

# Public Document Pack

## Planning and Highways Committee

Thursday, 14th December, 2023

6.30 pm

Meeting Room A, Blackburn Town Hall

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## PLANNING AND HIGHWAYS COMMITTEE

Thursday, 16 November 2023

**PRESENT** – Councillors, David Smith (Chair), Casey, Khan, Slater, Marrow, Baldwin, Imtiaz, (VC) Mahmood, McCaughran and Jackson.

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

### RESOLUTIONS

**38**     **Welcome and Apologies**

The Chair welcomed everyone to the meeting.

There were no apologies received.

**39**     **Minutes of the Previous Meeting**

**RESOLVED** – That the minutes of the previous meeting held on 19<sup>th</sup> October 2023 be agreed and signed as a correct record.

**40**     **Declaration of Interest**

**RESOLVED** – There were no declarations of interest received,

**41**     **Committee Agenda**

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

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

**41.1**   **Planning Application 10/23/0532**

**Applicant** – Wainhomes Northwest Limited

**Location and Proposed Development** - Land off Yew Tree Drive and Whinney Lane, Blackburn

Variation/Removal of Condition/Minor Material Amendment for Variation of condition No. 29 pursuant to planning application 10/17/0578 'Residential Development comprising 272 homes, public open space, landscaping, drainage, associated highway works, infrastructure and engineering works and demolition of existing garages' to allow for changes to housetypes, layouts and materials.

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

## 41.2 Planning Application 10/23/0587

*Speakers – Neil Lewis (Agent)  
Eric Veitch (Objector)*

**Applicant –** Countryside Partnerships

**Location and Proposed Development –** Land at Holden Fold, Darwen.

Full Planning Application for: Erection of 477 residential dwellings with public open space, landscaping, sustainable drainage systems (SuDs), demolition of existing stable buildings, new parking associated with the sports pavilion, additional parking off Knowle Lane, and vehicular access points off Holden Fold, Moor Lane and Roman Road.

**Decision under Town and Country Planning Acts and Regulations –**

**RESOLVED –** Approved subject to a Section 106 Agreement to secure payment of a commuted sum totalling £3,457,804 for additional primary school places in Darwen, secondary school and special needs places across the borough; highway improvement works and sustainable transport initiatives necessary to support the development; additional General Practice capacity; Green Infrastructure / Public Open Space provision towards the upgrade of Square Meadows Sports facility; provision for off-site Biodiversity Net Gain; together with provision of on-site affordable homes (24no.) to be “first homes”, and all the non-adopted green spaces and footways are dedicated for public use, and conditions.

Approved subject to the additional conditions highlighted in the Update Report:

Prior to commencement of the development hereby approved, and notwithstanding the submitted details, a proposed scheme of works to the existing Hedgerow at the northern edge of Friends of Square Meadows Sport Facility shall be submitted to and approved in writing by the Local Planning Authority. The works shall provide for retention of the hedgerow where practicable and replacement where necessary, in proximity to the northern boundary of Friends of Square Meadows, so defined by the red edged site plan, numbered 22-04-P01 Revision D. The scheme shall include:

- The precise position(s) of the retained section of hedgerow and
- the replacement section;
- hedgerow planting species;
- planting frequency / density; and
- a timetable for implementation of planting.

The replacement Hedgerow shall be planted in strict accordance with the approved details and shall be so retained.

**REASON:** In order to ensure that a hedgerow is assimilated into the adjacent development, and in the interests of good arboriculture practice, in accordance with Policies 11 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

Members are further advised that the subject hedgerow does not have any protected status and that the Council's Arboricultural consultee offers no objection to its removal, subject to adequate retention and / or replacement planting being secured.

Since publication of the main report, the Council's Drainage consultee – as Lead Local Flood Authority – has withdrawn support for the submitted surface water drainage strategy. The position has arisen following recent on-site investigations, during heavy rainfall, which established that the submitted strategy is not entirely accurate, with specific reference to current overland flow rate and proposed connection into a culvert on the western side of the site. Connection to the culvert is not considered feasible due to discharging into a nearby field, rather than a defined water course; a circumstance which would exacerbate flood risk. Accordingly, it is agreed with the application, in principle, that submission of a revised surface water drainage strategy would be secured via the following condition:

Prior to commencement of above ground development hereby approved, a scheme for the disposal of foul and surface water from the site must be 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) Where applicable, details of any proposed point of discharge to a watercourse, to be approved by the Lead Local Flood Authority.
- (iii) A detailed drainage strategy to demonstrate that the post[1]development surface water discharge rate to any soakaway, watercourse or sewer does not exceed the pre-development (Greenfield) rate. The drainage strategy shall include details of the peak surface water runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 100 year (+40% climate change allowance) rainfall event, and shall demonstrate that the peak post-development runoff rate does not exceed the peak pre-development greenfield runoff rate for the same event;
- (iv) Details of any necessary flow attenuation measures, including the use of above-ground green SUDS unless this is unachievable for technical reasons;
- (v) details of the measures taken to prevent flooding and pollution of any receiving groundwater and/or surface waters (including watercourses) and any off-site works required to ensure adequate discharge of surface water without causing flooding or pollution (including refurbishment of existing culverts and headwalls or removal of unused culverts where applicable);
- (vi) Flood water exceedance routes, both on and off site;
- (vii) Means of access for maintenance and easements (where applicable); (viii) A timetable for implementation, including any phasing of works.

The approved scheme shall also be in accordance with the Non[1]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.

*3 Objections – Cllrs Jac Slater, Marrow & Baldwin*

**41.3 Planning Application 10/23/0777 & 10/23/0778**

*Speaker – Adam Grey (Agent)*

**Applicant –** Blackburn with Darwen Borough Council

**Location and Proposed Development –** St Johns Centre, Victoria Street, Blackburn

Full Planning Permission and Listed Building Consent: Conversion and extension of existing Grade II Listed Church to provide office accommodation.

The Committee emphasised how great the plan was and that it would be a credit for the building to be restored and that the new use would be beneficial to the town centre.

**Decision under Town and Country Planning Acts and Regulations –**

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

**41.4 Planning Application 10/23/0779**

**Applicant –** Justine Sharp

**Location and Proposed Development –** 3 Buckthorn Lane, Livesey, Blackburn

Full Planning Application for Mixed use comprising commercial kitchen as part garage conversion and dwellinghouse (Sui Generis) and insertion of door within side elevation.

**Decision under Town and Country Planning Acts and Regulations –**

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

**41.5 Planning Application 10/23/0858**

**Applicant –** Blackburn with Darwen Borough Council

**Location and Proposed Development** - Audley and Queens Park Children's Centre/Audley and Queens Park Neighbourhood Learning Centre, Pringle Street, Blackburn, BB1 1SF

Erection of 3 No. single storey extensions, new entrance canopy and internal reconfigurations

**Decision under Town and Country Planning Acts and Regulations –**

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

**42 Tree Preservation Order**

A report was submitted to request the committee to endorse the actions of the Council's Arboricultural Officer/Planning Manager (Development Management) in making and serving 206 Preston New Road, Blackburn 2023 Tree Preservation Order (TPO) (ref: BWD5).

On the 22nd May 2023, a formal "Notice of intent to undertake works in a conservation area" was submitted by the Home Coordinator at Northwood Nursing & Residential Care, 206 Preston New Road, Blackburn to undertake pruning works to the Lime trees (ref: 10/23/0431) The system of notification (211 notice) provides the Council an opportunity to consider if trees should be made subject to a TPO.

The notification for works included options for pruning and possible removal of the Lime trees. The Council cannot consider multiple options for works and the Council's Arboricultural officer sought clarification. A site meeting was arranged with the Home Coordinator and the owner attended, to clarify the proposed work.

