicle charging point. Each charging point will have a type 2 conductor and minimum rating of 3.7kW 16A. External points will be weatherproof and have an internal switch to disconnect electrical power.

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

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

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

21. Notwithstanding the submitted details, A Residential Noise Amenity Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority with a Reserved Matters application. The Assessment shall determine likely noise impacts on the proposed development and, where appropriate, shall identify mitigation measures to alleviate those impacts. Reference should be made to the National Planning Policy Framework and Noise Policy Statement for England. The approved measures shall be implemented prior to occupation of the development and thereafter retained.

REASON: To safeguard residential amenity standards for future occupants, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

22. Notwithstanding the submitted details, a Lighting Assessment shall be submitted to and approved in writing by the Local Planning Authority with a Reserved Matters Application. The Assessment shall identify the artificial flood light intrusion and glare levels outside dwelling windows at the proposed development site. Where appropriate, the report shall recommend any light attenuation measures necessary to prevent loss of amenity at the proposed dwellings. The approved measures shall be implemented prior to occupation of the development and thereafter retained.

REASON: To safeguard residential amenity standards for future occupants, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

23. No pile driving shall occur until a programme for the monitoring of noise & vibration generated during demolition & construction work has been submitted to and approved in writing by the Local Planning Authority. The programme shall specify the measurement locations and maximum permissible noise & vibration levels at each location. The development shall be undertaken in accordance with the agreed details.

REASON: To safeguard the amenity of existing and future occupants and the area generally, in accordance with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2

24. Prior to commencement of the development hereby approved, the following shall be undertaken and submitted to the Local Planning Authority for written approval;
- An appropriate scheme of intrusive site investigations to establish the exact situation in respect of coal mining legacy on the site;
 - The submission of a report of findings arising from the intrusive site investigations; and
 - The submission of a scheme of remedial works necessary to mitigate the findings of the intrusive site investigations.

The development shall be implemented in strict accordance with approved remedial works.

REASON: To ensure the development provides for a safe environment for future occupants and users, in accordance with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2 and paragraphs 178 and 179 of the National Planning Policy Framework.

25. No development shall commence until a detailed scheme for the provision of the following off-site highway works, and a timetable of implementation, has been submitted to and approved in writing by the Local Planning Authority:
- A junction table at the access into the site, where the private access road adjoins Johnson Road;

- Provision of a pedestrian footway along the length of the access road, to connect with the proposed internal road;
- Street lighting and drainage improvements to the access road, as necessary;
- Associated signage, lining and markings to the access road, as necessary; and
- Five Bar and 'Slow' road markings either side of the table junction at to the access road.

The scheme shall be completed in strict accordance with the approved detail and within the agreed timescale.

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

26. Prior to the occupation of any of the dwellings hereby approved, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

REASON: To ensure that the estate streets serving the development are maintained to an acceptable standard in the interest of highway safety, in accordance with the requirements of Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

27. Prior to the construction of any of the streets referred to in condition 14, full engineering, drainage, street lighting and constructional details of the streets shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.

REASON: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway, in accordance with the requirements of Policies 8, 9 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

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

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

29. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. 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.

REASON: To ensure and safeguard the recording and inspection of matters of archaeological / historical importance associated with the site in accordance with Policy 39 of the Blackburn with Darwen Borough Local Plan Part 2.

30. Prior to occupation of the development hereby approved, an Affordable Housing Statement shall be submitted to and agreed in writing by the Local Planning Authority. The Statement shall secure 20% of the total number of houses as 'Affordable Homes' on site with those homes being made available to occupants for the duration of the approved development. The Statement shall also include a clause allowing for occupants to staircase up to full ownership.

REASON: To ensure the approved dwellings remain affordable in perpetuity or appropriately disposed of, in accordance with Policy CS8 of the Blackburn with a Darwen Core Strategy and Policies 12, 18 of the Blackburn with Darwen Borough Local Plan Part 2.

6.0 CONSULTATIONS

6.1 BwD Growth & Development.

No objection.

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

8.0 DATE PREPARED: 3rd August 2023.

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/22/1069

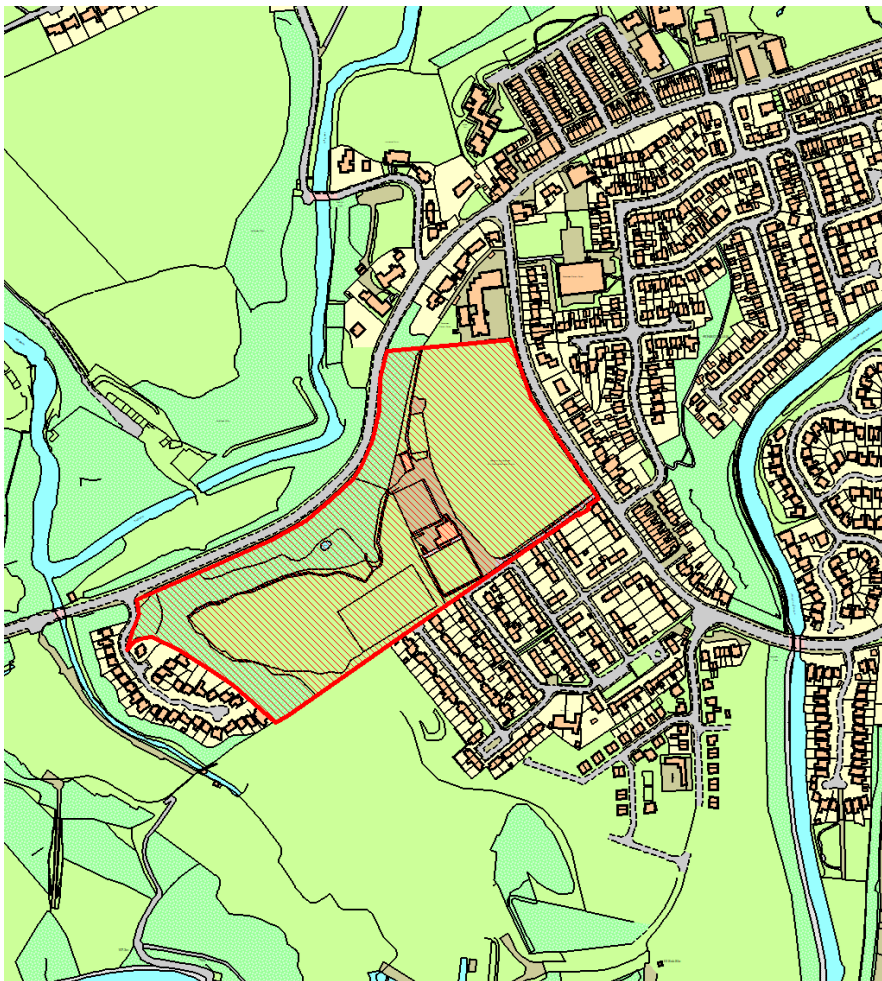
Proposed development: Full Planning Application: Re-development of recreation ground to include demolition of existing cub house and construction of new club house, multi-use games area pitch, groundsmen store, relocation of tennis courts and cricket nets, repositioned football pitch and improvements to access road and parking areas.

Site Address:

**Feniscowles And Pleasington War Memorial Recreation Ground
Livesey Branch Road
Livesey
Blackburn
BB2 5EG**

Applicant: The Trustees of Feniscowles And Pleasington War Memorial Recreation Ground

**Ward: Livesey With Pleasington Councillor Derek Hardman
 Councillor Paul Marrow
 Councillor Mark Russell**



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The application is reported to Committee on account of it being a major application type, by reason of an overall site area in excess of 1 hectare - at land not allocated for any specific purpose. This is in accordance with the Council's adopted Scheme of Delegation.
- 2.2 The proposal is in the form of a full application type. Detailed assessment finds the development to be in accordance with the Development Plan and National Planning Policy Framework (The Framework), representing a significant upgrade to the existing community facilities, which would correspond with the Council's overarching growth strategy, as set out in the Core Strategy and Local Plan Part 2. All technical issues have been addressed through the application or are capable of being controlled or mitigated through application of planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site (the site) comprises 2 hectares of land in use as a private run community sports and recreation club, known as Feniscowles and Pleasington War Memorial Recreation Ground which was founded in 1921. The club is run as a registered charity. Activities include recreational / children's play area, football, bowls, cricket and tennis. The site accommodates 10.4 acres of recreational greenspace. The existing clubhouse provides changing and storage facilities for the various sports along with a cafe and bar / private function facilities available to members and the general public.
- 3.1.2 The site holds a principle position at the urban fringe of Blackburn, within the Urban Boundary. The south western section extends beyond the Urban Boundary, into Green Belt; so defined by the Adopted Policies Map of the Local Plan Part 2.
- 3.1.3 The site is accessed from the west of Livesey Branch Road (A6062).
- 3.1.4 The site is identified below (Google Imagery – extracted from the Design & Access Statement, SPA Architects).

New Club House / Pavilion:

Ground floor –

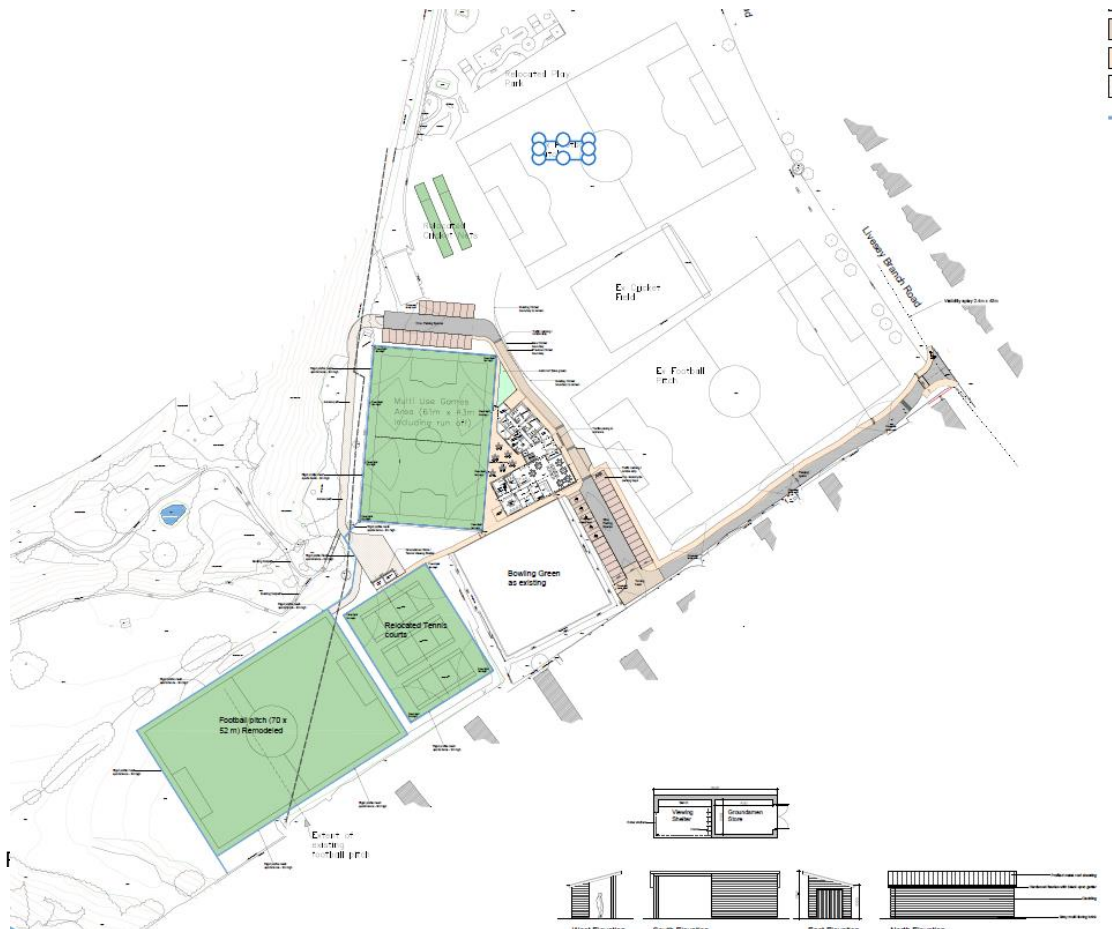
- FA compliant changing rooms;
- Referee changing rooms;
- Pavilion bar;
- Café/Kitchen/Store;
- Stairs/Lift; and
- Toilets.

First Floor –

- Gym;
- Meeting room;
- Function room with Bar; and
- Viewing balcony & toilets.

3.2.2 Externally the football / cricket pitches at the front of the site will be retained as existing.

3.2.3 Full details are set out in the submitted application form, drawings, Supporting Statements and Technical Reports. Images extracted from submitted drawings and statements are show below (SPA Architects, 2022).





Proposed Club House

3.2.4 The following table summarises the existing and proposed facilities at the site (Transport Statement, SK Transport Planning Ltd, 2022).

Facility	Existing	Proposed	Net Change
Clubhouse	374sqm	1,107sqm	643sqm
MUGA	0	1	1
Football Pitches	3	3	0
Tennis Courts	3	3	0
Bowling Green	1	1	0
Cricket Pitch	1	1	0
Play Area	1	1	0
Cricket Nets	0	1	1

3.2.5 The site has been identified to continue and become a substantial sports/community 'hub, to support new homes being constructed within a short walk from the site, together with the existing homes in the locality.

3.2.6 Re-development would be part funded by a Section 106 developer contribution of £350,000 generated by the Sappi housing development. The applicant is also seeking additional external grant funding towards the total cost of the development.

3.3 Development Plan

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

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

3.3.3 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS11 – Facilities and Services
- CS15 – Ecological Assets
- CS13 – Environmental Strategy
- CS16 – Form and Design of New Development
- CS19 – Green Infrastructure
- CS22 – Accessibility Strategy

3.3.4 Local Plan Part 2 (LLP2)

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 36 – Climate Change
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development

3.3.5 Joint Lancashire Minerals and Waste Local Plan Site Allocations and Development Management Policies Part One (2013) and Part Two (2013):

- Policy DM1: Management of Waste & Extraction of Minerals
- Policy DM2: Development Management
- Policy DM4: Energy from Waste

3.4 **Other Material Planning Considerations**

3.4.1 Local Plan Review

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

3.4.2 Review of the Joint Lancashire Minerals and Waste Local Plan – Publication Consultation Version (Regulation 19), Autumn 2018.

3.4.3 Green Infrastructure Supplementary Planning Document.

3.4.4 National Planning Policy Framework 2021 (The Framework).

Overall, The Framework aims to raise economic performance. Quality design should be secured and environmental impacts minimised.

Section 8 of The Framework is especially relevant to this proposal, as it focusses on promoting healthy and safe communities.

3.4.5 National Planning Policy Guidance (NPPG).

3.5 Assessment

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

- Principle of the development;
- Amenity impact;
- Environmental impact;
- Accessibility and transport; and
- Design and layout.

3.5.2 Principle

The site is partially located within a Mineral Safeguarding Area – ie the existing football and cricket pitches, as well as, principally, within the Urban Boundary. Given the long established use of the land for sport and recreation, as well its relationship with sensitive residential receptors, none of the site should be considered appropriate for mineral extraction. Accordingly, no conflict arises with the aims and objectives of Joint Lancashire Minerals and Waste Local Plan

3.5.3 In accordance with the Adopted Policies Map of the Local Plan Part 2 (extracted below), the site is principally located within the urban boundary of Blackburn. The south western section extends into the Green Belt. The area defined as the Recreation Ground, including the existing clubhouse and bowling green is designated as Green Infrastructure (GI).



- 3.5.4 The site lies within the defined Urban Boundary; in accordance with Core Strategy Policy CS1, and Local Plan Part 2 Policy 1, which set out the principle that the preferred location for new development will be within the urban area.
- 3.5.5 Policy CS11 and expansion in the range and quality of public services.
- 3.5.6 Policy 7 on Sustainable and Viable Development echoes the presumption in favour of sustainable development set out in The Framework. Thus, applications that accord with policies in the Local Plan will be approved without delay unless material considerations indicate otherwise.
- 3.5.7 In consideration of the area identified as GI; the Council's GI SPD quotes Natural England's definition of GI as *a strategically planned and delivered network of high quality green spaces and other environmental features. It should be designed and managed as a multifunctional resource capable of delivering a wide range of environmental and quality of life benefits for local communities. GI includes parks, open spaces, playing fields, woodlands, allotments and private gardens.* The SPD sets out the acknowledged multiple functions of GI as:
- Setting the scene for growth, creating a good quality of place and quality of life and supporting sustainable economic growth;
 - Supporting physical and mental health and well-being;
 - Providing for recreation, leisure and tourism;
 - Supporting the rural economy;
 - Helping to manage flood risk;
 - Supporting mitigation and adaptation to climate change;
 - Positively benefitting the historic environment; and
 - Enhancing the ecological network and promoting biodiversity.
- 3.5.8 Policy 9 seeks to guard against the unwarranted loss and function of GI. The policy confirms *inter alia* that development will be permitted provided it can be accommodated without the loss of the function of open space (GI).
- 3.5.9 The proposal does not involve the material loss or function of GI. The existing recreational area, comprising two football pitches and a cricket pitch, would be unaffected. The existing tennis courts would effectively give way to the proposed MUGA, and the existing Children's Play Area to the cricket nets, with the new Play Area located to the northern end of the site, adjacent to Feniscowles Primary School.
- 3.5.10 Relocated tennis courts, a small section of MUGA and a remodelled football pitch would hold a position within the Green Belt. The remodelled football pitch would replace an existing pitch, at a larger scale, extending circa 30m into undeveloped land to the south west.
- 3.5.11 Policy 3 reflects the Framework in confirming that construction of new buildings within the Green Belt is inappropriate development, subject to certain exceptions, including provision of appropriate facilities for outdoor

sport, outdoor recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

3.5.12 The replacement clubhouse is recognised as holding a position within the urban boundary, outside of the Green Belt. The relocated tennis courts, 3 in number, including a 3m high green mesh fence would be straddled by the existing bowling green to the east and the remodelled football pitch to the west. They would be read entirely in context with the wider sporting / recreation facility and would be partially screened from mid to long range views in from the public realm to the east (Livesey Branch Road) by a well-established hedgerow which bounds the bowling green, by housing to the south and by the general topography to the west, which galls away from the site, terminating in a woodland embankment adjacent to Preston Old Road. The remodelled football pitch would not be enclosed and would hold a position broadly consistent with the existing pitch, save for an increase in length extending into land to west. The proposal is, therefore, found to be appropriate development within the Green Belt, which would preserve its openness.