Options for pruning were discussed which could resolve nuisance issues of low branches causing obstructions to vehicles, shading to the property and safety concerns. Also concerns regarding the disruption to a low boundary wall at the base of each tree were raised. It is recognised growth and expansion of the buttress of each tree, has over time resulted in movement to the wall. Repair and rebuilding options to allow for the retention of the trees were discussed. The owner's preference was however to remove both of the trees.

The two Lime trees are large and the owner of the property was concerned about their safety and potential for falling branches.

From the site visit undertaken by the Arboricultural Officer, both trees looked to be in good health with vigorous canopies. It was recommended to the owner, that pruning to remove any weak or defective branches will keep the trees in an acceptable safe condition, thus safety concerns can be alleviated. If the health and stability of the trees are in question then a professional health and safety inspection report would need to be submitted that provides evidence that these trees are at risk. During the consultation period the Council has not received any objections or information contesting either trees condition.



The Arboricultural officer subsequently carried out a Tree Evaluation Method for Preservation Orders (TEMPO), which was undertaken on the 13th July 2023. The assessment gave the tree a very high score of 18, which fully warrants a TPO.

The emergency TPO was served on the landowner/freeholder on the 17th July 2023.

It is fully appreciated both trees are large and dominate the entrance off St Silas Road, for this reason there would be no objection to suitable pruning works to remove low nuisance branches, but it is considered there are no justifiable reasons to warrant their removal.

Subsequently, on the 17th July 2023, the local planning authority objected to the notice to fell the trees with the making of a provisional TPO (ref: 10/23/0431).

#### **RESOLVED –**

That the actions of the Arboriculturalist and Planning Manager (Development Management) in making and Northwood Nursing & Residential Care, 206 Preston New Road/St Silas Road, Blackburn 2023 Tree Preservation Order (TPO) be endorsed.

That Northwood Nursing & Residential Care, 206 Preston New Road/St Silas Road, Blackburn 2023 Tree Preservation Order (TPO) (ref: BWD5) is confirmed without modification

#### **43 Enforcement**

A report was submitted to obtain authorisation for enforcement action against all persons having an interest in the land at the 2 Shear Bank Close, Blackburn, BB1 8AW. Background information including grounds for the request were outlined in the report.

**RESOLVED** – Authorisation was granted for the enforcement to be undertaken at 2 Shear Bank Close, Blackburn

#### **44 Enforcement**

A report was submitted to obtain authorisation for enforcement action against all persons having an interest in the land at 784 Livesey Branch Road, Blackburn, BB2 5DN. Background information including grounds for the request were outlined in the report.

**RESOLVED** – Authorisation was granted for the enforcement to be undertaken at 784 Livesey Branch Road, Blackburn, BB2 5DN

*Cllr Baldwin abstained from voting*

#### **45 Enforcement**

A report was submitted to obtain authorisation for enforcement action against all persons having an interest in the land at 27 & 29 Feniscliffe Drive, Blackburn, BB2 2UF. Background information including grounds for the request were outlined in the report.

**RESOLVED** – Authorisation was granted for the enforcement to be undertaken at 27 & 29 Feniscliffe Drive, Blackburn, BB2 2UF

**46**     **Enforcement**

A report was submitted to obtain authorisation for enforcement action against all persons having an interest in the land at 46 Fecitt Brow, Blackburn, BB1 2AZ. Background information including grounds for the request were outlined in the report.

**RESOLVED** – Authorisation was granted for the enforcement to be undertaken at 46 Fecitt Brow, Blackburn.

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

<b><u>MATERIAL:</u></b>	<b><u>NOT MATERIAL:</u></b>
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: 14/12/2023

Application No	Applicant	Site Address	Ward
Application Type			
10/22/1145			
	Mr. & Mrs. Schofield Entwistle Hall Barn Entwistle Hall Lane Edgworth Bolton BL7 0LR	Entwistle Hall Barn Entwistle Hall Lane Edgworth Bolton BL7 0LR	West Pennine
Full Planning Application for Demolition of existing detached garage and replacement with proposed two storey extension, incorporating recessed first floor terrace area, and first floor link			
<b>RECOMMENDATION: Permits</b>			
10/23/0479			
	Bayt Muhammad Academy Mr Irshaad Riyazuddin 111 Cherry Street Blackburn BB1 1NT	Land corner of Eleanor Street and Higher Audley Street Blackburn	Blackburn Central
Full Planning Application for Construction of a new two storey religious education seminary (Use Class F1(f)) and associated parking and landscaping			
<b>RECOMMENDATION: Permits</b>			
10/23/0809			
	Blackburn Youth Zone Jubilee Street Blackburn BB1 1EP	Blackburn Youth Zone Jubilee Street Blackburn BB1 1EP	Blackburn Central
Full Planning Application for Remodelling and landscaping of the external entrance of the Youth Zone, including the provision of an enclosed lobby, green living wall, metal canopies, bicycle storage and 2 no. electric vehicle charging points for existing accessible parking spaces, alongside the restoration and enhancement of the external facade and internal reconfigurations to the Fuse Box building			
<b>RECOMMENDATION: Permits</b>			

Application No	Applicant	Site Address	Ward
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10/23/0896

Mr Grant Mizon  
78 Roman Road  
Darwen  
BB3 3BN

BVSMNT (former Darwen Windows Ltd)  
The Old Co-Op Building  
Borough Road  
Darwen  
BB3 2FT

Darwen West

Variation/Removal of Condition/Minor Material Amendment for Variation of Condition No.6 "opening hours" pursuant to planning application 10/22/0758 "Proposed change of use of lower ground floor from vacant mill to a Live Music Venue (Sui Generis use) and removal of a section of link building. " - to amend opening hours to: Monday to Thursday open from 18:30 - 23:00, Friday open from 17:00- 23:00; Saturday open from 16:00 until 23:00, and Sunday/Bank Holidays open 16:00 until 22:00

**RECOMMENDATION: Permits**

**Proposed development: Full Planning Application for Demolition of existing detached garage and replacement with proposed two storey extension, incorporating recessed first floor terrace area, and first floor link**

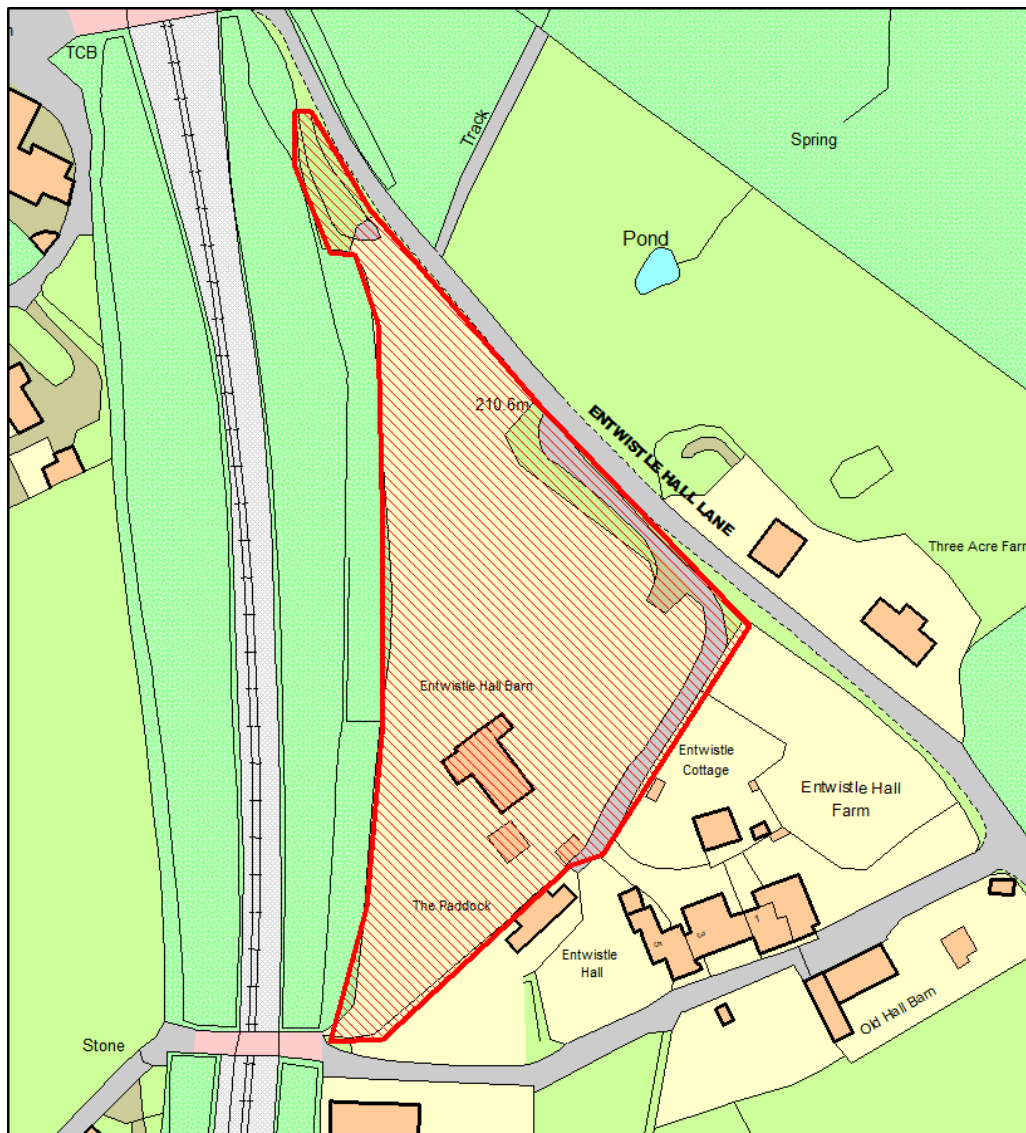
**Site Address:**

**Entwistle Hall Barn  
Entwistle Hall Lane  
Edgworth  
Bolton  
BL7 0LR**

**Applicant: Mr. & Mrs. Schofield**

**Ward: West Pennine**

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





## 1.0 SUMMARY OF RECOMMENDATION

1.1 **APPROVE** – subject to the conditions set out within section 4 of this report

## 2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 This application is before the Planning and Highways Committee, in accordance with the Scheme of Delegation, due to the receipt of public objections.

2.2 Assessment of the application finds that the proposal is consistent with Green Belt policy. It is also acceptable in terms of its size, scale and appearance, and would not unacceptably compromise residential amenity standards. The proposal therefore complies with the relevant development plan policies. Therefore, in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework (NPPF), the proposal is considered acceptable subject to the suggested conditions.

## 3.0 RATIONALE

### 3.1 Site and Surroundings

3.1.1 The application site relates to a detached two storey residential barn conversion. It is located within a substantial plot, off Entwistle Hall Lane, and within the Green Belt.

3.1.2 The property has coursed stone walling, with natural dark grey slate roofing. Earlier extensions include the detached garage on the site of the current application and a contemporary addition to the north elevation, which replaced an earlier piggery structure.



Fig 1: Images of existing property

3.1.3 The site is adjoined to the south by the rear wall of the closest neighbouring residential property, 'The Paddock' (referred to as Delphfields in the public objection). Beyond is the Listed 'Entwistle Hall', which has been subdivided in to four residential properties. A further Listed building, 'Entwistle Cottage' is also located to the south of the site.



Fig 2: Plan showing relationship with neighbouring properties (Listed properties are speckled)

## 3.2 Proposed Development

3.2.1 The proposal seeks to demolish the existing detached garage and erect a two-storey contemporary extension on the same footprint. The extension will be connected to the main dwelling via a first floor structural contemporary glazed link. The ground floor of the extension would be accessed from the front (east elevation) and is to provide access to a dog washing area and a gym. The first floor is to be cantilevered overhanging the east side of the ground floor, which would facilitate a master suite, dressing area, en-suite and terrace area.

3.2.2 The proposed extension will be contemporary in its design and will have a pitched roof design that would be circa 500mm lower than the ridge height of the host dwelling. The extension will be set back from the principle build line of the main dwelling.

3.2.3 With regards to the material finishes, the proposed extension incorporates large expanses of glazing within the front and rear elevations. Walling will be faced with random sized coursed natural stone and timber cladding; with the roof finished in dark grey zinc roofing. The proposed windows will be dark



## **3.2 Development Plan**

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

3.3.2 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:**

- CS16 – Form and Design of New Development

### **3.3.4 Local Plan Part 2**

- Policy 3: The Green Belt
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 39: Heritage
- Policy 41: Landscape

## **3.4 Other Material Planning Considerations**

### **3.4.1 Residential Design Guide Supplementary Planning Document**

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. The following policies are of particular relevance;

- RES E1: Materials
- RES E2: 45 Degree Rule
- RES E3: Separation Distances
- RES E9: Two Storey Side Extensions

### **3.4.2 National Planning Policy Framework (NPPF) (2023)**

### 3.5 Assessment

#### 3.5.1 Principle of Development:

The site is located in an area designated as Green Belt within the adopted local development plan. Policy 3 of the Local Plan accords with the guidance provided within paragraphs 147 to 149 of the National Planning Policy Framework (NPPF) that the construction of new buildings within the green belt is inappropriate development, unless one of a number of defined exceptions are met. One such exception is “*the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original dwelling*”.

3.5.2 The Council’s policies do not prescribe what amounts to a disproportionate addition. A sizeable increase in volume may be appropriate for one site, but not appropriate for another, subject to the individual site characteristics. In accordance with Planning Practice Guidance, this necessitates an assessment of the potential impacts to be carried out in two parts; spatial and visual.

3.5.3 The submitted Planning Statement provides context in relation to the position and volumes of the previous additions to the host property, which informs the spatial assessment. The following table sets out the volume calculations for the original dwelling and the proposal:

Volume of Original Dwelling (m3)	Total volume following restoration and refurbishment (m3)	% difference between the original building and proposed dwelling (volume)
Original Dwelling = 824 m <sup>3</sup>	Total Volume of original dwelling and extension following planning permission 10/15/0467 = 949m <sup>3</sup>	15% increase
Original Dwelling including Garage = 988m <sup>3</sup>	Total volume of original dwelling adding 10/15/0467 and the proposed extension = 1,375 m <sup>3</sup>	39% increase

3.5.4 The increase in volume from the original dwelling to the proposed when also including the previously approved (and built) extension (ref: 10/15/0647) is 39%, which represents just over a third greater in volume than the original built form on site.

3.5.5 In relation to the visual impact the assessment must also consider the characteristics of the site itself. The development would be visually contained, not being readily visible from public vantage points / key viewpoints in the

immediate area. Therefore, from a visual standpoint the development would have limited impact on spatial qualities of Green Belt openness and how this is currently perceived. Thus, on balance, compliance with Policy 3 is achieved.

### 3.5.6 Design and Appearance:

Policy 11 requires all new development to present a good standard of design; demonstrating an understanding of the wider context and making a positive contribution to the locality.