3.5.13 Accordingly, the principle of the development is found to be acceptable, in accordance with the requirements of the Development Plan and The Framework's presumption in favour of sustainable development, which should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified; subject to assessment of the following matters:

3.5.14 Amenity

Policy 8 requires development to contribute positively to the overall physical, social, environmental and economic character of the area. It is also required to secure a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking, and the relationship between buildings.

3.5.15 Relationship between buildings / Privacy/ Outlook:

The proposed replacement clubhouse would occupy a portion of the footprint of the existing clubhouse, whilst extending beyond into land to the north. It would be positioned no closer to houses to the south, maintaining a minimum separation of circa 56m. The relocated enclosed tennis courts would be positioned circa 11.5m from the end of the nearest house. An established hedgerow, circa 2.5m in height, defines the boundary of the housing estate and the site, guarding against privacy loss. The relocated football pitch would be circa 80 from the nearest houses on Tintagel Close, to the south west. Contrary to public objection received, the pitch would not be enclosed by fencing. Accordingly, a mutually acceptable relationship between the development and neighbouring uses would be secured.

3.5.16 Noise / residential amenity impact:

A Noise Assessment has been submitted with the application and reviewed by the Council's Public Protection consultee. No significant adverse impacts are

found to arise from the proposal, subject to the following recommended (summary) conditions:

- Submission of a soundproofing scheme for the Clubhouse;
- Hours of use restriction for the Clubhouse;
- Hours of use restriction for the MUGA, relocated tennis courts and relocated football pitch, of:
 - MUGA and tennis courts - 09:00 – 21:00hrs
 - Football pitch - 09:00 - 18:00hrs;
- Submission of a floodlighting scheme;
- Watching brief for unexpected ground contamination;
- Limited hours of demolition and construction:
 - Monday to Friday 08:00 - 18:00 hours
 - Saturday 09:00 - 13:00 hours
 - None on Sundays and Bank Holidays;
- Submission of a Demolition, Construction and Environmental Management Plan;
- Submission of a monitoring of noise & vibration scheme, if pile driving or similar is required; and
- Submission of a scheme for electric vehicle charging points.

3.5.17 Members are advised that no hours of use restriction currently applies to the Clubhouse. Applying a restriction to the new Clubhouse is, therefore, considered to be unreasonable. It should be recognised that complaints alleging nuisance can be addressed under statutory powers under the Environmental Protection Act 1990.

3.5.18 The applicant has confirmed a desire to utilise the MUGA and tennis courts between 08:00hrs and 22:00hrs and the football pitch between 08:00hrs and 20:00hrs. Members are advised that the tennis courts currently operate with unrestricted hours, although they are currently sited further away from houses (to the south). It is considered that no significant adverse noise impacts would arise from tennis, notwithstanding that the courts would be located closer to the houses. The aforementioned 2.5m boundary hedge would provide some acoustic qualities. The MUGA would be sited circa 55m from the nearest house. The remodelled football pitch would hold a position broadly the same as the existing pitch, save for the aforementioned increase in length and it would not be flood lit, meaning that it could only be used seasonally, in the spring and summer months, until 20:00. Moreover, the existing pitch currently operates without an hour's restriction. Taking these circumstances into account, it is considered that the additional hours of operation are justified. Members are, therefore, recommended to consider imposing an hour's condition in exceedance of those recommended by Public Protection, for the MUGA, tennis courts and football pitch.

3.5.19 Light pollution:

A lighting scheme has been submitted with the application, to guard against harmful light spillage towards nearby houses arising from flood lighting to the

MUGA, tennis courts and street lighting to the private access road. The scheme has been appropriately designed and its implementation, secured via condition, would mitigate the threat of light pollution.

3.5.20 Accordingly, it is found that satisfactory levels of amenity and safety would be secured for existing and future residents. The development is also considered to contribute positively to the overall physical, social, environmental and economic character of the area, in accordance with the requirements of Policy 8 and The Framework.

3.5.21 Environment

Policies 9 and 40 requires that development will not have an unacceptable impact on environmental assets or interests, including but limited to climate change (including flood risk), green infrastructure, habitats, species, water quality and resources, trees and the efficient use of land; and for ecological networks to be integrated.

3.5.22 Drainage / Flood Risk:

The site is located with Flood Zone 1 (low risk of flooding). A Preliminary Drainage Strategy (PDS) has been submitted with the application. The Council's Drainage consultee, as Lead Local Flood Authority, offers no objection subject to submission of a foul and surface water drainage strategy, notwithstanding submission of the PDS.

3.5.23 United Utilities (UU) offer an objection pending submission of additional information pertaining to asset protection; specifically due to the proximity of the development to a rising main. Although the PDS appears to include some of the requested detail, it is not clear if UU has reviewed the information, as their response refers only to review of the proposed site layout. An alternative approach is, however, offered (by UU), in the absence of such information prior to determination, by way of securing asset protection / diversion details via condition. Notwithstanding the above, the applicant has confirmed communication between UU, was undertaken prior to the submission of the application, and that a 3m easement from the rising main would be required, to ensure no building or engineering works therein. The scheme has been designed accordingly, as indicated on the submitted site plan, which shows the route of the rising main, in accordance with UU's Map of Public Sewers extract (28/10/2021), a minimum 3m distance from the MUGA and relocated tennis courts. Under the circumstances, Members are advised that application of the asset protection condition, would be unnecessary and unreasonable.

3.5.24 Notwithstanding the submitted PDS, UU also recommend submission of a Drainage Strategy and a Management and Maintenance Strategy, via condition.

3.5.25 Bats:

A Preliminary Ecological Appraisal and Bat Roost Survey has been submitted with the application which identifies the potential for bat roosts in the existing Clubhouse which is due to be demolished. Accordingly, a Bat Emergence

Survey Report has been subsequently submitted which found the building to be utilised by low numbers of pipistrelle bats (maximum of two during surveys). The surveys have been reviewed by the Council's Ecology consultee who is satisfied that the conservation status of the bats can be maintained through suitable mitigation measures and that a license, as necessary, will be issued by Natural England (NE). The LPA must, therefore, be provided with evidence that a license has been granted or confirmation from NE that a license is not required. Such measures should be secured via condition.

3.5.26 An Oak Tree identified as T1 in the ecology report and T25 in the Arboricultural Impact Assessment (AIA) also submitted has been assessed as requiring further survey work if it needs to be removed, due to the presence of bat boxes. The tree is, however, currently confirmed as being retained. In the event of the tree having to be removed, submission of a further Bat Survey is required, prior to its removal. The survey should be secured via condition.

3.5.27 Great Crested Newts:

Survey work identified a pond in proximity to the site, to the north west. No evidence of Great Crested Newts was recorded.

3.5.28 Nesting Birds:

A condition to ensure no works to trees or shrubs during the bird nesting season (March to August inc), should be secured via condition.

3.5.29 Mammals and Amphibians:

Survey work established high value habitat to the north of the site and consequential high potential for foraging across the site. Reasonable Avoidance Measures should, therefore, be incorporated into the DCEMP condition, to guard against harm arising during demolition and construction activities.

3.5.30 Biological Heritage Site (BHS):

Part of the development falls within a BHS. Although it is accepted that parts of this BHS have been compromised by the existing football pitch to the rear of the bowling green, the increased length of the pitch proposed will result in further encroachment into the BHS. The ecology survey does, however, establish that grassland now fails to meet BHS standards with management having ceased. No objection is, therefore, offered against further encroachment into the BHS.

3.5.31 Contributing to and Enhancing the Natural Environment:

A Biodiversity Enhancement Plan should be secured via condition, in order to secure a proportionate net gain in biodiversity.

3.5.32 Trees:

An AIA and updated AIA has been submitted with the application and reviewed by the Council's Arboriculture consultee. The proposal involves removal of 2 trees and 1 hedge. No objection is offered to their removal, in

recognition of the nominal impact arising on visual amenity, when considered in context.

3.5.33 Protection of retained trees during demolition and construction, as well as submission of a landscaping / tree / shrub planting scheme, to mitigate against loss and provide for enhanced biodiversity should be secured via conditions. Construction materials and methods for the track proposed adjacent to the woodland, to the west of the site, and any necessary associated tree pruning is also recommended. Works to form the track are, however, not considered to amount to development requiring planning permission. Accordingly, Members are advised that this condition is not necessary.

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

3.5.35 Highways / Access and Transport

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

3.5.36 A Transport Statement (TS) has been submitted with the application and reviewed by the Council's Highways consultee. No objection is offered.

3.5.37 The TS confirms that the existing access arrangements from Livesey Branch Road would be improved with provision of a formal kerbed bell-mouth and increased width of 4.5m at the entrance with 2m footways on both sides. Internally, the access road reverts to single width but would be widened, and include a continuous 2m footway along the north side. Street lighting would also be introduced to the access road. These proposals represent a significant improvement to the current circumstances, as measures that would adequately provide for any nominal increase in trip generation / vehicle movements, as modelled using trip data from the Trip Rate Information Computer System (TRICS) and a football pitch survey. The assessment shows that the proposal would not result in a significant change in traffic when compared to the existing situation, to the extent that it would be prejudicial to highway safety and efficiency.

3.5.38 Existing parking is not formalised. Proposed parking areas will be formalised as part of the proposal to provide marked spaces to allow better control of parking locations and site safety. A total of 47 parking spaces (including five disabled parking spaces) would be provided, dimensions of which broadly accord with the Council's adopted standards. Two motorcycle parking spaces are also proposed. Although current parking capacity is undefined, it is clear that the proposal includes a significant increase in parking within the site, sufficient for maximum forecasted demand, taking account of daytime, evening time and seasonal use of pitches, cricket nets, tennis courts and the bowling green. Use of the Clubhouse and function

facilities at capacity, would generally be outside of hours when the outdoor facilities would be in maximum use, and users would, to a significant extent, travel by non-private modes of transport, thereby limiting parking demand. The sites accessibility by walking and cycling, due to its location in relation to the community it serves, and the availability of a bus route along Livesey Branch Road, should be acknowledged in support of the application in the context of accessibility and transportation.

3.5.39 No significant change in arrangements for servicing, such as refuse collection, and deliveries associated with the Clubhouse would arise from the proposal. Vehicle movements in this regard would be during off-peak hours and would not conflict with times when trip generation would be at its highest.

3.5.40 Adherence to the aforementioned DCEMP, which would include measures to control deposits of debris onto the public highway, would guard against any significant highway impacts arising during demolition and construction.

3.5.41 The proposed modifications to existing infrastructure at the site is considered to provide an overall betterment when compared to the existing situation. Therefore, in accordance with the Frameworks direction at paragraph 111, the proposal should not be refused on highway grounds:

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

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

3.5.43 Design / Character and Appearance

Policy 11 requires a good standard of design which will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area. This includes enhancing and reinforcing the established character of a locality.

3.5.44 A Design and Access Statement is submitted with application. This sets out key design principles of the development, following analysis of the surroundings.

3.5.45 The centre piece of the development would be the new Clubhouse, which would hold a position broadly corresponding with the existing but at a larger scale. The building would appear as a modern statement piece, designed to connect with the external space; principally the new MUGA and the existing cricket and football pitches to the front of the building. The ground level elevations would consist of blue / grey facing brick to both reflect the existing materials used on the site, to provide a robust and minimal aesthetic. The first floor elevations consist of vertical cedar cladding, profiled metal cladding and powder coated steel cladding creating a visual contrast to the brick below and

helping to soften the building. The Northern side of the upper level provides a multi-purpose function and dining room with a bar and food preparation Kitchen. The function room opens out to a semi covered external terrace which would provide excellent, elevated views towards the Cricket, football and MUGA pitches. The scale and materials of the building would complement and enhance the local area, and the style would be an appropriate response to the sport and recreation club setting, representing a significant improvement on the existing building. Details are extracted below, from the Design and Access Statement (SPA Architects, 2022).



3.5.46 External walling and roofing material shall be secured via condition.

3.5.47 The design of the MUGA and tennis courts is typical for the setting, including the mesh fence enclosure proposed for each, which would be powder coated in green, as extracted below (SPA Architects, 2022). Flood lighting columns would also be in green. Both should be secured via condition.



3.5.48 The cricket nets would feature a matted all weather surface enclosed by mesh netting similar to that shown below (SPA Architects, 2023):



3.5.49 Full design details of the relocated Children's Play Area are not currently available. Details should, therefore, be secured via condition.

3.5.50 Cross section and engineering details indicating existing and proposed ground levels should be secured via condition for the area into which the remodelled football pitch would extend, due to the sloping nature of site at this point.

3.5.51 Overall, the design of the development is found to be in accordance with the requirements of Policy 11 and The Framework.

3.5.52 Summary

This report assesses the full planning application for the re-development of the Sports and Recreation Ground to include demolition of existing cub house and construction of new club house, multi-use games area pitch, groundsmen store, relocation of tennis courts and cricket nets, repositioned football pitch and improvements to access road and parking areas. In considering the proposal, a wide range of material considerations have been proportionately

taken into account. The assessment demonstrates that the planning decision must be made in the context of assessing the merits of the proposal balanced against any potential harm that may arise from its implementation. This report finds that the proposal meets the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, Supplementary Planning Documents and the National Planning Policy Framework.

4 RECOMMENDATION

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

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

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

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the application received 22nd February 2023 and with the following drawings / plans / information: *(to be added)*.

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

3. Prior to commencement of the development hereby approved, a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include the timing and precise details of the amount of development to be implemented within each Phase of the overall development. The development shall only be implemented in accordance with the approved Phasing Plan.

REASON: To ensure the satisfactory phasing of the development and to ensure that the development is delivered in a coordinated and planned way, in accordance with Policies 8, 9 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

4. Prior to commencement of the Phase of the development confirming erection of the Clubhouse building hereby approved, as required by condition no. 3, and notwithstanding the submitted details, written and illustrative details, including colours and textures, of the external walling, roofing and window materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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

5. The mesh fencing and the floodlighting columns hereby approved for the MUGA and relocated tennis courts, shall be powder coated in RAL 6005 – ‘Moss Green’ or similar.

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

6. Prior to commencement of the Phase of the development confirming erection of the Clubhouse building hereby approved, as required by condition no. 3, a Sound Proofing Scheme for the building shall be submitted to and approved in writing by the local Planning Authority. The development phase shall be implemented in accordance with the approved sound proofing measures prior to its operational use.

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

7. The development hereby approved shall be restricted to the following hours of use:

- MUGA and relocated tennis courts: 08:00hrs and 22:00hrs; and
- Remodelled football pitch: 08:00hrs and 20:00hrs.

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

8. The floodlighting hereby approved for the MUGA and relocated tennis courts, shall be implemented in strict accordance with the design / mitigation measures specified in the submitted Lighting Design Specifications for each, produced by Lumenata, dated 18/11/2022. The approved design / mitigation shall be retained for the duration of the operational use of the MUGA and tennis courts.

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

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

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

10. The demolition and construction of the development hereby permitted shall only take place between the following hours:

Monday to Friday: 08:00 to 18:00
Saturday: 09:00 to 13:00
Sundays or Bank Holidays: No site operations

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

11. Prior to commencement of any Phase of the development hereby approved, a Demolition Construction and Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority. The DCEMP shall provide for the following:

- A plan showing the areas of storage for all materials associated with construction;
- Demolition and site clearance methodology;
- The parking of vehicles of site operatives and visitors;
- An area(s) for loading and unloading of plant and materials;
- An area for the storage of plant and materials used in constructing the development;
- Wheel washing facilities, including a method statement outlining how the developer intends to use and manage the facility. The approved wheel wash shall be put in place at all vehicle access points onto the public highway when work commences and shall remain in operation throughout the period of development;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling / disposing of waste resulting from demolition and construction works;
- Precautionary / reasonable working avoidance measures during demolition and construction, for badgers and other mammals;
- Use of protective fences, exclusion barriers and warning signs, as may be necessary.

Demolition and construction shall proceed in strict accordance with the approved DCEMP measures for the duration of those works.

REASON: In order to safeguard protected habitat; to avoid the deposit of debris into watercourses; and onto the highway, and in order to protect local amenity generally, in accordance with Policies 8, 9 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

12. Prior to commencement of the Phase of the development confirming erection of the Clubhouse building hereby approved, as required by condition no. 3, foundation methodology shall be established. Should construction works involve piled foundations vibro compaction, prior to the commencement of those works, a programme for the monitoring of noise & vibration generated during construction shall be submitted to and approved by the Local Planning Authority. The programme shall specify the measurement locations and maximum permissible noise & vibration levels at each location. At each location, noise & vibration levels shall not

exceed the specified levels in the approved programme unless otherwise approved in writing by the Planning Authority or in an emergency.

REASON: To minimise noise and / or vibration disturbance at adjacent residential premises, in the interest of ensuring acceptable levels of amenity; in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

13. Prior to commencement of the Phase of the development confirming implementation of the car parking hereby approved, as required by condition no. 3, a scheme for the provision of electric vehicle charging points shall be submitted to and agreed in writing by the Local Planning Authority. The development phase shall be implemented in accordance with the approved details prior to its operational use.

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

14. Demolition of the Clubhouse building shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

a) A licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2017, authorising the specified development to go ahead;

Or

b) a statement in writing from the relevant licensing body or LPA to the effect that it does not consider that the specified development will require a license.