3.5.7 The existing property was formed through a residential conversion of a 19<sup>th</sup> century barn structure, approved under 10/84/0836. The original element is of traditional construction, incorporating course stone walling and slate covered pitched roofing. Both the principle elevation and rear elevation include a large feature window detail within the former cart opening. The property has also been extended by way of the existing detached garage that is the subject of this application and a contemporary addition to the north elevation. This element replaced an earlier piggery structure and broadly replicates its form, though the use of large expanses of glazing and flat roof element to the rear provide for a contemporary appearance.

3.5.8 The existing single storey garage structure that is to be removed effectively has the same as the new extension; 6.65 (L) x 7.1m (W) whereas the proposed utility space and gym portion shall be 7(L) x 6.6m (W). At first floor level the proposed shall project 4.7m beyond the ground floor stone clad section of the building, providing shelter for cars below and amplifying views towards the main road which are attractive, with the added benefit of passive surveillance of visitors. The amended proposal now provides for a ridge line circa 500mm lower than the host property.

3.5.9 The submitted Design and Access Statement advises;

*“The first floor glazed link bridge is ideally situated along the existing landing, removing existing wardrobe space to one bedroom whilst utilising an existing window opening. The glazed link provides a clear distinction between the historic barn and the new accommodation, bringing the contemporary flavours of application 10/15/0647.*

*The main roof and first floor ‘mansard’ type walls are proposed to be clad in quartz coloured zinc, tying in with the existing slate tones but delineating clearly the recent addition from the more historic barn”.*

3.5.10 The design is completed through the use of stone walling to the ground floor and large recessed glazing to the east and west elevations, which give way to balcony areas.



Fig 4: Computer Generated Images of East elevation

3.5.11 When appraising the proposal the presence of the existing contemporary addition, as approved under 10/15/0647, is an important consideration. The large expanses of glazing are replicated within the current proposal, as is the use of matching stonework present within the original barn structure. This approach correlates with policy RES E1: Materials, which requires residential extensions to match the materials used in the existing property.

3.5.12 The design approach also accords with the guidance within Policy RES E9: Two Storey Side Extensions. Part (i) requires that the extension does not form an obtrusive feature on the street scene. Given the large domestic curtilage, topography and screening from vegetation the host property and the proposed extension are not readily visible from 'the street scene' and thus cannot be considered to be obtrusive. Part (ii) requires the general front build line of the host building to be respected. Compliance is achieved given the substantial set back proposed. Finally, part (iii) requires roof design to be integrated with the existing property, by either extending the original pitch roof, or through the use of a pitched roof on the extension itself. Roofline must be secondary to the original property. Following the receipt of amended details, which provides for a lowered ridge line, compliance is achieved.

3.5.13 The proposal includes the use of powder coated zinc cladding, with profiled seams, as the roofing material. In isolation this element is not consistent with

the SPD policies as it is not an existing material. However, the proposal does evoke the use of metal sheet roofing that is a common feature in rural settings. Its use also provides for a contemporary form that balances the existing contemporary addition to the north elevation. This is considered to be adequate mitigation to support the overall design, despite the apparent conflict with Policy RES E1

#### 3.5.14 Heritage:

The main issue from a heritage viewpoint is whether the proposal would harm the contribution made by the significance of the nearby Grade II listed buildings; which should be regarded as being of high significance. The public objections, in part, reference adverse impacts upon the listed properties neighbouring the site.

#### 3.5.15 Following consultation with the Council's heritage advisor the heritage impacts are summarised as follows;

In relation to setting, Historic England's advice is contained in its Planning Note 3 (second edition) entitled The Setting of Heritage Assets. This describes the setting as being the surroundings in which a heritage asset is experienced and explains that this may be more extensive than its immediate curtilage and need not be confined to areas, which have public access. Whilst setting is often expressed by reference to visual considerations, it is also influenced by the historic relationships between buildings and places and how views allow the significance of the asset to be appreciated.

On viewing the site and completing map regression, it is evident that the listed buildings and the proposal site are historically connected. In addition, the proposal site and only Entwistle Cottage are visually connected, however; I note that visually, the views are limited.

The group of listed buildings are located to the southeast of the proposal site; from the proposal site the ground to the southeast drop away slightly to lower ground. When looking southeast from the proposal site, the view is thickly screened by tall wall of established hedgerows and trees, and as such, there are no views of most of the listed buildings and as noted above, limited visual connection from the proposal site to the listed Entwistle Cottage. Only the north facing roof slope and the west-facing gable of Entwistle Cottage can be glimpsed through a small gap between the hedgerows, close to the stone outbuilding. However, it is unlikely the proposed extension will be viewed in the same context as the listed building.

Additionally, Entwistle Hall Barn has changed substantially over time, with a range of modern interventions including a large contemporary, projecting double height extension, which to some extent has eroded some of the contribution that this site may provide to the historic setting.

#### 3.5.16 Whilst the design of the proposed extension is contemporary, in its materials it reflects elements of those found in farm environments, with a mix of natural



coursed stone, timber and zinc roofing. As long as the stone reflects the stone used on the buildings on the wider site, which can be controlled by a suitably worded planning condition, it is considered that the proposed works will not result in any substantive harm to the contribution made by the existing setting to the nearby listed buildings.

3.5.17 The proposal is therefore considered to be compliant with Local Plan policy 33 and the NPPF

3.5.18 Residential Amenity:

Policy 8 (part ii) advises that development will be supported providing satisfactory levels of amenity are secured for future occupants and neighbours, with reference to matters including; noise, vibration, light, privacy/overlooking, and the relationship between buildings.

3.5.19 A number of the public objections cite loss of amenity as a consequence of overlooking, loss of privacy, dominance and disturbance during the construction process. The objections are set out within section 9 of this report.

3.5.20 The proposal provides bi-folding doors within the ground floor of the southern elevation, which faces towards the neighbouring properties. However, this element faces the rear wall of the 'the Paddock / Delphfields' property which is a blank wall. Existing boundary treatment also provides screening and no obvious loss of amenity would ensue from this element.

3.5.21 The proposal also provides for large glazed areas and recessed balcony features within the first floor of the east and west elevations. Despite the concerns raised by neighbouring residents, the oblique angle would prevent direct overlooking of the properties to the immediate south. Furthermore, the separation distances to the properties to the south east would also ensure compliance with the distances prescribed within SPD policy RES E3, as well as complying with the 45 degree assessment necessitated by Policy RES E2. Despite mature vegetation there would be some potential for views towards neighbouring garden areas. These views are not pronounced and would be no greater than the relationship that already exists between the adjoined properties within the sub-divided Entwistle Hall, for example

3.5.22 The public objections also cite concerns regarding noise and disturbance during the construction process. Although it is acknowledged that there would be some disturbance, there are external controls under statutory noise nuisance legislation that would help preserve residential amenity standards.

3.5.23 Thus, on balance, compliance with Policy 8 and the relevant SPD policies is achieved.

### 3.5.24 Ecology:

Policy 9 (parts 6 to 9) advises that development likely to damage or destroy habitats or harm species of international or national importance will not be permitted.

3.5.25 The application is supplemented by an bat survey report, which included desk studies, internal inspection and emergence surveys. All potential roosting features present were able to be comprehensively inspected.

3.5.26 The report concludes that building B1 (the existing garage) was subject to three nocturnal bat surveys following the preliminary bat roost assessment of the building which classified the building as having high bat roost potential. Very low- low bat activity was recorded during the bat surveys and no bats were seen to emerge or re-enter the building. Therefore, it is considered that bats are not using the building as a roost at the time of the surveys. The building also provides opportunities for nesting birds. It is therefore concluded that the following matters will need to be addressed via planning condition;

- Building works should not be undertaken during the bird breeding season (between 1 March and 31 August) or a nesting bird check will be required by a suitably experienced ecologist.

3.5.27 In addition, and to support biodiversity net gain, it is suggested that an additional condition be imposed to require a scheme for bat and bird boxes to be agreed. Subject to the above matters, compliance with the relevant sections of Policy 9 is achieved.

### 3.5.28 Highways:

Policy 10 amongst other considerations requires appropriate provision is made for vehicular access and parking in accordance with the Council's adopted standards.

3.5.29 Although the proposal will remove the existing garage accommodation, the generous plot provides ample parking opportunity, ensuring compliance with the adopted parking standard of 3 spaces.

3.5.30 The access to the property is unaffected by the application, though its sub-standard nature is raised within the public objections. Specifically the issue of the requirement for a tight turn affecting deliveries and construction traffic is highlighted. Although this concern is noted, it would be unreasonable to refuse planning permission on this basis. Firstly, the requirement within Policy 10 for appropriate vehicular access relates to the operational use of the development moving forward, not for limited impacts during the construction process. Secondly, even if construction impacts were to be appraised, there is no evidence presented as to the access arrangements causing conflict either

at the time of the original barn conversion, or during the more recent construction of the extension on the north side of the building.

3.5.31 Thus, on balance, compliance with Policy 10 is achieved.

#### **4.0 RECOMMENDATION**

#### **4. Approve subject to:**

**Delegated authority is given to the Strategic Director of Growth and Development and the 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:

Proposed Site Plan: 2-11-PP, received 5/12/2022

Proposed Ground Floor Plan: 3-11-PP, received 5/12/2022

Amended Proposed First Floor Plan: 3-12-PP\_Rev A, received 20/10/2023

Amended Elevation as Proposed 1 of 2: 4-11-PP\_Rev A, received 20/10/2023

Amended Elevation as Proposed 2 of 2: 4-12-PP\_Rev A, received 20/10/2023

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

3. Prior to the commencement of development hereby approved, samples of all external walling, roofing materials, and their colour to be used in the construction of the building work 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 Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.
4. The demolition of the garage structure hereby approved shall be undertaken outside of the bird breeding season (between 1st March and

31st August) unless a nesting bird check has been undertaken immediately prior to the works by a suitably qualified ecologist.  
REASON: In the interests of bio-diversity, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Borough Local Plan part 2

5. No demolition or construction shall occur until a scheme for the provision of bat and bird boxes has been submitted to and approved in writing by the Local Planning Authority. The development shall be in accordance with the approved details.

REASON: In the interests of bio-diversity, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Borough Local Plan part 2

## **5.0 PLANNING HISTORY**

- 5.1 10/15/0647 - Demolition of existing side extension and construction of single storey extensions; alterations to arched opening on North East elevation (Approved: August 2015: Planning & Highway Committee).
- 5.2 10/14/0189 - Roof alterations and loft conversion to create 2 additional bedrooms, storage area, shower/wc (Withdrawn).
- 5.3 10/08/0513 - Single storey extension to side and rear (Refused: August 2008).
- 5.4 10/84/0836 – Barn conversion to dwelling and double garage (Approved: March 1984).

## **6.0 CONSULTATIONS**

- 6.1 North Turton Parish Council: No objections
- 6.2 Public Consultation: 10 neighbouring properties have been individually consulted by letter. The consultation process was repeated following receipt of amended plans. 4 objections have been received. 2 letters advising of no objection have also been received. These communications are set out within section 9 of this report.
- 6.3 Conservation Officer: Subject to the use of suitable natural stone I consider the proposal would meet the statutory test 'to preserve', causing no substantive harm to the contribution made by the setting to the significance of the nearby Grade II\* and Grade II Listed Buildings. Therefore, no balancing exercise is required as per NPPF. As such, the proposal meets the objectives of Chapter 16 of the NPPF and accords with the policies of the Local Plan

6.4 Historic England: No comment.

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

8.0 **DATE PREPARED: 1<sup>st</sup> December 2023**

## 9.0 SUMMARY OF REPRESENTATIONS

### Objection – Ben Crompton, 5 Entwistle Hall, BL7 0LR. Received: 19/12/2022

Good afternoon Gavin, Martin,

We are owners of 5 Entwistle Hall, Edgworth, Bolton BL70LR.

We have received planning letter ref 10/22/1145 over the weekend and wish to strongly object to the proposal for the reasons outlined below.

#### Overlooking/Invasion of privacy

A two storey building on the intended footprint would mean their master bedroom/WC and outside terrace would directly overlook our garden at No.5 and also into our home. This would make living where we do extremely uncomfortable, be it through construction phase right upto occupation.

The small garage already sits above our house, an addition to this would mean the occupants could see us from ground and first floors.

Ive attached a photo to give an idea of the scale of this overlooking from my front door. I have a young family and am against this invasion of privacy.

#### Access

Access for excavators, heavy goods vehicles, materials delivery, any kind of construction traffic would be catastrophic for the area. Hob Lane already struggles with vehicles any bigger than a long wheelbase van. They just cant fit down there.

The access to Entwistle Barn relies on a 3 point turn for a normal car such is the severity of the turn into the slip lane, which services four houses. I know this as I drive down it every day; I would guarantee even a skip wagon wouldn't be able to access.

Ive attached a google earth image; its completely impossible. This is not a lane formed from tarmac, its a gravel path no wider than a car.

This proposal will create traffic on small country lanes and have HGV's stuck as there just arent the turning circles to facilitate it, let alone the noise and disturbance aspect.

#### Shared Drainage at capacity

All foul drains from Entwistle Barn feed under our flagged driveway and down Entwistle Hall Lane. UU have already stated to me that the foul drains are at capacity and should another WC/house be added to this, it would be over the max usage. I already have to regularly ask UU to clear the drains as they are oversubscribed. How is this new house going to fit into the existing drainage?

If there are additional requirements on formally lodging this objection, please can you let me know?

Ben Crompton

5 Entwistle Hall

BL70LR



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**Objection - Mr Peter Thornley & Mrs Ann-Marie Thornley, Delphfields Entwistle Hall Lane BL7 0LR. Received: 30/12/2022**

We strongly object to this planning application. The second floor living area and terrace will directly look into our living space. Resulting in a complete loss of privacy. The size and scale of will have a negative on ours and surrounding listed buildings.

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**Objection – Jane Winward, Entwistle House, Entwistle Hall Lane, BL7 0LR. Received: 30/12/2022**

Dear Mr Kelly

Planning Application Ref: 10/22/1145

Entwistle Hall Barn

I am herewith submitting my objection to the proposed application.

Entwistle Hall Barn was in 1984 a simple rectangular barn on an agricultural plot within the greenbelt. Following a planning application in 1984 (Planning Ref: 10/84/0386) permission was granted to convert the barn into a house. In 2015 an application was made to carry out further substantial extensions to the property (Planning Ref: 10/15/0647) A garage was also added at some point. It is noted that the proposed house will not take up the footprint of the original garage.

My objections are as follows:

The proposed 'extension' appears to be around two thirds of the size of the existing house and will overlook surrounding properties, particularly if there is an open terrace on the first floor. It is effectively another detached house. It is also in very close proximity to Entwistle Hall which is a Grade II\* listed building.

I am very concerned about the building noise that will emanate from the development. I was unable to use my garden during the Spring/Summer from 2016 until September 2021 because of the relentless building noise which occurred during the development of Delphfields (adjacent to the barn) and more latterly (2020-2022) the development of Mitton Mews to the rear of my property. I am retired and I look after two very young grandchildren; I was not able to leave them outside the house to sleep as babies neither could they play in the garden as the noise level was at times unbearable. I think it is only fair to expect a level of peace and quiet when you have a property in the greenbelt and to not be surrounded by constant construction noise. I lost the amenity of my garden effectively over a period of five/six years. This also resulted in my neighbour who lived next to the development (No 5 Entwistle Hall) selling up as she was unable to work from home. The people who now live there have a one year old child and their neighbours are expecting a baby in April. The other neighbours are retired. The noise would not be as much of a problem if the inhabitants of the surrounding properties were out at work all day but construction work precludes everyone from using their gardens during the week. Even coming inside the house it was impossible to escape the noise (eg stone cutters, angle grinders, plant vehicles with reversing alarms, cement mixers, road rollers, hammering, drills, etc etc. As stated, the proposed development would be immediately next to Delphfields so the noise levels would be the same.