REASON: In order to safeguard ecological assets including Bat habitat, in accordance with Policies 9 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

15. In the event that the Oak Tree identified as T1 in the Preliminary Ecological Report and T25 in the Arboricultural Impact Assessment needs to be felled, an updated Bat Survey shall be submitted to and approved in writing by the Local Planning Authority prior to felling. Any identified mitigation / avoidance measures shall be implemented in accordance with the approved details.

REASON: In order to safeguard Bat habitat, as the tree hosts bat boxes, in accordance with Policies 9 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

16. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance

and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.

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

17. Prior to commencement of any Phase of the development hereby approved, and notwithstanding the submitted details, a Biodiversity Enhancement Strategy for the site shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include but not be limited to a mixed native hedgerow along the western boundary of the site adjacent to the woodland. The Strategy shall include a timetable of implementation.

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

18. Retained trees within and adjacent to the site shall be protected in accordance BS 5837 for the duration of demolition, construction and engineering operations.

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

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

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

(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 Policy 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

20. Prior to commencement of the Phase of the development confirming implementation of the remodelled football pitch hereby approved, as required by condition no. 3, cross section details indicating existing and proposed land levels, as well as full engineering details of proposed land retention to the south western edge of the football pitch, shall be submitted to and approved in writing. The development phase shall be implemented in strict accordance with the approved details prior to its operational use.

REASON: In order to ensure a safe and a visually acceptable form development, in accordance with Policies 8 and 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

21. Prior to commencement of the Phase of the development confirming implementation of the repositioned Children's Play Area hereby approved, as required by condition no. 3, full design details shall be submitted to and approved in writing by the Local Planning Authority. The development phase shall be implemented in strict accordance with the approved details prior to its operational use.

REASON: In order to ensure a safe and a visually acceptable form development, in accordance with Policy 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

22. Prior to commencement of the Phase of the development confirming implementation of improvements to the access and access road, as required by condition no. 3, full construction and engineering details, including details of how the access arrangements shall interact with the neighbouring dwelling at 815 Livesey Branch Road, shall be submitted to and approved in writing by the Local Planning Authority. The development phase shall be implemented in accordance with the approved details prior to its operational use.

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

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

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

5 PLANNING HISTORY

5.1 No relevant Planning history.

6 CONSULTATIONS

6.1 BwD Public Protection

Planning Application No: 10-22-1069

Address: Feniscowles And Pleasington War Memorial Recreation Ground, Livesey Branch Road, Blackburn

Description: Re-development of recreation ground to include demolition of existing cub house and construction of new club house, multi use games area pitch, groundsmen store, relocation of tennis courts and cricket nets, repositioned football pitch and improvements to access road and parking areas.

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

Condition – New Club House Sound Proofing

A sound proofing scheme shall be agreed in writing with the local planning authority (LPA) for the new club house building. The approved scheme shall be implemented prior to commencement of the new club house use. All sound proofing measures shall be retained for the duration of this use.

Reason: To prevent loss of noise amenity at noise sensitive premises.

Informative: The developer should have regard to BS 8233: 'Sound Insulation & noise reduction for buildings – Code of Practice', in order to minimise the transmission of noise from the new club house.

Comment – Hours of Use Restriction for New Club House

The new club house hours of use should be restricted in accordance with any existing hours of use restriction to prevent additional late night disturbances arising from entertainment events & customer noise.

Condition – Hours of Use Restriction for new MUGA & relocated football pitch/tennis courts

The hours of uses hereby permitted shall be limited as follows:

- Football Pitch: shall operate between the hours of 09:00 - 18:00hrs.
- Tennis Courts and MUGA: shall operate between the hours of 09:00 – 21:00hrs.

Reason: To prevent loss of noise amenity at noise sensitive premises.

Condition – Floodlighting

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

Reason

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

Informative:

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

<https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2020/>

NB: The proposed development is within an E2: Low district brightness area.

Condition - Unforeseen Ground Contamination

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

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

INFORMATIVE:

- All reports shall be prepared in accordance with BS10175:2011 (as amended), CLR 11 and any other relevant, appropriate and authoritative publications.
- The Local Planning Authority will not accept any liability for remediation works.
- The responsibility for the safe development and occupancy of the site, at all times, rests with the developer.
- Failure to comply with above condition may result in enforcement action being taken by the Local Authority under the Environmental Protection Act 1990.

- You are strongly advised to contact the Environmental Protection Team of the Public Protection Service to discuss the requirements of the Contaminated Land Condition (Karen Huddart tel: 01254 267632 or David Johnson tel: 01254 267631).
- The guidance documents entitled ‘**Contaminated Land Planning Guidance**’ & ‘**Validation Policy Document**’ should be read before you investigate the site. This guidance is available on the Council web site. These hyperlinks will give you direct access :

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

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

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

NOTES FOR PLANNING

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

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

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

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

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

Condition – Air Quality (Small Development)

Prior to commencement of the development hereby approved, a scheme for the provision of charging points for low emissions vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to commencement of the proposed use and retained thereafter. Reason: In accordance with Policy 36 of the Blackburn with Darwen Borough Local Plan Part 2 and Paragraph 110 of the National Planning Policy Framework 2019, which

states that developments should be designed to enable charging plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. This condition implements the requirements of Council's Air Quality PAN and the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality. These are readily achievable mitigation measures that reflect current good practice and help to reduce the cumulative impact of current and future developments.

Construction Phase Control Conditions

Condition – Hours of Site Works

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

Monday to Friday 08:00 – 18:00 hours

Saturday 09:00 - 13:00 hours

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

Reason

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

Noise & Vibration Control

Condition

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

Reason

To minimise noise/vibration disturbance at adjacent residential premises.

Floodlighting Control (Construction Phase)

Condition

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.

Informative:

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

<https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2020/>

NB: The proposed development is within an E2: Low District Brightness Area.

Informative - Construction/Demolition Noise

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

Informative – Asbestos Control

The application site demolition works must not cause a public health risk arising from any asbestos containing materials at the site. Full compliance with the Control of Asbestos Regulations 2012 and British Standard (BS) 6187: 'Code of practice for full and partial demolition' is essential.

6.2 BwD Drainage (as Lead Local Flood Authority)

LLFA Position:

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

Condition 1:

No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- i) Separate systems for the disposal of foul and surface water;
- ii) Details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, including provisions to ensure that the post-development discharge rate does not exceed the pre-development rate (incorporating a climate change allowance of 40%);
- iii) Details of any necessary flow attenuation measures, including the use of SUDS where appropriate;
- iv) Details of how the scheme will be maintained and managed after completion; and
- v) A timetable for implementation, including details of any phased delivery.
- The duly approved scheme shall be implemented before above groundworks are commenced, or within any other timescale first agreed in writing with the Local Planning Authority.

Reason:

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

6.3 BwD Arboriculture Officer

Received – 16/12/2022

Proposal: Re-development of recreation ground to include demolition of existing cub house and construction of new club house, multi-use games area pitch, groundsman store, relocation of tennis courts and cricket nets, repositioned football pitch and improvements to access road and parking Areas.

Location: Feniscowles And Pleasington War Memorial Recreation Ground, Livesey Branch Road, Livesey, Blackburn, BB2 5EG

Designations:

TPO. Old. 80. W1 Preston Old Road,

Policy 9. Development and the Environment.

Assessment:

I have inspected the site and considered the AIA and potential impacts on trees to the north and west, subject to the above TPO.

The following is taken from the executive summary of the AIA

The proposed track to the west side of the multi-use pitch will encroach into the edge of the woodland and some root protection areas (RPA).

*The development of the site will involve the remodelling of the site entrance, community sports hub, car parking and football pitch. With the construction of new multi-use games area, tennis courts and cricket nets which **will require the removal of 2 existing trees and 1 hedge**. In the absence of suitable controls, also has the potential to have an indirect impact on a number of the trees proposed for retention. Mitigation for the impact of the development can be provided in the form of the following: • The erection of protective fencing in advance of the commencement of the development to safeguard the root systems of retained trees; and • The use of geotextiles and a 'no-dig' construction methodology where proposed hard surfaces overlap with root protection area; and • Arboricultural site supervision where works are proposed within and immediately adjacent root protection areas. Compensation for the impact of the development, together with landscape and biodiversity enhancements can be achieved by way of the following: • The planting of trees, shrubs and where applicable hedges as part of a comprehensive landscape scheme to replace any vegetation lost and to integrate the development into the wider landscape; and • The use of a mixture of native and ornamental species within planting schemes, where those species are suited to the site and local landscape.*

T1 Ash and other vegetation consisting of an informal hedge would be removed to facilitate the proposed layout.

The AIA section 6.0 Tree Protection, includes the following - *preliminary recommendations for the physical protection of retained trees throughout the construction phase.*

Tree protection detailed in the AIA appears suitable for the construction.

Conclusions:

The proposals require minor tree and hedge loss and which would not lead to any notable loss of amenity.

The proposals would benefit from some tree and shrub planting along the woodland edge. This would create enclosure and improve woodland biodiversity.

Native understory planting, such as Holly, Hazel, Hawthorn and Rowan would be suitable.

Section 7.0 in the AIA states the following -

7.2 On the basis of the above and the contents of this report, we do not consider the production of an Arboricultural Method Statement necessary at this stage. The erection of tree protection fencing in advance of the commencement of the development, ensuring it is retained in-situ throughout the entire construction phase, with works carried out carefully within the influencing distance of retained trees, should ensure no particular adverse impact on retained trees from the proposed development.

A separate tree protection condition would be more appropriate and which may be based upon or replicate the tree protection details included in the AIA as appropriate.

Recommendations:

The following conditions would be appropriate with any approval of the application.

- A condition for construction materials and methods for the track on the edge of the woodland. Including a schedule of pruning
- A landscape condition for a mixed native hedgerow along the boundary of the woodland.
- A condition for tree protection, to include, location, type of fencing.

David Thornber
Arboricultural Officer.

Received 2/06/2023
Assessment:

The following additional information has been added to the amended AIA in 8.0 Conclusions & Recommendations

'An additional area of woodland was assessed in January 2023 and had been added to the tree survey drawing P.1652.22.01B Tree Survey.

Findings of the assessment of trees within this area along with work recommendations and timings can be found in Appendix 1 of this report.

It is important to note that the trees within this area were sight plotted as no topographical plan of this area was provided. Therefore, locations are approximate. In addition to this the detailed close-up inspection of some trees was not possible due to health and safety risks associated with the very steep terrain beside a main road.

Subsequent surveys of this area should be undertaken following the precise plotting of tree locations on a topographical plan and risk assessed tethered working methods to allow the close inspection of those trees located on the steeper sections of the slope'.

The proposed new multi-purpose games and access path is located adjacent to the main body of woodland. Several adjacent are plotted recorded and tree protection and special surface measures applied as per the AIA. It appears these trees are accurately plotted as these were assessable, unlike trees in the steep woodland slope.

It appears the amended document is referring to trees in the main body of the woodland with steep terrain to enable an accurate safety survey to take place as required.

It would be prudent to survey trees within the vicinity of the proposed access track in the interests of safety, particularly to the north end of the proposed access path, which is in the vicinity of AG1. This could potentially lead to some trees works including removal if trees are deemed not to be acceptably safe.

I have re-visited the site and I do not consider this could potentially lead to any notable loss of tree cover which could impact on the visual amenity of the area.

Conclusions:

It would be desirable not to encroach close to mature woodland, however I do not consider the proposed layout would be detrimental to the woodland amenity. Further to this new planting on the periphery, as suggested in my previous response, can mitigate against potential impacts and provide screening and a buffer to the woodland.

6.4 BwD Highways

The application seeks consent for Re-development of recreation ground to include demolition of existing club house and construction of new club house, multi-use games area pitch, groundsmen store, relocation of tennis courts and cricket nets, repositioned football pitch and improvements to access road and parking areas.

Parking

The scheme received proposes an increase to the parking provision currently provided. The total number of spaces when measured against the adopted parking standards, would concur with the figures as set out in the Transport Statement, albeit the use classes used to assess the parking requirement would differ to those that the highway authority would reference.

The assessment for increase parking in association with pitch areas amounts to a total of 34 spaces (based on 12 spaces per hectare), the increase in floorarea for the function room, which results in an additional 643sqm would generate an additional allowance of 24 spaces. This would bring the cumulative figure to 58. 47 Parking spaces have been provided (this includes 5 disabled spaces), this is deemed acceptable in light of the sustainability of the site from other modes of transport (walking, cycling, public transport).

Provision has been made available for ptw parking, this is accepted, there is however no provision for cycling parking, please request details to be provided (or condition accordingly) this should be sited near the entrance of the function room, covered and secure.

Access

There is an existing vehicular access from Livesey Branch Road into the site. It is recognised that the access apron is in a dilapidated state, this together with the potential of increased movement, the applicant has provided a site access details to reconfigure this entrance to a radius fully formed bellmouth entrance.

This is acceptable, however there is the matter of how the access to No, 815 Livesey Branch Road will be set out. The current access is shared with the access to Feniscliffe Recreational Ground.

The Access Road is quite narrow, this is proposed to be widened, incorporating passing places, and an introduction of a footway on one side. These improvements are welcomed, however we would request details of the site access and road are provided for approval, this includes details on how the existing pedestrian access from Princess Gardens would link into the access road.

I would request a condition is attached for both the site access and access road, details are to be submitted for approval.

Servicing

A swept path drawing has been provided, showing a 3 axle refuse vehicle travelling into, turning and leaving the site. The vehicle tracking shows the vehicle would require the full width of the access road. We would expect this vehicle to visit the site once or twice a week and therefore the impact will be minimal.

There are however no details appertaining to service vehicles/deliveries associated with the Function room to the site, or any demonstration of their route in and out of the site. This should be provided. On review of the plans we expect there to be a

tuning space to aid service vehicles turning near the end of the 21 spaces car park, please request consideration of this.

No details on the frequency of movement have been offered.

All of the above with regards to servicing, should be received for formal review.

Transport Statement

This has been reviewed, the trips associated with the proposal do not represent a harmful impact upon the network. The peak trip movements are primarily in the evenings and weekends and would not adversely affect the highway. The many uses within the site which would need to be managed by the facility to ensure the car parking in association with the different uses is co-ordinated to ensure Livesey Branch Road is not impacted upon by the visitors.

To conclude, in principle would have no objections, subject to the above matters being satisfactorily addressed/conditioned?

OTHER

Standard matters applicable to all applications, please consider:

- Construction method statement is to be received for approval, please condition.
- new and renewed footways surrounding the site, all costs to be Borne entirely by the developer
- street furniture affected by development should be removed and relocated where necessary at location to be agreed by highways officer - all costs to be borne by the developer

Please note: Prior to the commencement of any works that affect or adjoin the adopted highway – contact is to be made with the local highway authority.

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

Saf Alam – 3rd August 2023

6.5 GMEU Ecology

Received – 2/12/2022:

Thank you for consulting the GMEU

Summary

Further bat and great crested newt surveys are recommended prior to determination. The development will also result in further damage to a Biological Heritage Site. Ecological mitigation should be provided.

Bats

A valid bat report has been provided. This found evidence of bats in the main clubhouse and assessed the score board building as moderate risk. Further emergence surveys have been recommended. These do not appear to have been

provided but given the assessment was last April may have occurred during the last survey season.

Without this information we cannot determine the importance of the confirmed roost therefore we are unable to make an informed decision on what level of mitigation may be required in order to safeguard the conservation status of the bats and whether or not such mitigation is feasible. We also have insufficient information on the moderate risk building as current guidance states it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision (UK Government Guidance within the ODPM Government Circular 06/2005)

Therefore prior to determination further survey information should be provided. I therefore recommend that building 1 is regarded as high risk and subject to three dawn and or dusk surveys at least two of which are during the peak activity season and building 2 subject to two surveys. As such surveys cannot commence until April 2023 the applicant may wish to withdraw and resubmit in March enabling the surveys to be provided during the consultation period.

Tree T1 in the ecological report and T25 in the arb report an oak has also been assessed as requiring further survey if it need to be removed due to the presence of bat boxes. It is currently shown as retained on the arboricultural report. I recommend a condition along the following lines is applied to any permission.

The removal of tree called T1 (T25 in the arb report) an oak may have the potential to cause harm to bats due to the presence of bat boxes and shall not in any circumstances occur unless a further bat survey has been provided to and agreed in writing by the local planning authority

Great Crested Newts

As for bats further surveys have been recommended of the pond on site. I agree as there is a historic record on our system for great crested newts associate with the BHS, though it is not clear which pond the record is from and they could well now be extinct given the record is from 1984.

Therefore prior to determination further survey information should be provided. Again such survey cannot occur until April 2023 and the applicant may need to withdraw.

Nesting Birds

Trees and shrubs will be lost potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition along the following lines be applied to any permission.

No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been

carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

Mammals and Amphibians

Whilst no badger, hedgehog or other wildlife was confirmed as present, the consultant has noted the risk of other wildlife being harmed accidentally during site clearance and construction. Whilst the habitats to be removed appear low risk in terms of providing cover, given the proximity to high value habitats to the north, foraging across the site at night cannot be totally ruled out. I therefore accept that basic reasonable avoidance measures are proportionate. I recommend a condition along the following lines.

Prior to any vegetation clearance, demolition or earthworks a reasonable avoidance measures method statement for mammals and amphibians for the site clearance and construction phases will be provided to and agreed in writing by the LPA

Biological Heritage Site (BHS)

Part of the development falls within a BHS recorded in the report as Queen Elizabeth II Jubilee Biological Heritage Site, though recorded on our system as Moulden Banks BHS. It is notable that large parts of this BHS have already been damaged to the south and that a football pitch was constructed in the BHS between 2013 and 2015. The development will extend the existing football pitch further into the BHS.

The consultant notes that the remaining grassland is failing to meet BHS standards with management have ceased and the grassland become species poor. Therefore, whilst we would normally object to development in a BHS, given the loss of large parts of this BHS has already occurred due to development and neglect, this is also an opportunity to safeguard the remainder of the BHS through requiring appropriate management as mitigation for the loss of a further small area of grassland. See below.