I have lived in this house for thirty years and was really looking forward to enjoying the peace and quiet of the area during my retirement. The noise levels had a huge effect on my life and my ability to enjoy my property with my children and grandchildren. I know that the development would have a dramatic effect on the new neighbours who have moved into the Hall hoping to enjoy the peace and quiet that the area should afford.

Yours sincerely

Jane Winward

**2<sup>nd</sup> Objection – Ben Crompton, 5 Entwistle Hall, Bolton. Received: 30/10/2023**

Good Morning,

**RE - Planning Ref 10/22/1145 dated 20/10/23**

We are the owners of 5 Entwistle Hall, Bolton, BL70LR, in the listed building which would be affected by this 'amendment'.

We do not note an amendment of any note in the updated plans (small drop in floor heights but minimal in the overall scheme), with the proposed extension wall facing us being 7.65m above FFL, which would sit close to the shared wall.

The reasons for the objection are as per the original objection we issued on 19/12/22 below with additional clarity below.

**Overlooking/Over domination of the site**

This two storey proposal on the intended footprint is a similar size to their existing barn and so 'extension' isn't a valid description of the development. This is another house with a link on greenbelt land.

During construction we would be overlooked into our garden and our home, making living conditions very uncomfortable due to the inherent disturbances and construction workers.

The small garage already sits above our house due to the topography of the land. Ive attached a photo to give an idea of the scale, not to mention the adjacency to the neighbouring bungalow (Mr and Mrs Thornley).

The proposal would certainly sit within 10 metres of our listed building.

To reiterate I have a young family; soon to be 2 young girls and am against this invasion of privacy.

Photos attached give a rough indication of the outline of the proposal and the visual impact of the development from our garden.





### Access

Access for excavators, HGV, materials delivery, construction traffic, concrete wagons, would prove a huge issue from Hob Lane, up Entwistle Hall Lane and the hairpin shared access. As stated in my previous objection, it is a 3 point turn for any vehicle accessing or egressing, such is the severity of this access lane.

This will create noise, traffic, disturbance. There has been some attempt to widen since December 2022, but the configuration and narrowness has not been improved.

### Additional concerns

- \* Shared drainage at capacity as per my original objection on 19/12/22
- \* Proximity to huge number of bats - there is a huge population in and around Entwistle Hall Lane
- \* Noise levels - this new development would create a great deal of noise, vibration and disturbance for at least 2 years.

Please could you confirm receipt of this objection once logged.

We happily welcome the applicant and Council round to our house to appreciate the affect the development would have.

Thankyou

Ben Crompton

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### **2<sup>nd</sup> Objection - Mr Peter Thornley & Mrs Ann-Marie Thornley, Delphfields Entwistle Hall Lane BL7 0LR. Received: 30/10/2023**

With regards to the amended plans for Entwistle Hall Barn - Planning Ref 10/22/1145

We still strongly object and the original objections are still valid.

In addition I fail to see any how the amended plans are any different, other than a slight drop in the floor heights and a minimal reduction in the he overall height of the proposed 2-storey building.

The proposals in their current form would have an unacceptable impact upon the setting of the listed buildings and the proposals represent disproportionate additions which would have a harmful impact upon the openness of the green belt.

There is also a significant impact with the proposals close proximity to the listed buildings, in particular 5 Entwistle Hall.

This was a key factor during our planning process and we had to reduce the plans quite significantly from 2 to 1 storey. Our proposals for a 2-storey extension overlooking the listed buildings was deemed totally unacceptable by the planning department. Also a condition of our application was that we had to use obscured glazing where the building was overlooking adjacent properties, including Entwistle Hall Barn.

The proposed plans include a glazed balcony which would directly overlook into our property and invade our and other neighbours privacy.

I fail to see how this planning application should be any different and strongly object to the current plans.

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**2<sup>nd</sup> Objection – Jane Winward, Entwistle House, Entwistle Hall Lane. Received: 02/11/2023**

For the attention of Mr Martin Kenny:

I am in receipt of the amendment to the above planning application at Entwistle Hall Barn and as there is only a negligible difference to the previous plans my previous objections still stand in their entirety.

The very slight drop in the roof height of the proposed extension will not mitigate the visual or spatial impact of the building on the surrounding properties and it would still have the same negative effect in terms of size, siting and scale within the greenbelt and in very close proximity to a Grade II\* listed building. The building would be no less obtrusive.

With reference to my own property, a two storey extension will overlook the North side of my house in relation to my upper floor incorporating two windows in my upstairs lounge, a bedroom and a bathroom. The fact that they plan a balcony terrace will further exacerbate this.

When the plans were submitted for a two storey garage conversion at the property immediately adjacent to the proposed extension (Delphfields), the residents of Entwistle Hall Barn strongly objected on the grounds that they would be overlooked. The residents at Delphfields were denied permission to create two storeys and were made to incorporate obscure glazing in the dormer window facing Entwistle Hall Barn.

I see on the plans that they propose to put very large floor to ceiling windows on the second storey facing towards my house. This would constitute a great amount of light nuisance emanating from the property not to mention intrusion. The windows on the upper floor of the current building are of a conservative size in keeping with the character of the surrounding properties. They do however have extremely powerful (white) floodlights on the rear of the property facing my house which actually illuminate my lounge and the two other rooms when they are on. The surrounding properties all have subdued lighting in keeping with a countryside location.

As mentioned in my original objection, the construction will generate an enormous of building noise for a considerable length of time. I have already lost the amenity of my garden for several years with the developments around my property. It is something you really wouldn't expect around a property in the greenbelt and has been quite heartbreaking in terms of my grandchildren not being able to play in the garden.

Regards

Jane Winward  
Entwistle House

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**Objection – Katie Crompton, 5 Entwistle Hall, Bolton. Received: 03/11/2023**

Hello

I wish to voice my own concerns as a resident at no5. Entwistle Hall.

The external garage wall is shared on the lane and is proposed to be demolished to make way for the new development.

What is screening our property once this garage is demolished?

The garage is adjacent to our boundary within which sits a grade 2\* building.

The scale, removal of garage and no screening proposal makes me apprehensive being overlooked not only during but post construction.

Entwistle hall will be completely dominated and overlooked by this proposal.



Kind regards,

Kate Crompton

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**Comment – David Briggs, Entwistle Cottage, Entwistle Hall Lane, Turton. Received: 29/12/2022**

Dear sir, following your letter regarding planning ref 10/22/1145 at Entwistle Hall Barn please note we do not object to the planning application, as with the previous alteration we are sure the proposed extension will enhance the plot and the area. Yours faithfully David Briggs .

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**2<sup>nd</sup> Comment – David Briggs, Entwistle Cottage, Entwistle Hall Lane, Turton. Received: 30/10/2023**

Please note we do not object to amended planning application recently received. David Briggs,  
Entwistle Cottage, Entwistle Hall Lane, Turton.

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**Comment - Mr Gary Peak, Three acre farm, Entwistle Hall Lane. Received: 30/12/2022**

Re: Planning application Ref 10/22/1145 Entwistle Hall Barn

We wish to comment that we have no objections to the planning application as the proposed extension is set back out of view and hidden by mature trees.

Mr Gary Peak

Three acre farm

Entwistle Hall Lane

BL7 OLR

## REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/23/0479

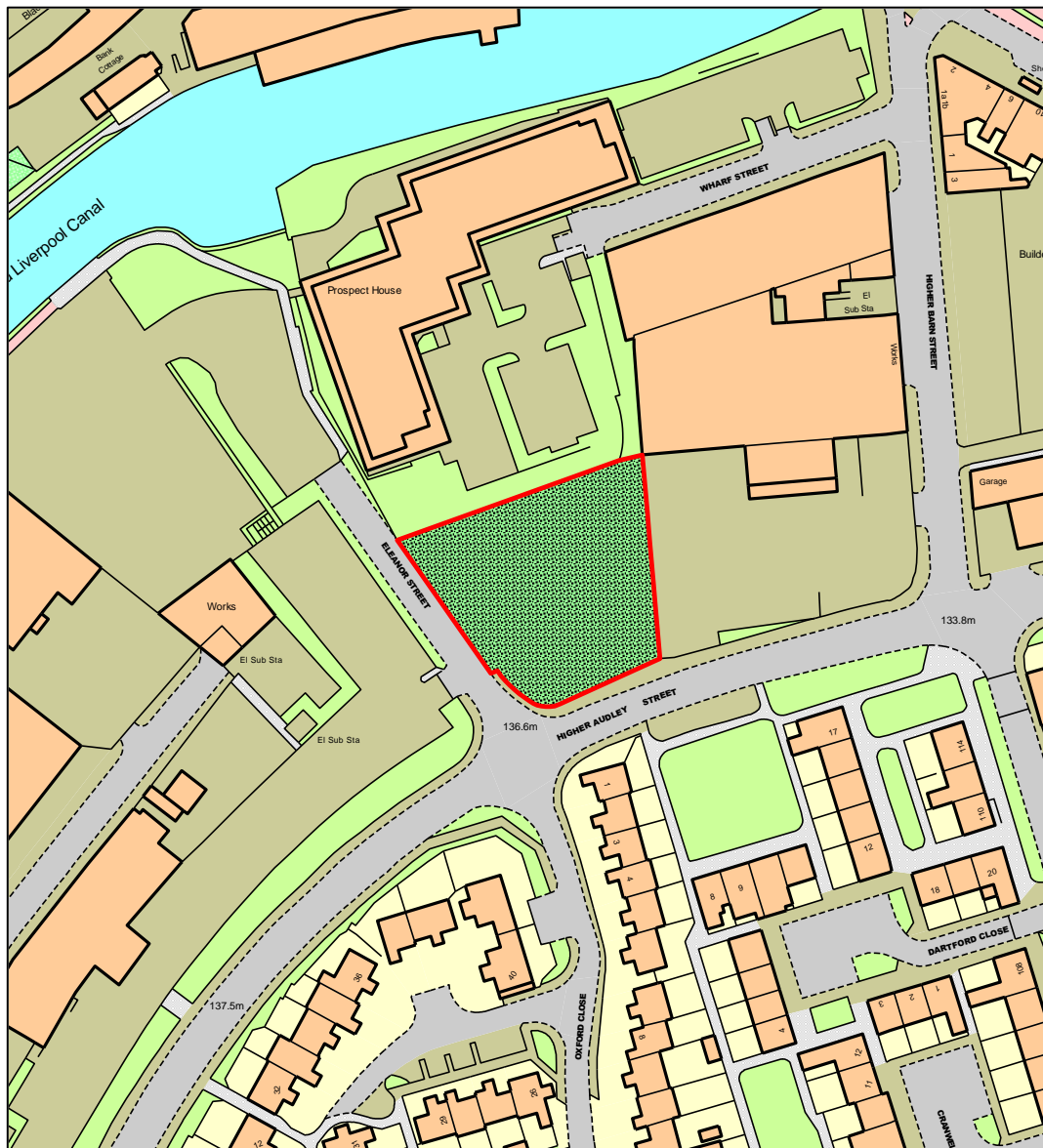
**Proposed Development: Construction of a new two-storey religious education seminary – Use Class F1(a), formation of new access point, and associated parking and landscaping**

**Site Address: Land corner of Eleanor Street and Higher Audley Street, Blackburn**

**Applicant: Bayt Muhammad Academy**

**Ward: Blackburn Central**

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



## **1.0 SUMMARY OF RECOMMENDATION**

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

## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Council's Constitution, and given that the application involves major development on non-allocated site.
- 2.2 The proposed development has been publicised through letters to occupants of the nearest 44 adjacent properties on 12<sup>th</sup> June 2023. In addition, a site notice was displayed on 21<sup>st</sup> June 2023. No public comments have been received for the application so far. Should any comments be received ahead of the meeting they will be presented as part of the committee 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. The proposed development involves the construction of a new two-storey religious education seminary – Use Class F1 (a). A new ramped access point would be formed from Eleanor Street together with an undercroft parking area. Supplementary landscaping is also proposed.
- 2.4 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 as follows;
- Establishing the principle of development
  - Developer contributions
  - Design and visual amenity
  - Residential amenity
  - Highways and parking
  - Trees and landscaping
  - Flood risk and drainage
  - Land contamination
  - Air quality
  - Crime management

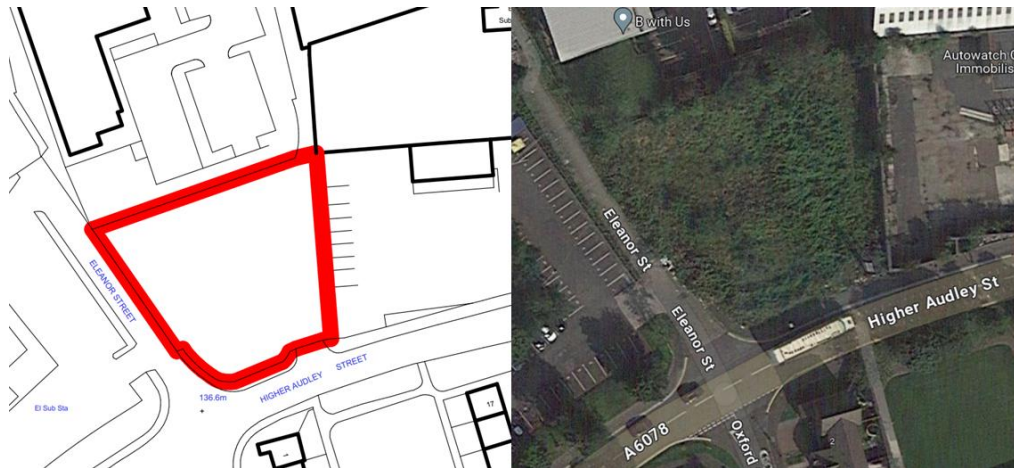
## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

- 3.1.1 The application site is a vacant piece of land that is located within the settlement of Blackburn. The site is currently scrubbed over and appears unkempt. It is not

allocated for development other than under a general Urban Boundary allocation. Commercial land uses surround to three sides with dwellings positioned to the south. Higher Audley Street defines the south boundary, which is an arterial route and forms part of the A678.

Figure One – Location Plan and Satellite Image



### 3.2 Proposed Development

3.2.1 The proposed development involves the construction of a new two-storey religious education seminary for up to 150 students and 11 staff members. The development would be operated under Use Class F1 (a), which involves the provision of education. A new ramped access point would be formed from Eleanor Street together with an undercroft parking area. Supplementary landscaping is also proposed, as detailed above.