Contributing to and Enhancing the Natural Environment

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in the loss of a small area of currently species poor neutral grassland, that is part of a Biological Heritage Site. There will also be a loss of low value grassland (also in the BHS but currently a football pitch) to artificial surfacing. There is also a loss of trees and loss of bat roosting and bird nesting habitat.

Mitigation can be achieved on site, through enhancement of the retained grassland and provision of bird and bat boxes.

I recommend that prior to determination commitment is sought from the applicant to reintroduce annual cutting and removal of the arising of the remaining BHS grassland under the landowner control and that it will be demonstrated through a biodiversity net gain metric that 10% net gain will be achieved.

Exact details of bat and bird mitigation (and potentially amphibians) can be determined once the findings of the bat and gcn surveys have been provided.

Received 20/07/2023

Thank you for consulting the GMEU

Bats

The additional bat surveys during the peak activity season have confirmed that the buildings are utilised by bats but only by low numbers of pipistrelle bats (maximum of two during surveys). I am satisfied that adequate survey has occurred. Given the low numbers of bats recorded and the species, I am satisfied that the conservation status of the bats can be maintained through suitable mitigation measures and that a license will be issued by Natural England. I therefore recommend a condition along the following lines is applied to any permission.

The demolition of the clubhouse is likely to cause harm to pipistrelle bats as identified in the bat emergence survey report and shall not in any circumstances commence unless the local planning authority has been provided with either:

*a) a license issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development go ahead: or
b) a statement in writing from the relevant licensing body or LPA to the effect that it does not consider that the specified development will require a license*

Great Crested Newts

The pond was surveyed utilising eDNA, no evidence of great crested newts was recorded. I have no reason to doubt the findings of the report. No further information or measures are required.

All other recommendations of the 2nd December 2022 relating to the bat boxes on T1, nesting birds, reasonable avoidance measures for mammals and amphibians, the BHS and contributing to and enhancing the Natural Environment still apply

David Dutton
Ecologist

6.5 United Utilities

Having reviewed the application and supporting documentation, United Utilities wish to make the following comments in respect of this planning application.

UNITED UTILITIES PROPERTY, ASSETS AND INFRASTRUCTURE
Wastewater pipelines

OBJECTION PENDING REQUEST FOR FURTHER INFORMATION

Following our review of the proposed site layout, we have concerns regarding the proximity of proposed development to our rising main. To demonstrate that this layout can be achieved, and to avoid any unnecessary costs or delays to either the applicant or any future developer, we request the applicant submits a detailed site layout plan which overlays the proven location of the sewer in relation to any proposed development (including walls, fencing, parking etc.). We strongly recommend this matter is resolved **PRIOR TO THE SCHEME BEING DETERMINED**.

Without resolution of this matter before determination, our position must be to **OBJECT** to the proposal. The applicant should contact our Developer Services team to discuss. See Contacts Section below.

Should planning permission be granted without resolution to our objection, which we do not recommend, we request the following condition is included in the subsequent Decision Notice to afford appropriate protective measures for this asset:

CONDITION 1: Asset Protection with Diversion

No development on the construction phase shall commence until details of the means of ensuring the wastewater assets that are laid within the site boundary are protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing.

The details shall include a survey that identifies the exact location of the assets, the potential impacts on the assets from construction activities (including the construction compound), the potential impacts post completion of the development and identify mitigation measures, including a timetable for implementation, to protect and prevent any damage to the assets both during construction and post completion of the development.

The details shall include a pre-construction condition surveys. Any mitigation measures shall be implemented in full prior to commencement of development in accordance with the approved details and timetable and shall be retained thereafter for the lifetime of the development.

In the event that the survey of the assets identifies the building as within the prescribed standoff either side of the water asset, the developer shall submit evidence to the Local Planning Authority that a diversion has been agreed with the relevant statutory undertaker and that the approved works have been undertaken prior to the commencement of development. Upon completion of the works, a post completion condition survey shall be submitted to and approved by the Local Planning Authority in writing.

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

DRAINAGE

REQUEST FOR ADDITIONAL INFORMATION

We request the applicant submits a drainage plan outlining the proposed levels (including finished floor levels and ground levels) shown in metres above Ordnance Datum and an indicative foul and surface water drainage strategy (including cover and invert levels).

It is our recommendation this information is submitted for our review so that any risk of sewer surcharge can be further assessed. The applicant should note that it may be necessary to raise finished floor and ground levels and / or include mitigation measures to manage the risk of sewer surcharge.

On receipt of the above information, we will be able to provide further comment. The applicant can discuss any of the above points with our advising Developer Engineer, **Ashleigh Bellerby**, by email at wastewaterdeveloperservices@uuplc.co.uk.

In the absence of detailed drainage strategy, we request the following drainage condition is attached to any subsequent approval:

CONDITION 2: Foul and Surface Water Drainage

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.

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, their proposed detailed design will be subject to a technical appraisal by our Developer Services team and must meet the requirements outlined in 'Sewerage Sector Guidance Appendix C – Design and Construction Guidance v2-2' dated 29 June 2022 or any subsequent iteration. This is important as drainage design can be a key determining factor of site levels and layout.

Acceptance of a drainage strategy does not infer that a detailed drainage design will meet the requirements for a successful adoption application. We strongly recommend that no construction commences until the detailed drainage design, has been assessed and accepted in writing by United Utilities. Any work carried out prior to the technical assessment being approved is done entirely at the developer's own risk and could be subject to change.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development. You may find the condition below a useful example.

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

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

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

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances.

WATER AND WASTEWATER SERVICES

If the applicant intends to receive water and/or wastewater services from United Utilities, they should visit our website or contact the Developer Services team for advice. This includes seeking confirmation of the required metering arrangements for the proposed development.

If the proposed development site benefits from existing water and wastewater connections, the applicant should not assume that the arrangements will be suitable for the new proposal.

In some circumstances we may require a compulsory meter is fitted. For detailed guidance on whether the development will require a compulsory meter please visit <https://www.unitedutilities.com/my-account/your-bill/our-household-charges-20212022/> and go to section 7.7 for compulsory metering.

6.6 Public consultation

195 letters were posted to the local community on 22nd November 2022, site notices were also displayed and a press notice published. 2 objections and 1 general comment were received; see Summary of Representations (Section 9.0). In addition, Livesey Parish Council were consulted on the 22nd November 2022, no representations have been received from the Parish Council.

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

8.0 DATE PREPARED: 4th August 2023.

9.0 SUMMARY OF REPRESENTATIONS:

Objection – David Fothergill, 19 Coronation Avenue, Blackburn, BB2 5EL. Received: 28/11/2022.

Dear Sir, I wish to register my concern regarding the above planning application. In general I am not opposed to the application but I am seriously concerned about the extra traffic, particularly the extra parking that will be required. Currently there is major congestion on Livesey Branch Road caused whenever there is a major social event or sports competition taking place on the site, as many people have to park on the main road when the limited parking spaces are full. Once all the new houses currently under construction on the site of the old paper mills are occupied it is certain that some of the residents will use the facilities offered by the sports and social club causing even more pressure on parking facilities. Livesey Branch road is already an extremely busy road, especially when the nearby M65 motorway is closed and the diverted traffic uses the road to by-pass the closed section and unless additional parking is provided for on the site then the problems and danger already in place can only get worse. Motorists may be tempted to park on the roads on the adjacent housing estate where the roads are already congested with residents vehicles and as most of the estates roads are very narrow this will cause complete congestion and disruption. I, and no doubt many other local residents, must request that you give major attention to ensuring that additional parking is required before any permission is given to carry out the re-development of the site as a whole. If not then it will only be a matter of time before someone is injured or even worse as a result of an accident with a vehicle.

Objection – Mr Taylor, 21 Tintagel Close, Blackburn, BB2 5JN. Received: 06/12/2022

Thank you for your prompt response. After careful consideration of the plans viewed to date it has caused concern within our family household on several issues.

1. Without being told the distance from the end of the new extended pitch to tintagel close and the 3m fence that is suggested to surround this pitch it has caused us to worry about the sight of the fence from our property. Confirmation of the distance would be of great help to understand the full nature of what we may have to look at.
2. Also if the pitch was to be extended as suggested how much noise pollution would that cause tintagel residents?
3. Is there a suggested timescale of when this pitch would be used, weekends, mornings, nights etc to avoid unnecessary noise for residents?
4. On the understanding that the club was allowed to purchase the land attached to tintagel for heritage purposes only, how do these plans fall within the scope of allowance for altering heritage land from its natural greenery?
5. In the plans it notes the relocation of the tennis courts with the installation of 5m high flood lights. Again that would suggest light pollution and greater noise pollution to tintagel residents. How have the plans taken in any consideration of this?
6. If the club house is to be come a two storey building again noise and light pollution will affect Tintagel residents. How do you propose this will be avoided?

On receipt of answers to the above questions, we will have to give serious consideration as to our objection to these plans.

Tintagel close is a small quiet residential area which we believe should be given great thought and consideration prior to any further movements forward on these plans.

Also I feel it is important to point out that within a mile of so of these proposals there is witton park that has all these facilities and more contained within the park and hence the question must be asked as to why further facilities are now needed here

A quick response would be very much appreciated

Comment – Mr Mark Hodgson & Mrs Harriet Hodgson, 818 Livesey Branch Road, Blackburn. Received: 12/12/2022

Having been notified of the proposed re-development of Feniscowles and Pleasington War Memorial Recreation Ground (ref 10/22/1069) my husband and I have viewed the plans on your website and are supportive of the proposed re-development with only two concerns. We would question why the childrens play area has been moved further from the main clubhouse as this makes it harder for parents enjoying the facilities to simultaneously supervise their children, leaving us concerned that children may use the equipment unsupervised. Perhaps switching the proposed positioning of the play area with the cricket nets would be a solution?

We live directly opposite the site at 818 Livesey Branch Road and already suffer from the inappropriate and often illegal parking on the main road near the school. With this new facility being undoubtedly popular with the local community and others from further afield it will no doubt bring with it an increase in traffic to the area. We question whether there is sufficient parking in the planning application to accommodate this rise in vehicular traffic. In addition to an assessment of the proposed parking provision we would like to see the current parking restrictions on Livesey Branch Road enforced and if necessary enhanced.

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/23/0274

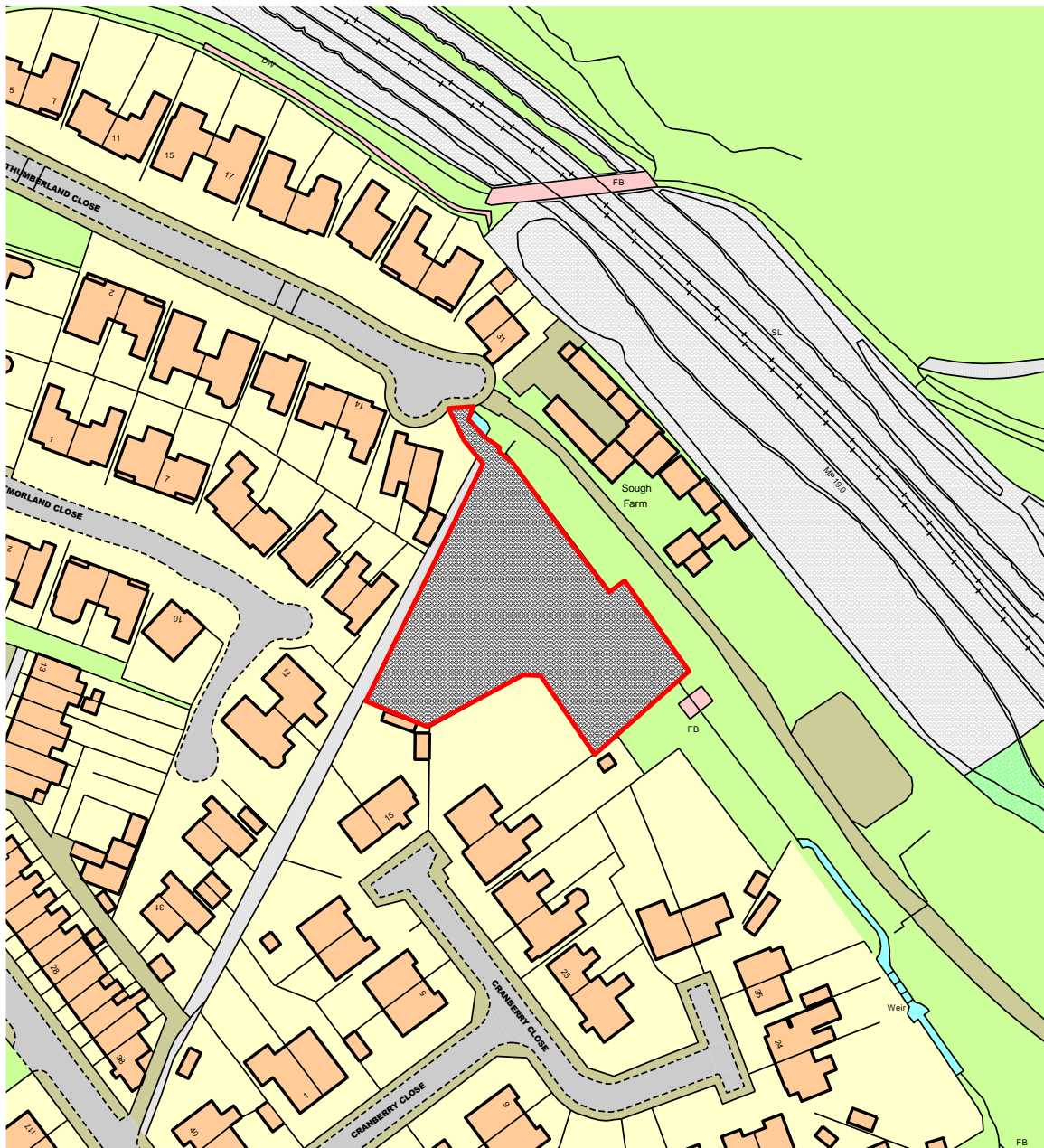
Proposed Development: Approval of reserved matters for the appearance, landscaping, layout and scale for the erection of 3 No. dwellings pursuant to planning application 10/20/0806

Site Address: Land adjacent 18 Northumberland Close, Darwen, BB3 2TN

Applicant: Mr Leary

Ward: Darwen South

Councillor Kevin Connor
Councillor Matthew Jackson
Councillor Anthony Shaw



1.0 SUMMARY OF RECOMMENDATION

- 1.1 The proposed development is recommended to be granted planning permission, subject to the conditions 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 a large number of public representations have been received.
- 2.2 The proposed development has been publicised through letters to residents of the nearest 21 adjacent properties on 20th April 2023. A site notice was displayed at the access point on 3rd May 2023. In addition, all 21 residents were reconsulted on 12th June 2023 given the receipt of amended information. 7 public objections have been received for the application so far. A summary of those comments is provided below in Section 7.10. 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 residential development and associated works, provided they constitute sustainable development and accord with the development plan when taken as a whole.
- 2.4 This application seeks approval of reserved matters for the appearance, landscaping, layout and scale of a development involving the erection of 3 detached dwellings, pursuant to the outline planning application 10/20/0806. Each dwelling would have 4 bedrooms, an integral garage, driveways and garden areas.
- 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;
- Assessing the appearance of the proposals
 - Assessing the landscaping of the proposals
 - Assessing the layout of the proposals
 - Assessing the scale of the proposals
 - Assessing any wider technical matters raised through consultations

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site is a private garden area located within the settlement of Darwen. It covers an area of circa 0.6 acres including the access point from Northumberland Close. The site benefits from outline residential planning

permission, which was approved under application 10/20/0806, under delegated powers on the 8th January 2021, in accordance with the Chair Referral Process of the Council's Constitution. Neighbouring dwellings surround to two sides. A cluster of outbuildings known as 'Sough Farm' is positioned to the northeast with fields to the southeast. The site currently houses domestic paraphernalia and is bound by mature trees and timber fencing to all sides.

Figure One – Satellite image of the site



3.2 Proposed Development

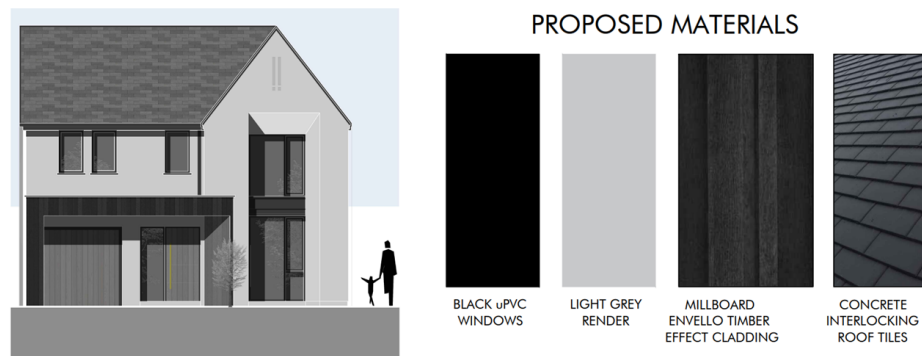
- 3.2.1 As detailed above, this application seeks approval of reserved matters for the appearance, landscaping, layout and scale of a development involving the erection of 3 detached dwellings, pursuant to planning application 10/20/0806. The dwellings would stagger a small cul-de-sac, which would extend from the turning head at the bottom of Northumberland Close. Each dwelling would be afforded a front and rear garden alongside parking provisions for 3 vehicles.

Figure Two – Proposed Site Plan (amended)



3.2.2 The proposed dwellings would be two-stories in height. They would have maximum lengths of 11m, widths of 9m and dual-pitched roofs up to 7.7m in height. A garage, kitchen and living areas would be formed on the ground floor with 4 bedrooms and bathrooms on the first floor. Pale grey render, timber effect cladding and grey concrete tiles would be used to externally finish the dwellings and they would be fitted with black uPVC doors and windows.

Figure Three – Proposed Front Elevations and Materials Palette



3.3 Case Officer Site Photos



3.4 Development Plan

- Local Plan Part 2 (2015):
 - Policy 8: Development and People
 - Policy 9: Development and the Environment
 - Policy 10: Accessibility and Transport
 - Policy 11: Design
 - Policy 18: Housing Mix

- Residential Design Guide Supplementary Planning Document (SPD) (2012)
- BwD Parking Standards (2014)
 - 4+ bedrooms: 3 car spaces and 2 secure cycle spaces per dwelling

4.0 ASSESSMENT

4.1 Preliminary Matters

- 4.1.1 Public comments have been received regarding the extent of neighbour notifications. All of the adjacent neighbours were notified by letter, as shown below in Figure Four. A site notice was also displayed at the access point advertising the development. Such measures are sufficient to ensure the application has been adequately publicised, in accordance with the relevant requirements of the nationally applied Development Management Procedure Order.

Figure Four – Neighbour Notification Plan



4.2 Scope of Assessment

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

- 4.2.2 Policy 8 requires development to contribute positively to the overall physical, social, environmental and economic character of the area, as well as securing satisfactory levels of amenity and safety for surrounding uses and for occupants or users of the development itself; with reference to light, privacy/overlooking and the general relationship between buildings.
- 4.2.3 Policy 9 states that development will be permitted where, following implementation of any required mitigation, there is no unacceptable impact on environmental assets or interests, including but not limited to climate change (including flood risk), green infrastructure, habitats, species, water quality and resources, trees, and the efficient use of land.
- 4.2.4 Policy 10 states that development will be permitted provided it has been demonstrated that road safety and the safe, efficient and convenient movement of all highway users (including bus passengers, refuse collection vehicles, the emergency services, cyclists and pedestrians) is not prejudiced. Appropriate provision must also be made for vehicular access, off-street servicing and parking in accordance with the Council's adopted standards.
- 4.2.5 Policy 11 requires a good standard of design. All development proposals are expected to enhance and reinforce the established character of the locality through demonstrating an understanding of the site's wider context and making a positive contribution to the local area. This includes enhancing and reinforcing the established character of a locality. Key aspects of character which must be taken into account are the following:
- a) Existing topography, buildings and landscape features and their integration into the development;
 - b) Layout and building orientation to make best use of existing connections, landmarks and views;
 - c) Building shapes, plot and block sizes, styles colours and materials that contribute to the character of streets and use these to complement character;
 - d) Height and building line of the established area;
 - e) Relationship of the buildings to the street; and
 - f) Frontage treatment such as boundary walls.
- 4.2.6 With reference to materials and colour; all new development must make considered use of materials and colour to reflect local distinctiveness and character. Materials and colour should integrate a building into the immediate streetscene, unless an alternate approach can be justified.
- 4.2.7 Policy 18 requires detached and semidetached housing to be the principal element of the dwelling mix on any site that is capable of accommodating such housing and where such housing would make a positive contribution to the local character.

4.3 Appearance

- 4.3.1 The proposed dwellings would be arranged staggering a small cul-de-sac. They would be built in a contemporary style when compared with the surrounding dwellings owing to the use of modern construction materials/colour schemes, recessed window panels and flat-roofed canopy features.
- 4.3.2 Whilst some of those features would not align with the defining architectural characteristics of the local area, mature planting on the south boundary, which would all be retained, would result in the proposed dwellings largely being viewed separately to the streetscene of the surrounding residential cul-de-sacs. New planting on the northwest boundary would also assist with that outcome.

Figure Five – CGI image of Plots 1 and 2



- 4.3.3 The proposed dwellings would be viewed as a modern addition to the housing stocks of the local area with the use of pitched roofs and front gardens separating the dwellings from the highway ensuring a certain level of visual integration is achieved. Acceptable external construction materials details have been submitted during the course of the application. A condition is recommended to control the quality and finish of those materials so that a satisfactory form of development is achieved.
- 4.3.4 A further condition is advised to remove certain permitted development rights so as to safeguard the appearance of the development. Subject to compliance with those conditions, the proposed development would be acceptable with reference to appearance.

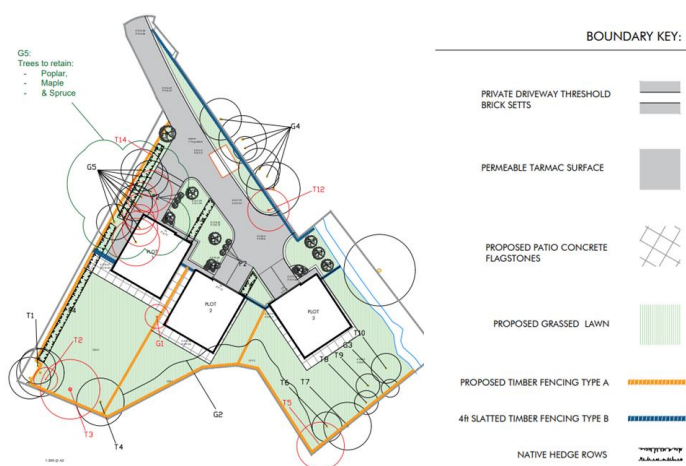
4.4 Landscaping

- 4.4.1 A comprehensive Landscaping Scheme has been submitted in support of the development, which is shown below in Figure Six. Concerns have been raised in public comments regarding the presence of a number of mature trees within the site and the loss of habitat. Reservations were identified by the BwD Arboricultural Advisor regarding the scheme initially submitted. An amended

scheme has subsequently been provided that adequately addresses those concerns.

- 4.4.2 The amended scheme involves the retention of a larger number of trees, which accords with the recommendations set out in the submitted Arboricultural Report and Impact Statement. A condition is recommended to ensure adequate tree protection measures are provided during the construction phase of the development in order to minimise damage to retained trees during that phase.
- 4.4.3 Supplementary soft landscaping would be provided around the site as part of communal areas and gardens. The planting mix would comprise of ornamental specimens alongside a new deciduous hedgerow along the northwest site boundary. Hard landscaping would be limited to permeable tarmac for the access road and driveways with concrete flagstones used for the walkways and patios. Appropriate boundary fencing of two styles is also proposed. A condition is recommended to ensure the fencing is provided in support of the development to minimise overlooking for the immediate neighbours and between the adjacent plots.

Figure Six – Proposed Landscaping Scheme (amended)



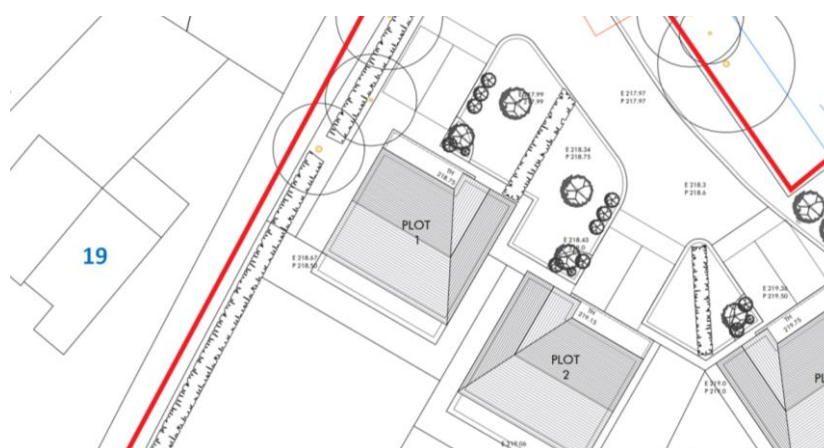
- 4.4.4 Conclusively, the amended landscaping proposals would be acceptable in the context of this development and site. A condition is recommended to ensure the development is landscaped in accordance with the submitted details. A further condition is recommended to ensure the landscaping scheme is maintained in accordance the submitted programme. Subject to compliance with those conditions, the proposed development would be acceptable with reference to landscaping.

4.5 Layout

- 4.5.1 Dwellings surround to two sides and safeguarding the amenities of the immediate neighbours is an important material planning consideration. The layouts of residential developments must also appropriately correspond with the local area. Concerns have been raised in public comments regarding the potential for losses of light and inadequate bin storage arrangements.

- 4.5.2 The proposed dwellings would be arranged in a staggered formation, which would broadly align with the urban grain of the immediate locality. The contained nature of the site and landscaping measures would also assist the development to assimilate as part of the wider townscape.
- 4.5.3 An amended layout has been submitted during the course of the application and Plot 1 has been shifted further away from a rear conservatory at 19 Westmorland Close to reduce its dominance. The levels of separation involved would ensure the proposed dwellings do not appear overbearing, or cause any unacceptable losses of light for the immediate neighbours.
- 4.5.4 The same outcome is applicable to privacy distances and main habitable room windows are limited to the front and rear elevations alone. A condition is recommended to ensure the side windows in Plots 1 and 2 are obscurely glazed so as to minimise overlooking. The previously recommended condition removing certain permitted development rights would also ensure the amenities of neighbours are adequately safeguarded from future development.

Figure Seven – Plot 1 and 19 Westmoreland Close



- 4.5.5 The approved access point is not wide enough to enable the development to be adopted by the Highways Authority and bins would be presented on Northumberland Close for collections. That said, the temporary storage of 3 additional bins on the highway would not adversely impinge upon visual amenity and such arrangements are very commonplace on housing estates. It is recognised that each dwelling will have up to 4 bins (12no in total), with only 3 bins being collected for emptying at any one time. As such, a condition is recommended to control storage arrangements outside of collection days to ensure bins are stored in a concealed location.
- 4.5.6 Appropriate off-street vehicle parking provisions would be built in the form of two driveway spaces and an integral garage, both of which accord with the minimum dimensions set out in the adopted Parking Standards. Conditions are recommended to ensure the proposed driveways are built and the garages are used for parking alone to prevent vehicles being displaced onto the cul-de-sac and Northumberland Close. Cycle storage can be provided within the garages.

4.5.7 Manoeuvring arrangements are adequate for Plots 1 and 2. A review of the proposals has been undertaken by BwD Highways and some initial reservations were identified regarding the manoeuvring arrangements for Plot 3. In response to that, the Agent has submitted an amended site layout during the course of the application, which includes a turning head adjacent to the driveway of Plot 3. The manoeuvring arrangements are now adequate. Subject to compliance with the above conditions, the proposed development would be acceptable with reference to layout.

4.6 Scale

4.6.1 The proposed two-storey, family sized detached dwellings are consistent with the Council's aspirations for sites to accommodate such housing, where possible. Their height would be broadly consistent with the dwellings within the immediate locality, as shown below in Figure Eight. Moreover, the overall scale of the development would be proportionate to the application site. For those reasons, the proposed development is acceptable with reference to scale.

Figure Eight – Proposed Site Sections



4.7 Technical Matters

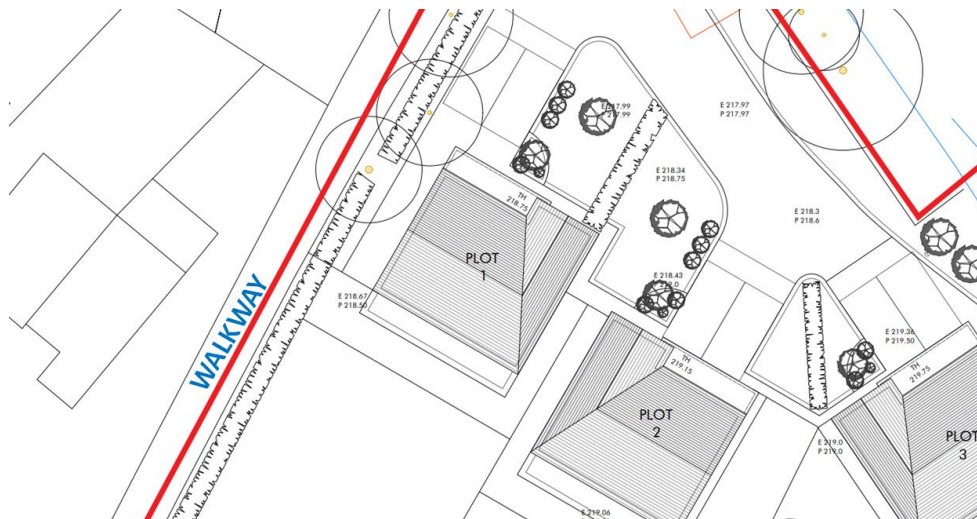
4.7.1 Concerns have been raised in public comments regarding the potential for disruptions to be caused during the construction phase, the potential for vibrations from construction works to damage nearby properties, highway safety, access arrangements, the need to move a lighting column, the presence of a public footpath nearby, damage to the surface of roads, surface water flooding, potential blockage of the adjacent culvert and the potential presence of bats.

4.7.2 Regarding potential impacts from the construction phase, Condition 8 was imposed on the outline consent to agree the scope of a Construction Method Statement. The requirements of that condition include controls for noise and vibrations and measures to mitigate against impacts on the wider highways network. Such an approach is broadly consistent with the comments provided

by BwD Public Protection for the outline application alongside this current application. The access arrangements have been approved at outline stage and they are acceptable for a 3 dwelling development. They cannot be reassessed at this stage. Furthermore, Condition 11 was imposed on the outline consent to agree the scope of any required works to the highways network, including the repositioning of a lighting column.

- 4.7.3 The PROW that runs to the northeast of the site would not be effected by the development. The informal walkway that connects Northumberland Close with Cranberry Lane would also not be effected, as shown below in Figure Nine. Furthermore, a development of this size would not degrade the surface of public roads to a level that would warrant additional controls in the way of condition surveys and subsequent repair works.

Figure Nine – Retained Walkway



- 4.7.4 A review of the proposals has been undertaken by a number of statutory consultees regarding the technical reports submitted. Their comments are detailed below in Section 7. No current objections are applicable based on the information provided during the course of the application. Conditions were imposed on application 10/20/0806 to mitigate matters in the way of land contamination (4, 5 and 6), drainage systems and flood risk (7) and historic coal mining features (10). Such measures are sufficient to ensure the development is delivered in a safe and sustainable way and the Agent has confirmed that an application to discharge those conditions would shortly follow this application were it to be successful.
- 4.7.5 Regarding ecology, no objections have been raised by the BwD Ecological Advisor. The proposals include the demolition of a summerhouse and an updated Bat Survey has been provided in support of that aspect of the proposals. A number of mitigation measures are contained within the report. A condition is recommended to ensure the development is implemented in accordance with those measures so as to minimise its negative impacts on bat populations.

4.7.6 Condition 13 was imposed on the outline consent in order to ensure the development is implemented with the mitigation measures detailed within the Preliminary Ecological Appraisal. The majority of those measures can be complied with. However, certain measures were contained within the appraisal to prevent contamination of the adjacent stream during construction works that now cannot be achieved given the proposed layout. Therefore, a further condition is recommended to minimise soil pollution of the adjacent stream. Subject to compliance with those conditions, the proposed development would be acceptable with reference to technical matters.

4.8 Wider Considerations

4.8.1 Further concerns have been raised in public comments regarding the upkeep arrangements of the adjacent culvert. However, such matters are controlled at a civil level and they are immaterial to the assessment of this application. Finally, BwD Public Protection have requested that air quality mitigation measures should be provided in support of the development through providing electric vehicle charging points and installing efficient gas boilers. Condition 14 was imposed on the outline consent to control those matters. It should also be noted that the provision of electric vehicle charging points is now controlled at the Building Regulations stage for residential developments.

4.9 Summary

4.9.1 This application seeks the approval of reserved matters for the appearance, landscaping, layout and scale for the erection of 3 dwellings pursuant to planning application 10/20/0806. 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 above in Section 3.4.

4.9.2 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 appearance, landscaping, layout, scale and technical matters. 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 and Deputy Chief Executive to approve, subject to the following conditions;

5.1 Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: Location Plan (23000 (PL) 001 A), 23000 (PL) 100 E, 23000 (PL) 201, 23000 (PL) 203, 23000 (PL) 204 A, 23000 (PL) 400 C, 23000 (PL) 201 A and 23000 (PL) 202.

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

- 5.2 No above ground works shall commence site unless and until, details confirming the exact type of all the external materials to be used in the construction of the development hereby approved, together with details confirming the colours and finishes of any windows and doors to be installed, have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the approved materials and details.

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

- 5.3 Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), and following the issuing of this decision, no development as specified in Classes A – F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of that Order shall be carried out on any part of the site, without planning permission first being obtained from the Local Planning Authority.

REASON: In order to control certain forms of future development on site, in the interests of residential amenity and visual amenity, and to comply with the requirements of Policies 8 and 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.4 No development shall commence on site unless and until, tree protection fencing has been erected around all trees to be retained within and adjacent to the site, which accords with the Root Protection Plan detailed within the submitted Arboricultural Report & Impact Statement, prepared by D Slater, and dated 31st March 2023. The measures provided shall thereafter be retained throughout the construction phase of the development and they shall not be removed until all the external works have been substantially completed.

REASON: In order to minimise damage to trees during construction works, in the interests of visual amenity and biodiversity, and to comply with the requirements of Policies 9 and 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.5 None of the dwellings hereby approved shall be occupied unless and until, the boundary treatments as shown on the approved plan '23000 (PL) 400 C' have been implemented in their entirety. The boundary treatments installed shall thereafter remain in perpetuity with the development and any replacement fencing shall be of an equal height.

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

- 5.6 None of the dwellings hereby approved shall be occupied unless and until, the landscaping measures as shown on the approved plan '23000 (PL) 400 C' have been implemented in their entirety. Any tree/shrub or other planting that is lost, felled, removed, uprooted, dead, dying or diseased or is substantially damaged within a period of 10 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, in the interests of biodiversity and visual amenity, and to comply with the requirements of Policies 9 and 11 of the Blackburn with Darwen Borough Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.7 The landscape scheme implemented shall be managed and maintained in strict accordance with the measures detailed within the submitted Landscape Maintenance Programme.

REASON: In order to ensure landscaped areas are adequately managed and maintained, in the interests of biodiversity and visual amenity, and to comply with the requirements of Policies 9 and 11 of the Blackburn with Darwen Borough Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.8 The side windows to be installed within Plots 1 and 2 hereby approved shall be fitted with obscured glazing with a minimum level of obscurity of Level 3. Any replacement glazing shall be of an equal degree of obscurity and the effects of obscurity must not be negated by way of opening.

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

- 5.9 None of the dwellings hereby approved shall be occupied unless and until, a scheme clarifying bin storage arrangements has first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in strict accordance with the approved scheme.

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

- 5.10 None of the dwellings hereby approved shall be occupied unless and until, the driveways as detailed on the approved plan '23000 (PL) 100 E' have been provided in their entirety. The driveways shall thereafter remain in perpetuity with the development and be permanently available for the parking of vehicles associated with the occupants of the development.

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

- 5.11 The integral garages to be constructed as part of the development hereby approved must be permanently available for the parking of one vehicle and no other uses shall take place within the garages that would preclude their use for vehicle parking.

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

- 5.12 The development hereby approved must be implemented in strict accordance with the mitigation measures detailed within the submitted Reasonable Avoidance Method Statement for Bats, prepared by Collington Winter Environmental, and dated 29th March 2023.

REASON: In order to minimise negative impacts on bats, in the interests of biodiversity, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.13 No development shall commence on site unless and until, a scheme to protect the adjacent the watercourse from contamination during the construction phase 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.

REASON: In order to minimise soil contamination of the watercourse, in the interests of achieving sustainable development, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen Borough Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

6.0 RELEVANT PLANNING HISTORY

- 6.1 10/20/0806 – Outline planning application with all matters reserved except for access for 3 No. dwellings – Approved, with conditions – January 2021.

- 6.2 10/09/1030 – Change of use of plot of land into domestic garden – Refused – January 2009.
- 6.3 10/10/0154 – Change of use of plot of land into domestic garden (Resubmission of 10/09/1030) – Approved, with conditions – May 2010.
- 6.4 10/11/0974 – Erection of a summerhouse – Approved, with conditions – November 2011.
- 6.5 10/16/0706 – Erection of one dwelling house – Approved, with conditions – September 2016.

7.0 CONSULTATIONS

- 7.1 BwD Arboricultural Advisor – The landscaping proposals have not been integrated with the recommended works in the Arboricultural Report & Impact Statement. For instance, planting proposals would conflict with proposed retentions of Larch trees in G4 and trees G5 of the survey data recommendations. It is important to establish those trees to be retained with the integration of landscape planting proposals. There is a lack of tree and shrub planting numbers, sizes, planting specifications. Also there is no landscape maintenance programme.

Tree works should be undertaken before the commencement of construction activities, including erection of tree protective fencing. The location and standard of fencing should be provided in accordance with BS 5837:2012 Trees in Relation to Construction – Recommendations. The erection of fencing should be in accordance with the root protection areas identified in the tree survey data.

(Conclusion) The submitted landscape documents do not provide sufficient information to ensure appropriate landscaping provision is secured, protected and maintained. A sequence programme of works should be established for approval and seek further information to meet the above requirements.

(Update) I have inspected the site and considered the landscape proposals including the revised, amended landscape plan. The revised, amended landscape plan allows for the retention of three trees on the boundary with plot 1. The site has a good structure of semi-mature trees which provide good screening and valuable amenity along the boundaries. The proposed planting will provide suitable landscape structure for the housing layout. The landscape maintenance program document is suitable and the implementation of the specified maintenance should ensure establishment of planting material. To conclude, the revised, amended landscape plan and landscape maintenance program documents are suitable to approve.

- 7.2 BwD Highways – No objections. (Parking) The parking should be in accordance with adopted parking standards, which sets a requirement of 3 spaces for a 4+ bedroom dwelling. All properties are 4beds and would therefore require 3 parking spaces each. The drawings received depict 2 spaces on each

drive, with the third space within an integral garages. All dimensions for the car parking spaces and garages should conform to the Local Authorities standard bays sizes. 5.5m for drives and 3m x 6m for garages. The garages appear to be substandard, please and request amendment.

The car parking bays for Plot 3, will in our opinion be very difficult to enter and leave. We would suggest the kerb is realigned to follow the circumference of the tree root, allowing a turning area to assist the vehicles to enter and leave the parking bays.

(Access) The access to the site was established and approved at outline stage. Prior to any works commencing, contact is to be made with the highway authority to ensure that the highway does not sustain any damage. Subsequently if it is damaged then repairs are made to the satisfaction of the Local Highways Authority. There is an existing lighting column, in the location of the proposed altered drive, this would need to be removed and relocated at the applicant's expense. Contact is to be made with the highway authority for consent and agreement on revised location.

(Other) New and renewed footways surrounding the site, all costs to be borne by the developer. Any street furniture affected by development should be removed and relocated where necessary at location to be agreed by highways officer - all costs to be borne by the developer. Prior to the commencement of any works that affect or adjoin the adopted highway – contact is to be made with the Local Highway Authority.

- 7.3 BwD Public Protection – Contaminated land report(s) has been submitted with this application and will be peer reviewed by the Environmental Protection Service - recommendations will be provided as soon as possible.

Should this application be approved, conditions should be imposed to control sources of external lighting, dust emissions from construction works, any required pile-driving operations (or similar), construction floodlighting, construction working hours, and to ensure air quality mitigation measures are provided in support of the development.

(Contamination) I refer to the report entitled 'Remediation Statement & Proposal Sheets for Proposed Residential Development adjacent to Northumberland Close, Darwen, BB3 2TN. The report has been prepared by Arc Environmental Ltd in April 2023.

As part of a previous application for the site (ref: 10/20/0806) a Phase 1 Desk Top Study dated June 2018 has been submitted. A Phase 2 Ground Investigation Report dated June 2018 and a Hazardous Ground Gas Risk Assessment Addendum Report dated December 2020. It was concluded there was therefore no need for a pre-commencement condition and the proposed gas protection measures could be regulated by the submission of a Verification Report showing photographic evidence of the agreed CS2 gas protection measures.

The Remediation Statement & Proposals Sheet includes options dependent on the type of foundation chosen. Confirmation regarding the chosen foundation type and design details to achieve the required gas protection score. Any Waste transfer notes should be provided as appropriate for the movement of waste from and to the site.

In order to address condition 8 in full, validation of the remedial gas protection measures in the plots should be provided when available.

- 7.4 BwD Drainage – No objections. Should the application be approved, a condition should be imposed to control foul and surface water drainage provisions. The condition is necessary in order to ensure that the development is not at risk of flooding, does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface waters.

- 7.5 BwD Ecological Advisor – Updated information on bats and Himalayan balsam has been provided. Other ecological issue were resolved at outline stage.

(Bats) It is now confirmed that the Summer House will be demolished. An updated bat assessment has therefore been provided. As previously, potential roost features were identified, but only two. This indicates the building is very low risk. In line with best practice for very low risk buildings, reasonable avoidance measures have been recommended. Based on the photographs of the building I have no reason to disagree. I therefore recommend that the Reasonable Avoidance Method Statement for Bats by Colington Winter is conditioned.

(Himalayan Balsam) Condition 12 of the outline permission, requires a method statement for removal of Himalayan balsam. Whilst not required until prior to development a method statement has been provided with an updated plan of the extent of the infestation and the proposal to hand pull the plants. I am satisfied that for this site manual pulling would suffice. The method statement can be conditioned and condition 12 of the outline permission discharged.

(Other Ecological Issues) Condition 13 of the outline permission provides a “catch all” for a number of potential ecological issues including nesting birds, various protected species, protection of tree and protection of the watercourse. No additional information is required at this stage.

(Landscape Proposals) I have no objections to the planting proposals. A good proportion of native trees and hedge is proposed.

- 7.6 Coal Authority – We have reviewed the site location plan, the proposals and the supporting information submitted and available to view on the LPA website. I can confirm that the site partially falls within the defined Development High Risk Area.

The Coal Authority records indicate that a conjectured coal outcrop is present within the site dipping in a north westerly direction, which may have been subject to unrecorded mining activity at shallow depth beneath the eastern

portion of the site. If workings are present within the outcrop these may pose a potential risk to surface stability and public safety.

We note that in addition to seeking approval of reserved matters details relating to the appearance, landscaping, layout and scale of development at the site, the applicant is also seeking to discharge several conditions attached to outline planning permission 10/20/0806, including Condition 10 which relates to coal mining legacy matters.

The application is accompanied by a Coal Mining Risk Assessment report (HYG301) prepared by Hydrogeo, dated August 2016. Whilst prepared to support a proposal for the erection of single dwelling within the western part of the application site, we note that the report was also submitted in support of outline application 10/20/0806 and was reviewed by the Coal Authority's Planning Team at that time.

The report concludes that shallow coal mining legacy poses a potential risk to the proposed development and recommends that intrusive site investigations are carried out on site. However, it does not appear that the applicant has submitted the technical report detailing additional intrusive site investigations as specifically required by Condition 10.

Given the absence of any recorded coal mining features which could influence the spatial layout of development at the site, the Coal Authority's Planning & Development Team has no objection to the specific reserved matters details for which approval is sought. However, due to the absence of the required technical report to demonstrate that the whole site is safe and stable in terms of coal mining legacy, we do not consider that the requirements of Condition 10 of the outline consent have been satisfactorily addressed. As such, we must object to this application.

(update) The Coal Authority previously commented on this application in a letter to the LPA dated 11th May 2023. In this letter, we noted that in addition to seeking approval of reserved matters details, the applicant is also seeking to discharge Condition 10 attached to the outline consent, which relates to coal mining legacy matters. We raised an objection to application due to the absence of a technical report to demonstrate that the required intrusive investigations had been carried out and any necessary remedial works identified, to ensure that the site is, or can be safe and stable in terms of coal mining legacy.

We note that this application is accompanied by an Amended Mining Report and Assessment (18-167.03L) prepared by Arc Environmental Ltd, dated 30th May 2023.

The report highlights that there is a potential risk to the site from shallow coal workings in the Cannel and Upper Mountain coal seams. Given the identified risk, 2 boreholes were undertaken on site to depths of c.25m as part of previous intrusive investigations undertaken on site and presented in a Ground Investigation Report, dated 22nd May 2023 and prepared by Arc Environmental

Ltd. From these boreholes, they confirm no evidence of intact coal was recorded and no broken ground or voids were encountered.

The Amended Mining Report and Assessment report then goes on to take into account the difference in planning proposal for 3 dwellings instead of 1 in relation to the previous Ground Investigation report and considers the ground conditions encountered are “felt to be representative of the site as defined by the redline boundary rather than the site of the former proposed dwelling.” The report author then concludes that the site is not felt to be at risk from shallow coal workings and that no further assessment or additional intrusive investigation works should be required.

Based on the professional opinions of the report author that the whole site is safe and stable and no further site investigations are necessary, the Coal Authority’s Planning & Development Team would have no objection to the LPA discharging Condition 10 of the issued outline consent in terms of coal mining legacy related land instability matters, should they be minded to do so, and we are therefore able to withdraw our objection to this application.

7.7 Network Rail – If there are any vibro impact works on site the applicant is to submit details to our Asset Protection team.

7.8 Darwen Town Council

7.9 Ward Cllrs

7.10 Summary of Public Representations

- Some neighbours did not receive a letter
- Mature trees are located within the site
- Losses of habitat may be caused
- Losses of light may be caused by the dwellings
- The storage of additional bins will be an eyesore
- Vibrations from construction works may damage adjacent properties
- Disruptions may be caused during the construction phase
- Highway safety issues may be caused during the construction phase
- The vehicle access point is not suitable for the development and construction works
- A lamp post would need to be removed
- A public footpath runs close to the site
- Damage may be caused to the surfaces of road
- Increased flood risk may be caused
- Additional surface water runoff may be caused
- The adjacent culvert may be blocked from construction debris
- Bats may roost within the site
- Upkeep of the adjacent culvert is funded by local residents

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

9.0 DATE PREPARED: 4th August 2023

10.0 SUMMARY OF REPRESENTATIONS

Objection – Mrs Jacqueline Meadowcroft, 16 Northumberland Close, Darwen. Received: 27/04/2023.

Further to the recent letter reference 10/23/0274 for planning of erection for 3no. dwellings on the land adjacent to 18 Northumberland Close, Darwen, BB3 2TN, I live next door at number 16 and would like to please object to this.

There are numerous reasons as to why would like to object to the planning. The lamp post at the bottom of 18 does give light into my property and number 18 so this would make it quite dark if this is moved. This area with being at the end of the cul-de-sac is very quiet and safe, especially for children to play out. There are stables next to this land with horses coming in and out so more traffic and heavy loaded vehicles would be dangerous. All the houses up here pay towards a culvert which runs next this land and number 18 so if this gets blocked in anyway it will cause flooding which has happened on a few occasions.

The access isn't suitable to get to this land especially through a part driveway which was sold diabolical. There is a public footpath that runs at the side of number 18 in between the property and the land that is also used quite a lot, so if cars run over this footpath, it can be danger to public. Cars coming off the land reversing would be a hazard also to the general public as the latts on the driveway to number 18 will be a blind spot.

The access is also unsuitable for heavy loaded vehicles going through over the public footpath and the convent. This is going to cause more bins in the cul-de-sac area which will be an eyesore and will be in the way of access. The building work will cause a lot of mess around the cul-de-sac and noise, which will cause disruption and especially to the horses.

There are trees on the land that have birds and bats which are a protective species.

Hope my concerns will be taken into consideration and the planning will be rejected.

Objection – Anonymous, 14 Northumberland Close, Darwen. Received: 03/05/2023

I would like to raise my concerns about the application for 3 dwellings on the land adjacent to 18 Northumberland Close, Darwen BB3 2TN. I live at 14 Northumberland Close and I am extremely concerned about the noise made whilst the properties are being built. This is not just for myself but also my neighbours and family. We also have horses living nearby which may be stressful for them. This is a quiet residential area which I only moved into a few years ago. Had I known that even more houses were being built, I would not have chose to move house. I'm concerned about the young children in the area and how the additional traffic delivering building material will affect them playing in this area. My biggest concern is the damage done to our roads. Darwen's roads are an absolute disgrace and all the building going on has clearly contributed to this problem.

Can I also ask whether any building work would need to be done within a timeframe? I would be so upset if I ended up living next to a building site for years on end.

Objection – Mrs Irene McIntock, 29 Northumberland Close, Darwen. Received: 15/05/2023

My property is: 29 Northumberland Close, Darwen, Lancs. BB3 2TN

I email with reference to the above proposed plans and am raising my objections against these plans as follow:

Having lived here for 19 years, this close is a quiet cul-de-sac. At the top of the cul-de-sac where my property is, the cul-de-sac ends and many children play around here and vehicles are parked on the road as well as drives. The outlined plans would mean increased traffic of large goods vehicles (LGVs) delivering excavation machinery to the site, vehicles removing ground materials and spoils from the site once the groundwork commences together with vehicles delivering building materials to the site. These vehicles will be heavy good vehicles and as far as I can see from the plans the access to the site is via the driveway of number 18 Northumberland Close. It is my understanding that an access road to a housing development has to be sufficient to allow side by side entry and exit. The movement of these LGV's will cause considerable amount of wear and tear onto the road and dirt from the site will wash down towards my property, which in turn will get walked into my house.

Footpath - there used to be a public footpath through this land which was accessed originally through the farm - this was blocked off by the previous owner of 18 Northumberland Close and access was then through the driveway. This public footpath is through to Cranberry Lane and is utilised to walk to Cranberry Lane and back - due consideration needs to be given to this or is it the intention pto close or re-route this footpath?

Wildlife - There is considerable wildlife which have the green space as their natural habitat including bats - bats are visibly seen at dusk.

Light - The erection of three additional dwellings could reduce the amount of natural light to my property.

Culvert - At the top of Northumberland Close, close to the proposed site entrance there is a culvert. The residents of Northumberland Close pay a proportionate fee towards the upkeep and maintenance of this culvert and also the non-existent play area at the bottom - Due consideration needs to be given to this. If the proposed plans are passed; will the additional residents within the new properties be included within these charges? There will be mud, stones etc from the proposed site - if the culvert is damaged in anyway and/or needs additional maintenance the charges to the residents will be increased. Due consideration needs to be given to how any additional charges would be met?

Outside of these objections I feel it must be noted that over the past couple of weeks or so there are already pick-up / builders type vehicles entering this proposed site via the bottom of the drive-way of 18 Northumberland Close - one of which was observed to have had a large amount of scaffolding on the vehicle.

I hope that the objections to the proposals outlined within this email be given serious consideration when your determinations to approve or reject the proposed plans are discussed.

Objection – Alexandra Kirwan, 27 Northumberland Close, Darwen. Received: 15/05/2023

I wish to contest the proposals for dwellings on the site due to numerous issues;

-disruption during building

-access

-safety of the road

-safety of children playing in the area

-blockages to the water system

Objection – Stevan Snaith, 19 Northumberland Close, Darwen. Received: 15/05/2023

Good evening,

I am writing to offer my comments on the above application which must be rejected for the following reasons:

1. **Flood Risk** – There is a stream that enters a culvert on the corner of 18 Northumberland Close and proceeds under the street to come out near the railway embankment. The application also states that there is no history of flooding when, in fact, houses on one side of Northumberland Close (nearest the railway embankment) flooded in recent years. Building on this site will increase the amount of water that runs off into this stream where it was once absorbed into the soil.
2. **Culvert** - The entire housing estate contributes financially towards the upkeep of the culvert (mentioned above) which recently collapsed. From the plans submitted, it is difficult to see how the necessary plant will gain access to the site without damaging the culvert resulting in further financial loss to residents on the estate.
3. **Wildlife** – We have an abundance of birds and wildlife living in the trees and hedges on the site. This includes; tits (all varieties), Bull Finches, Jays, Robins, Starlings, Jack Daws and Blackbirds. Building on this site will destroy this habitat forever in a time when we need to start looking after our planet.
4. **Disruption** – Living adjacent to the site, the noise and vibrations we anticipate don't bear thinking about. We are anxious about damage caused to our property as a result of these vibrations.
5. **Footpath** – The footpath that runs adjacent to the site provides access to many walkers from Cranberry Lane to Northumberland Close. We, ourselves regularly use this footpath to access the countryside. During the construction phase, would this path still be accessible and safe to use? With reference to the flood risk, the path sits below the land at either side of it. Building on the site will create extra run-off and flood the path making it unsafe to walk on.

I appreciate that in the current climate, building houses is a priority for many councils. But what we are talking about is **three** dwellings which will make very little difference to the housing stock but a huge difference to our estate and wildlife. We already have two large housing developments in progress up Cranberry Lane and Spring Meadows providing 100s of new homes.

Does the council really need these three extra houses at such a significant cost to its residents and the environment?

Objection – Eileen Walsh, 13 Cranberry Close, Darwen. Received: 13/06/2023.

Dear Sir Madam

I don't agree with this application going forward, there is no proper access to the site and the site is not large enough for these houses. There is stream near these houses and it could flood.

Comment – Jackie Meadowcroft. Received: 17/05/2023

Thankyou for getting back to me there are people who have had no letters which should have all on Northumberland Westmorland and the back of the land so no one can object if people have no letters . Hope they do know and can put there views forward

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/23/0535

Proposed Development: Proposed installation of a temporary classroom block within the school grounds to provide additional capacity for up to 3 years

Site Address: Newfield School, Old Bank Lane, Blackburn, BB1 2PW

Applicant: Blackburn with Darwen Borough Council

Wards: Audley and Queens Park
Blackburn South East

Councillor Altaf Patel
Councillor Tony Humphrys
Councillor Ehsan Raja
Councillor Salim Sidat
Councillor Vicky McGurk
Councillor James Shorrocks



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

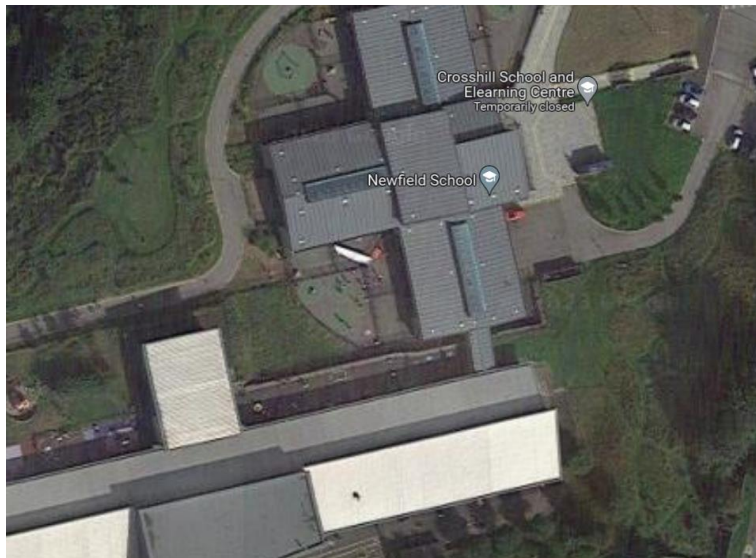
- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Council's Constitution, and given that the application has been made on behalf of the Council.
- 2.2 The residents of 11 adjacent properties were notified by letter on 26th June 2023. 2 site notices were also displayed adjacent to the site entrance on 28th June 2023. No public comments have been received for the application so far. Should any comments be received ahead of the committee meeting they will be presented as part of an update report.
- 2.3 The Council's development plan supports new educational 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 the installation of a temporary classroom block within the school grounds to provide alternate capacity for up to 3 years. 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 follows;
- Establishing the principle of development
 - Assessing visual amenity impacts
 - Assessing parking provisions
 - Assessing drainage provisions
 - Ensuring land contamination does not pose a risk to site users

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site is a school located within the settlement of Blackburn. The site comprises of two large interconnected buildings alongside landscaped areas, playgrounds and car parks. Commercial land uses surround to the south with a car park to the west, dwellings to the north and a leisure centre to the east. The existing school building is modern in its design with a corrugated metal roof and elevations finished in a range of materials and colours.

Figure One – Satellite Image of the Site



3.2 Proposed Development

- 3.3 As detailed above, this application involves the temporary installation of a classroom block. The block would be positioned adjacent to the main buildings. Two classrooms would be provided within alongside toilets and storerooms. The block would have a footprint of circa 144 square metres and a flat roof 3m in height. It would have grey steel walls, a rubberised roof and grey aluminium doors and windows. An access ramp would be installed to the east elevation.

Figure Two – Proposed Site Plan



- 3.4 The proposed block would be in place for a period of up to 3 years, from September 2023 until September 2026. The temporary classrooms would offer a learning environment of similar quality as that found within the existing teaching spaces. The approach of erecting a temporary classroom has been pursued specifically to meet a short-term need whilst the Council focuses on the permanent enlargement of the existing school buildings, which is expected to commence in early 2024.

3.5 Case Officer Site Photos



3.6 Development Plan

3.6.1 Core Strategy (2011):

- Policy CS11: Facilities and Services

3.6.2 Local Plan Part 2 (2015):

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

3.6.3 BwD Parking Standards (2014)

- Primary and Secondary Schools: 1 car space per classroom/activity area

4.0 **ASSESSMENT**

4.1 Principle of Development

4.1.1 The site is located within the defined urban boundary, which are identified as the preferred locations for all new development by Policy 1. Regarding educational developments, Policy CS11 states that range and quality of public services and facilities will be expanded and enhanced; in particular, in accessible locations. The site benefits from such a position and the proposed development is therefore acceptable in principle, in accordance with Policies CS11 and 1.

4.1.2 In accordance with the presumption in favour of sustainable development detailed in the Framework, and Policy 7, development proposals should

proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of the proposal are identified; subject to assessment of the following matters;

4.2 Green Infrastructure (GI)

4.2.1 The site is partly located with the Queen's Park GI allocation. Policy 9 states that development involving the partial loss of land identified as GI will not be permitted unless the development can be accommodated without the loss of the function of the open space. Given that the development would only temporarily cover a small part of the allocation, no harmful impacts would be caused for its overall function.

4.2.2 A condition is recommended to limit the timeframe of the permission and ensure the land is restored to an acceptable standard following the removal of the development. Such a condition is necessary given the presence of the GI allocation. Subject to compliance with that condition, the proposed development would be acceptable with reference to GI, in accordance with the relevant requirements of Policy 9.

4.3 Design and Visual Amenity

4.3.1 The site is a large educational facility with range of building types within. Policy 11 requires all development proposals to represent a good standard of design through demonstrating an understanding of the site's wider context and making a positive contribution to visual amenity.

4.3.2 The proposed block would be positioned within a concealed location and it would be predominantly screened from the public domain by existing buildings. It would form a freestanding, utilitarian structure, which are not uncommon in the context of educational sites. The materials and finishes proposed are common to such forms of development and the proposals would not cause any unacceptable visual design implications when the nature of the site is taken into account.

4.3.3 A condition is recommended to ensure those materials/finishes are used so that a satisfactory form of development is achieved. 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.

4.4 Parking Provision

4.4.1 The site has a large carpark to the west of the building with further provision positioned to the south. Policy 10 requires all development proposals to not prejudice road safety or the safe, efficient and convenient movement of all highways users. Appropriate provision must also be made for vehicular access, off-street servicing and parking in accordance with the Council's adopted standards.

4.4.2 No additional parking provision is proposed in support of the development. That said, the block will not increase the capacity of the site as it is required to temporarily relocate students in order to allow for improvement works to be carried out to the main school buildings. For that reason, the proposed development is acceptable with reference to parking provision, in accordance with the relevant requirements of Policy 10.

4.5 Land Contamination

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

4.5.2 BwD Public Protection has reviewed the merits of the application and no objections have been raised. A condition has been advised to control the potential for contamination to be unexpectedly encountered during redevelopment works, which is recommended to be added. Subject to compliance with that condition, the proposed development would be acceptable with reference to land contamination, in accordance with the relevant requirements of Policies 8.

4.6 Drainage Assessments

4.6.1 The submitted application form states that surface waters would be drained with the use of a Sustainable Drainage System (SuDS). The Agent has clarified that that an existing system would be utilised for surface and foul waters with the latter flowing directly into the sewer. Policy 9 requires all development proposals to be served with appropriate drainage systems.

4.6.2 Both BwD Drainage and United Utilities have reviewed the merits of the application. No objections have been raised to the proposed drainage strategy as surface waters would be drained in a sustainable way. Any required drainage connections can be agreed following the planning process. For those reasons, the proposed development is acceptable with reference to drainage assessments, in accordance with the relevant requirements of Policy 9.

4.7 Summary

4.7.1 This application involves the installation of a temporary classroom block within the school grounds to provide additional capacity for up to 3 years. 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 3.6.

4.7.2 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 Green

Infrastructure, design and visual amenity, parking provision, drainage assessments and land contamination.

- 4.7.3 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 and Deputy Chief Executive 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 This permission covers a temporary period alone and the development hereby approved shall be entirely removed on or before 30/09/2026. Prior to its removal, a scheme shall have first been submitted to and approved in writing by the Local Planning Authority regarding restoration of the site. The site shall subsequently be restored in accordance with the approved scheme within 12 months of the development being removed.

REASON: In order to ensure the development is not retained indefinitely and the site is adequately restored, in the interests of safeguarding the function of the Green Infrastructure allocation, 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)

- 5.3 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 (NFS-01-P-01), NFS-01-P-02, NFS-01-P-03 and NFS-01-P-04.

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

- 5.4 All the external materials and finishes 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).

- 5.5 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).

6.0 PLANNING HISTORY

- 6.1 No relevant planning history

7.0 CONSULTATIONS

- 7.1 BwD Public Protection – No objections. Should the application be approved, a condition should be imposed regarding unexpectedly encountering land contamination during redevelopment works.

- 7.2 BwD Drainage – No objections.

- 7.3 United Utilities – It is the applicant's responsibility to investigate and demonstrate the exact relationship between United Utilities' assets and the proposed development.

- 7.4 Ward Cllrs – No objections.

- 7.5 No public responses received

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

- 9.0 DATE PREPARED:** 3rd August 2023

- 10.0 SUMMARY OF REPRESENTATIONS** – none received.

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/23/0538

Proposed development: Full Planning Application for Proposed single storey side extension to replace part of previously approved decking area

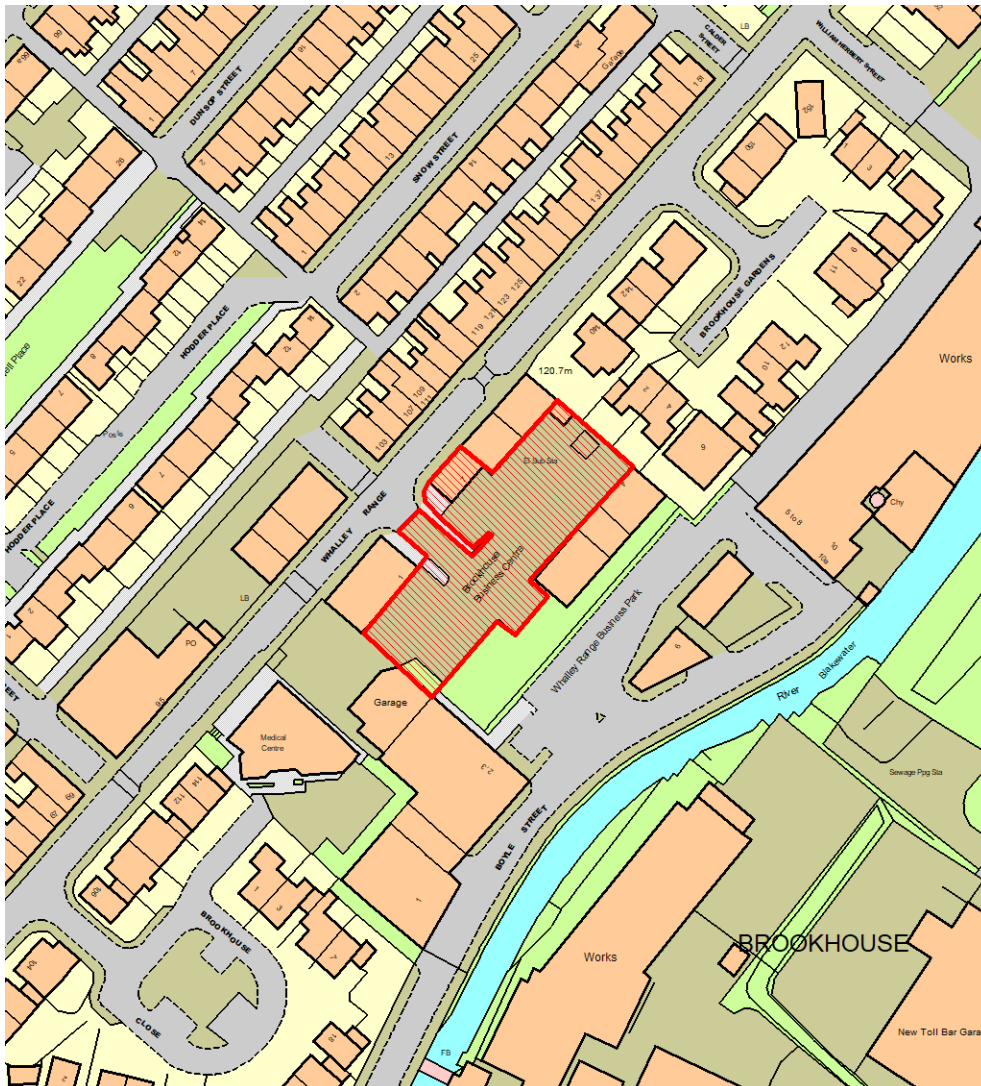
Site Address:

**Units 7 and 7A Brookhouse Business Centre
Whalley Range
Blackburn
BB1 6BB**

Applicant: Divine Patisseries Ltd

Ward: Bastwell & Daisyfield

**Councillor Parwaiz Akhtar
Councillor Iftakhar Hussain
Councillor Shaukat Hussain**



1. SUMMARY OF RECOMMENDATION

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

2 KEY ISSUES

- 2.1 This application is presented to the Planning and Highways Committee due to the history of the application site. The previous planning application (the original approval 10/22/1004) was also reported to the Planning Committee on 16th February 2023.
- 2.2 This application seeks permission for a for a single-storey side extension to the Mii Chaii café/restaurant where there is an approved outdoor decking / seating area in situ.
- 2.3 The application site is located on Whalley Range and was formerly part of the Brookhouse Business Centre. The site lies directly adjacent to, but just outside the Whalley Range District Centre, within the Inner Urban Area of Blackburn in relative close proximity to the Town Centre, and a Coal Low Risk area.
- 2.4 Planning permission for the café/restaurant, including the outdoor decking / seating area, was approved at the 16th February 2023 Planning committee (ref 10/22/1004 - Retrospective change of use from showroom, offices and catering preparation area (Sui Generis use), to a Cafe (Class E) including New Glazing, Rear Extension and External Alteration, including new seating area to the side elevation).
- 2.5 Condition 3 of the 10/22/1004 permission includes a 23:00hrs closing time for the inside of the café/restaurant, but with shorter hours (to 20:00hrs) for the outdoor decking area. The condition states:
- 2.6 *“The use hereby permitted shall not take place outside the hours of 09:00hrs to 23:00hrs Mon-Fri, and 10:00hrs to 23:00hrs Sat, Sun and Bank Holidays. Furthermore, the external decking area shall not be in use for any purpose outside the hours of 09:00hrs to 20:00hrs (Mon-Fri), and 10:00hrs to 20:00hrs (Sat, Sun and Bank Holidays).”*
- 2.7 This application seeks to extend the building to replace the outdoor seating area with a single storey side extension so that all of the café/restaurant space would be indoors. The applicant explains that the intention is to provide customers with a better overall experience at all times of the day and seasons of the year and enable the opening hours to be equalised throughout the premises. The proposal to bring the decking area inside would enclose the existing decking area to minimise noise.
- 2.8 The footprint of the new enclosed area would be over the bulk of the existing decking area. The applicant has clarified that access to this enclosure would

be via the main Café. There would be no external doors leading in or out of the proposed enclosure and all windows would be fixed (non-opening).

2.9 The proposed scheme is considered acceptable for the reasons set out in this report.

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

- Principle of Development
- Highways issues
- Design and visual amenity
- Residential amenity
- Other matters
- Planning balance

3 RATIONALE

3.1 **Site and Surroundings**

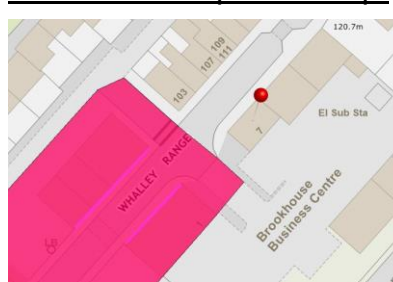
3.1.1 The application site (Mii Chaii café / restaurant) lies within a commercialised setting, with a range of shops and local services. The surrounding area is mixed, with some residential dwellings also in the vicinity. The application site comprises an existing two storey commercial unit, which is just one of a number of units within the former Brookhouse Business Centre, within the Inner Urban Area of Blackburn, on the south/eastern side of Whalley Range, in a Coal Low Risk area.

3.1.2 The site also sits directly adjacent to the Whalley Range District Centre, as identified in the Local Plan Proposals Map (below). The adjoining units on Whalley Range to the south-west also sit within identified secondary retail frontage on the Proposals Map. This can be seen below.

Location Plan:



Local Plan Proposals Map:



3.1.3 The proposed enclosure would be sited on the existing decking area to the side of the café/restaurant, on the corner of Whalley Range and the entrance road into the shared rear car park, all part of the former Brookhouse Business Centre. There is a single storey commercial unit to the north-east, which formed part of the previous use of this group of units as showroom, offices and catering preparation area. On the opposite side of the access road to the

south-west is one of a number of dessert parlours in the area. There is a mix of commercial and residential properties on the opposite side of Whalley Range.

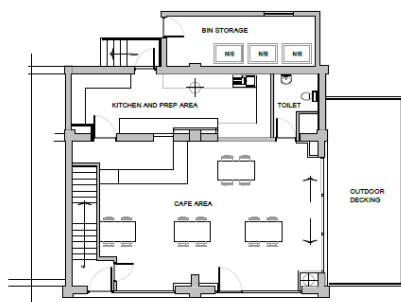
3.2 **Proposed Development**

3.2.1 This application is for a single storey flat roof side extension covering the majority of the footprint of the existing approved outdoor decking area, located in-between the main cafe/restaurant building and the access road into the shared rear car park.

3.2.2 The side wall of the building, which is currently the external wall, would become internal, connecting the extension to the main building. This elevation is already fully glazed, with sliding doors which can be opened up to allow the extension to either become part of the main café area or closed off as a separate space.

3.2.3 As with the existing decking area, the proposed flat roof extension would be slightly set back from the front (Whalley Range) elevation. The extension would use matching materials including the same brick and type of glazing units as the existing building. There would be full-height glazing on the front, side and rear elevations. There would be no external access/doors, and all windows would be non-opening.

3.2.4 **Existing plans and elevations**



EXISTING GROUND FLOOR PLAN.
SCALE 1:50



EXISTING FRONT ELEVATION.
SCALE 1:100

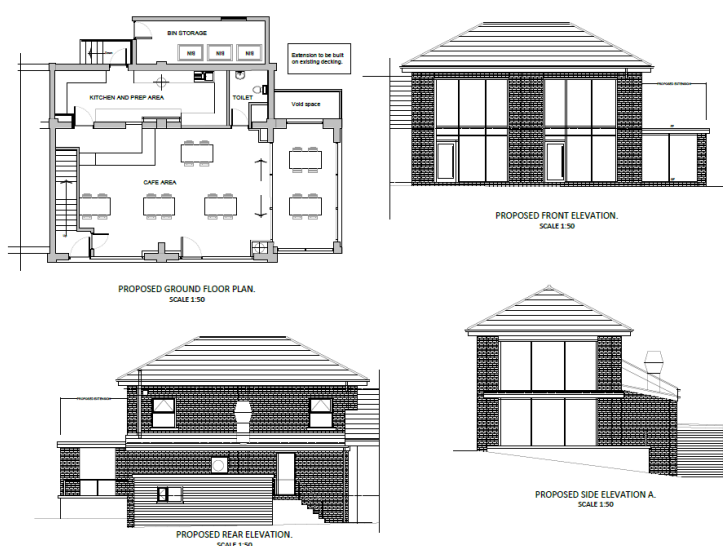


EXISTING SIDE ELEVATION A.
SCALE 1:100



EXISTING REAR ELEVATION.
SCALE 1:100

3.2.5 Proposed plans and elevations



3.2.6 Hours of operation would match those attached to the rest of the café/restaurant (09:00hrs to 23:00hrs Mon-Fri, and 10:00hrs to 23:00hrs Sat, Sun and Bank Holidays). The decking area presently has an hours of use restriction to 20:00hrs, but given this would become a fully enclosed area as part of the main café/restaurant, the 23:00hrs restriction would then apply to the whole premises.

3.2.7 The existing parking arrangements would also remain. The rear car park is shared by all the users of the units within the former Brookhouse Business Centre. There is no definitive parking allocation for the individual units.

3.3 Site Photos



3.4 Planning history

- **10/22/1004** – approved Retrospective Application for Change of Use from Sui Generis to Cafe (Class E) including New Glazing, Rear Extension and

External Alteration, including new seating area to the side elevation – Approved at the 16th February 2023 Planning Committee, subject to conditions.

- **10.92/0889** - Proposed Training Workshop & Office Units – Brookhouse Business Centre - Approved 25/08/92.
- **10/13/0675** - Change of use from education centre and offices to showroom, offices and catering preparation area – Approved 17/10/13.

3.5 Supporting documents

3.5.1 The following documents were submitted in support of this application:

- Planning Statement

3.6 Development Plan

3.6.1 Blackburn with Darwen Core Strategy

- Policy CS16: Form and Design of New Development

3.6.2 Local Plan Part 2 (adopted 2015):

- Policy 1: The Urban Boundary
- Policy 2: The Inner Urban Area
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 27: District Centres – a Framework for Their Development

3.6.3 **Other material considerations**

BwD adopted Parking Standards

Borough wide Design Guide SPD

National Planning Policy Framework

4.0 **ASSESSMENT**

4.1 **Principle of Development**

4.1.1 Policies 1 and 2 of the Local Plan identify the inner urban area as the preferred location for new development.

4.1.2 The application site also lies directly adjacent to the Whalley Range District Centre. Policy 27 of the Local Plan is clear that this policy applies to proposals “*Within and adjacent to District Centres..*”.

4.1.3 Policy 27 supports development where it encourages mixed uses, and where it responds to the scale and function of the centre. Proposals involving

conversion and adaptation of premises or involving changes of use should take place within existing buildings and frontages in order to consolidate and strengthen the vitality of the centre. They should retain or provide shop fronts in order to maintain active frontages and retain the character and vitality of the centre.

- 4.1.4 The proposed development only relates to the construction of a structure over an existing outdoor decking/seating area to the side of the premises, with no change of use proposed. The proposal would not have any detrimental impact on the scale and function of the centre, and subject to being satisfactory in all other respects, the proposal is considered acceptable in principle, and in accordance with Policies 1, 2, and 27 of the Local Plan.

4.2 Highways issues

- 4.2.1 Policy 10 outlines a general requirement for all development proposals to not prejudice road safety, or the safe and convenient movement of all highway users. Parking should also be provided in accordance with the BwD Parking Standards. In addition to avoiding unacceptable impacts on highway safety, the Framework also seeks to ensure that the cumulative impact of development on the highway network is not severe.
- 4.2.2 The Highway Authority raised an objection to the original approval on the basis that no parking was offered to support the increase in vehicle movements (compared to the previous training centre use), and that the café/restaurant would be detrimental to highway safety, and contrary to Policy 10 of the Local Plan.
- 4.2.3 This time the Highways Authority has once again raised an objection, referring to the increased (indoor) capacity of the café / restaurant, and a potential increase in customer footfall throughout the year as a result of the proposed enclosure. The Highways consultee comments that not all visitors will be from the immediate area; that cars are still parking on double yellow lines outside the premises; and that existing parking in the area is fully saturated. The Highways consultee goes on to suggest that the additional floor area would exacerbate the existing situation, without any recourse to highway safety, and would therefore be detrimental to highway safety, and contrary to Policy 10 of the Local Plan.
- 4.2.4 It is accepted that the maximum number of people who could visit the café/restaurant during inclement weather and/or during the evening (after 20:00hrs) would slightly increase, but this would only be relevant at times when the café/restaurant is at or close to full capacity, and the existing decking is unsuitable for use.
- 4.2.5 In any case, the proposed enclosure would only be small scale, and the overall maximum capacity would not change from the existing situation. Arguably, the proposal could be considered to reduce the existing capacity of the café/restaurant, because the construction of the enclosure would result in

a small area of the existing decking becoming inaccessible, meaning there would actually be a slight reduction in the overall café/restaurant floorspace.

- 4.2.6 The proposal seeks to provide greater comfort for customers and allow more efficient management of the café/restaurant space. Even if it is accepted that there would be a minor increase in capacity, any increase in customer numbers would only occur at times when the café/restaurant is at or close to full capacity, and the existing decking is unsuitable for use.
- 4.2.7 Given the small size and scale of the proposal, and taking into consideration the existing authorised use of the decking area, it is not considered that enclosing this small area would materially increase vehicle movements / parking demand to unacceptable levels. Nor would it have an unacceptable detrimental impact on highway safety, or have a severe cumulative impact on the highway network.
- 4.2.8 The application site is located directly adjacent to a District Centre in a highly sustainable and accessible location. The District Centre designation recognises not only the sustainable location but also the potential for linked trips. Many trips to the centre will be multi-purpose, and trips to the cafe will therefore not create substantial new parking demand as a standalone destination in its own right, but will largely be used by people who are already in the area, either visiting other shops in the District Centre, and/or who live locally and will arrive on foot. Providing on-site parking within District Centres is not a prerequisite of Policy 27, which for clarity includes development adjoining District Centres, sets out a framework for development in District Centres.
- 4.2.9 Proposals should only be refused on highways grounds where there is a demonstrable unacceptable detrimental impact on highway safety, and/or the cumulative impact of development on the highway network is severe. In this case it is not considered that these thresholds are met. It is therefore considered that the proposal is acceptable on highways grounds, in accordance with Policy 10 of the Local Plan, and the NPPF.

4.3 Design and Visual Amenity

- 4.3.1 In general terms, Core Strategy Policy CS16 and Local Plan Policy 11 require all development proposals to represent a good standard of design through demonstrating an understanding of the sites wider context and making a positive contribution to visual amenity.
- 4.3.2 The proposed flat roof side extension would cover the majority of the footprint of the existing approved outdoor decking area. As with the existing decking area, the extension would be slightly set back from the front elevation. The extension would use matching materials including the same brick and type of glazing units as the existing building. It would have full-height glazing on the front, side and rear elevations.

- 4.3.3 The proposed extension has been designed to harmonise with the existing building and is appropriate in scale and proportion, as well as replicating the key design elements of the existing building, notably the brickwork and the contemporary full-height glazing. The vertical emphasis of the curtain wall glazing and brick work of the existing building would also carry through to the extension, positively reinforce the character and quality of the street scene.
- 4.3.4 The scale and design of the modern addition would therefore be entirely appropriate to the existing building and would be subordinate to it, thereby not detracting from the character and appearance of the main building. It would also
- 4.3.5 Although the proposal would bring the massing of the built form closer to the rear car park access road from Whalley Range, the access is already quite wide, with room for 2 vehicles to pass side by side, and with footpaths on either side. It is further noted that the building (the dessert parlour) on the other side of the access road also projects up to the edge of the pavement.
- 4.3.6 Furthermore, the footprint of the single storey flat roof extension would not project any further to the side of the main building than the footprint of the existing decking area, and the front of the enclosure would be set back slightly from Whalley Range, with large amount of glazing. The extension is therefore considered acceptable in terms of its impact on the openness of the access road to the car park and would not “close in” the access to an extent that the character of the street scene would be adversely affected.
- 4.3.7 In summary, the proposed alterations would result in an active, modern addition that would be in keeping with the existing building, and the function, mixed character of the Whalley Range District Centre. It is therefore considered that the proposal would have an acceptable visual impact, meeting the requirements of Policy 11 of the Local Plan and Policy CS16 of the Core Strategy.

4.4 Residential Amenity

- 4.4.1 Policy 8 of the Local Plan states that all development proposals must secure a satisfactory level of amenity and safety, with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy/overlooking, and the relationship between buildings. Also that it will, in isolation and in conjunction with other planned or committed development, contribute positively to the overall physical, social, environmental and economic character of the area in which the development is sited.
- 4.4.2 A condition was attached to the original café/restaurant approved under 10/22/1004 to restrict the use of the existing open decking area to no later than 20:00hrs. This was different to the rest of the café/restaurant, which can operate until 23:00hrs, because of the additional noise that would likely arise from the open deck area compared to noise from inside the main café/restaurant. The proposed enclosure would therefore have a positive

effect in this respect, helping to enclose noise within the building, to the benefit of local residents.

4.4.3 The Council's Public Protection team raised no objections to the proposal, subject to appropriate conditions and informatives, including a condition restricting hours of use to the same as the rest of the café/restaurant.

4.4.4 It is also considered appropriate to attach a condition ensuring that there is no external access, and that all windows are fixed / non-opening. The applicant has confirmed that this will be the case. Such a condition is considered reasonable in these circumstances.

4.4.5 The proposal is therefore likely to have a positive impact in terms of local amenity, especially when assessed in the context of the existing use of the building and the outdoor decking area, and the commercial setting of the application site directly adjacent to a District Centre. The proposal is therefore considered to have an acceptable impact in terms of residential amenity, and accords with Policy 8 of the Local Plan.

4.5 Planning balance

4.5.1 The objection from Highways is noted, but as set out in this report, any increased highway impacts arising from the proposed enclosure over the existing decking area are likely to be negligible, and are not considered to outweigh the positive effects of the proposal.

4.5.2 Positive effects include improved customer facilities at the café/restaurant, the associated social and economic benefits, and the reduction of existing noise arising from the open decking area, which would be to the benefit of local residents. The planning balance suggests therefore that the development should be approved, subject to conditions.

5 RECOMMENDATION:

5.1 Delegated authority is given to the Strategic Director of Growth and Development and Deputy Chief Executive 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:

Project no. 050 / WSA / 2022, Dwg no. 03: Site Location Plan.

Project no. 050 / WSA / 2022, Dwg no. 02: Proposed Floor Plans and Elevations.

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

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

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

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

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

5. The enclosure hereby permitted shall have no external access, and all windows on the external elevations of the enclosure shall be non-opening.

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

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

Monday to Friday	08:00 – 18:00 hours
Saturday	09:00 - 13:00 hours

REASON: To ensure appropriate hours of site work to minimise noise during the construction phase, to safeguard the amenities of local residents and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

6 CONSULTATIONS

6.1 Highways

6.1.1 Objection raised due to additional vehicles generated will add harm to highway safety, detrimental to highway safety, contrary to Policy 10 of the Local Plan Part 2.

The application seeks consent for proposed single storey side extension to replace part of previously approved decking area.

In accordance with adopted parking standards. The extension proposed would increase the public seating associated with the premises throughout the year.

The current decking is only usable at seasonal times (weather permitting).

The addition of an enclosed extension would increase the customer footfall throughout the year.

The site recently acquired retrospective planning consent for the Mii Chai business, this was to be supported by the car park at the rear, which now operates as an ANPR car park.

The concerns expressed at the original application still stand. Having visited the site, on a number of occasions the abhorrent parking that we were concerned about along Whalley Range on double yellow lines still occurs even with the introduction of available parking to the rear.

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

There are ongoing issues with the highway network in the immediate locality, this has culminated in joint departmental investigations being undertaken, involving the Police, Neighbourhood Teams, traffic and parking.

In addition to the above, there is a priority give way positioned right outside/close to the property. This also highlights the need to keep the area clear from intensive movements, for safety reasons.

To conclude the additional floor area would continue to exacerbate the existing situations without any recourse to highway safety, we therefore object to the application for the following reasons:

- Additional vehicles generated will add harm to highway safety
- detrimental to highway safety
- contrary to policy 10 of the Local Plan Part 2

6.2 Public Protection

6.2.1 No objections, subject to conditions / informatives.

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

Condition – Hours of Use Restriction

The approved use shall be restricted to the following times:

Monday to Friday: 09:00 – 23:00 hours

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

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

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

Condition – Air Quality (Small Commercial Development)

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

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

Construction Phase Control Condition – Hours of Site Works

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

Monday to Friday 08:00 – 18:00 hours

Saturday 09:00 - 13:00 hours

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

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

7 Publicity

- 7.1 The proposed development has been publicised through letters to 34 properties and businesses in the immediate area, and a site notice was displayed on 4th July 2023.
- 7.2. Whilst no objections were raised directly by local residents, a representation was received from the Office of Kate Hollern MP, Member of Parliament for Blackburn, referring to the following issues (raised by a local resident):
- Detrimental to the residential area.
 - Detrimental to the character and vitality of the Whalley Range area.
 - Overconcentration of food outlets in the area.
 - Detrimental effect on road safety due to increased volume of traffic.
 - Detrimental impact on the health of young people in the borough by virtue of its location within 400 metres exclusion zone around primary schools and two Madressas.
 - Overdevelopment - it would narrow the appearance of the current wide access to the Brookhouse Business Park.
- 7.3 Most of the above matters have been addressed, directly or indirectly, in the main body of this report.
- 7.4 The only issue raised in the MP letter that is not covered in this report is potential health impacts / encouraging healthy eating. Fundamentally, the use

of the premises has already been established by the previous approval, and the existing decking area that would become enclosed as a result of this application already benefits from the authorised café/restaurant use of the premises.

- 7.5 The proposal would therefore have a neutral impact in terms of health. Given there would be no material change of use, and no increase in floorspace as a result of this proposal, it is not considered necessary or reasonable to assess health impacts as part of this application.

8 CONTACT OFFICER: Tom Wiggans – Planning Officer

9 DATE PREPARED: 4th August 2023

10 SUMMARY OF REPRESENTATIONS

Objection – Kate Hollern MP, on Behalf of Mr Asif Iqbal, 140 Whalley Range, Blackburn, BB1 6NL.
Received: 14/07/2023

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

Mr Iqbal has contacted my office to express concern at recently announced proposals to erect a side extension at premises near to his home – namely the Mii Chaii cafe.

At the present time the proposed location of the extension is occupied by an outdoor decking area.

My constituent objects to these proposals on the following grounds:

- 1. The proposal is detrimental to the surrounding area which is residential.*
- 2. It would also likely lead to a detrimental impact on the character and vitality of the Whalley Range area.*
- 3. It is evident that there are a high number of existing food outlets already in the area and further expansion is considered as over concentration of such uses.*
- 4. A detrimental affect on road safety due to increased volume of traffic.*
- 5. The business would have a detrimental impact to the health of young people in the borough by virtue of its location within 400 metres exclusion zone of around two primary schools and two Madressas.*

Having discussed the matter with my constituent I believe Mr Iqbal also considers that construction of the extension would constitute overdevelopment as it would effectively narrow the appearance of the current wide access to the Brookhouse Business Park.

Mr Iqbal is aware that in recent months a temporary gazebo has been erected on the decking, and he is concerned that this application is a means of the premises extending its capacity from that previously agreed by the Council – with an inevitable associated increase in the movements of customers in an already very busy area.

In light of this, I would be most grateful if the concerns expressed could be noted in connection with any considerations of this application, and if my own interest could also be noted.

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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