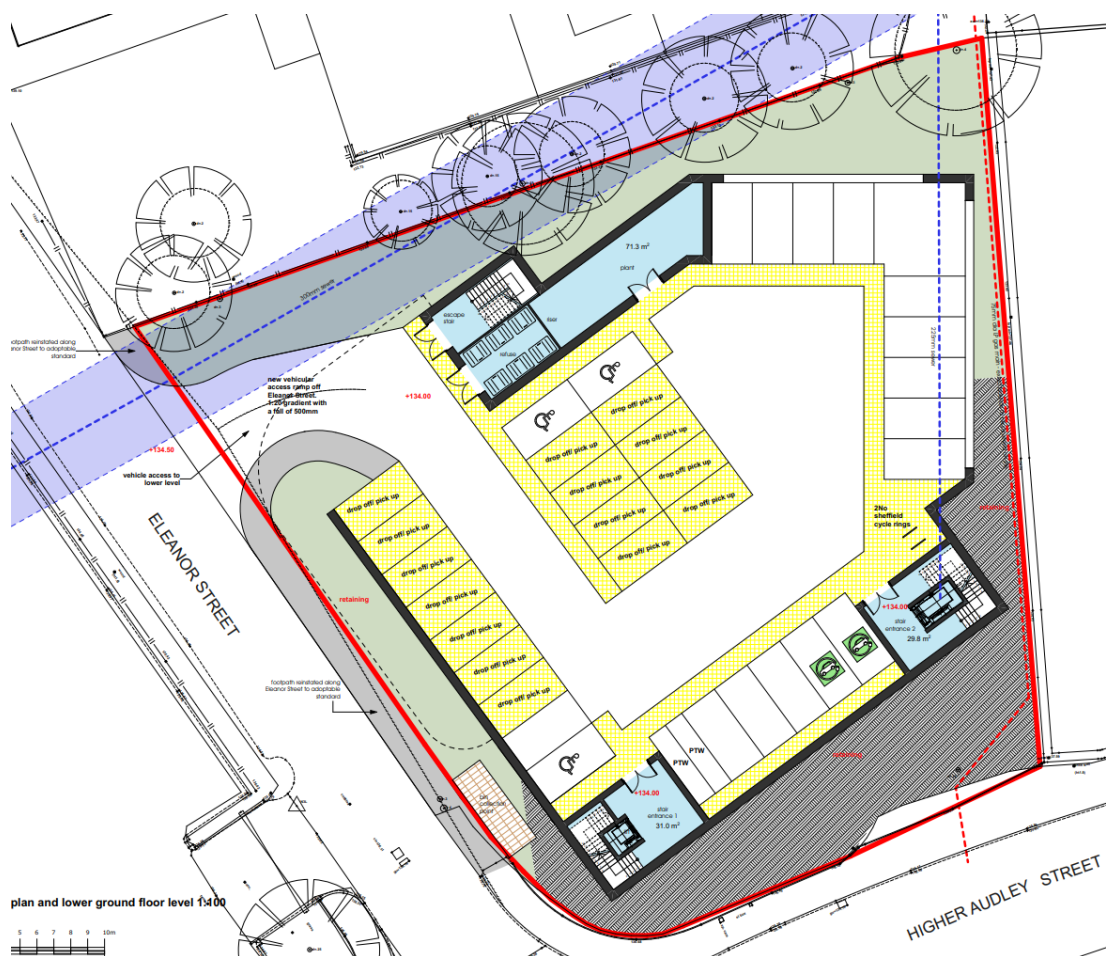
3.2.2 The seminary building would have a combined floor area of 3446 square metres and a flat roof up to 11m in height. It would be externally finished in grey and buff bricks and zinc cladding. Black aluminium doors and windows are also proposed. Ornate metal panels would be installed in areas to form balustrades and a ventilation grille for the undercroft parking area.

Figure Two – Artist's Impression of Front Elevation



- 3.2.3 Students would be over 16 years old, with the majority (90%) of students expected to be aged between 16 and 22 years old. Classes would take place between 17:00 - 20:00, with student arrivals spread over this period. The development aims to provide religious and educational facilities to the Shafi'i Madhab section of the Muslim Community within the area. This development intends to be the first educational seminary's dedicated to serving this demographic of the Muslim community in the local area.
- 3.2.4 Classrooms, an auditorium/canteen and supporting facilities would be provided on the ground floor. Further classrooms and an assembly hall would be provided on the first floor. A first floor terrace area would be formed from the east elevation with access gained from Classroom 9.
- 3.2.5 18 spaces would be provided within the undercroft parking area, which would be accessed by a ramped entrance point from Eleanor Street, as detailed above. A further 15 spaces would be allocated for drop-offs/pick-ups together with covered cycle storage and motorcycle parking areas. Supplementary planting would also be provided around the building yet no specifics have been provided.

**Figure Three – Proposed Undercroft Parking Area (amended)**





### 3.3 Case Officer Site Photos



### 3.4 Development Plan

#### 3.4.1 Core Strategy (2011):

- Policy CS11: Facilities and Services
- Policy CS21: Mitigation of Impacts/Planning Gain

#### 3.4.2 Local Plan Part 2 (2015):

- Policy 1: The Urban Boundary
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 12: Developer Contributions
- Policy 11: Design
- Policy 36: Climate Change

#### 3.4.3 Local Plan (Emerging) 2021-2037:

- Policy CP2: The Spatial Approach
- Policy CP8: Securing High Quality and Inclusive Design
- Policy CP12: Infrastructure and Delivery
- Policy DM02: Protecting Living and Working Environments
- Policy DM13: Flooding/SuDS
- Policy DM17: Trees and Woodland
- Policy DM27: Design in New Developments
- Policy DM29: Transport and Accessibility

#### 3.4.4 Parking Standards

- Madrassa: 1 car space per classroom/activity area plus drop-off zone (in or outside curtilage) of 1 car space per 10 children.

## **4.0 ASSESSMENT**

### **4.1 Principle of Development**

- 4.1.1 The site is located within the defined urban boundary, which is identified as the preferred locations for all new development by Policy 1. Those specific requirements are underpinned by Policy CP2. Policy CS11 states that the range and quality of public services and facilities will be expanded and enhanced; in particular, at accessible locations.
- 4.1.2 The proposals involve the delivery of a new educational building, which would allow the existing facilities within the Borough to be expanded. The site also benefits from an accessible location being positioned within walking distance of the town centre and regular public transport links. The proposed development is therefore acceptable in principle, in accordance with Policies CS11, 1 and CP2.
- 4.1.3 In accordance with the presumption in favour of sustainable development detailed in the Framework, and Policy 7, development proposals should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of the proposal are identified; subject to assessment of the following matters;

### **4.2 Developer Contributions**

- 4.2.1 All relevant new development is expected to contribute to mitigating its impact on infrastructure and services, through s106 contributions, as per the requirements of Policy CS21. Policy 12 requires the Council to seek a financial contribution from developers where required by policy. Those requirements are underpinned by Policy 10 in relation to the provision of enhancements for the transport network. Policy CP12 is also relevant.
- 4.2.2 In response to those requirements an amount of £40,000 (+ 1% monitoring fee) has been agreed with the developer through an s106 agreement. For clarity, the monies would be used for a new pedestrian/cycle crossing across Higher Audley Street in order to better connect the development with the stated catchment areas. Subject to those details being finalised, the proposed development would be acceptable in relation to developer contributions, in accordance with Policies CS21, 12 and CP12 together with the relevant requirements of Policy 10.

### **4.3 Design and Visual Amenity**

- 4.3.1 The site is positioned within a location that has a highly varied streetscene being positioned on the transitional cusp between commercial and residential land uses. The site also appears unkempt and any development proposals here would provide a welcomed opportunity to improve its appearance. 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. Those requirements are underpinned by Policies CP8 and DM27.

- 4.3.2 The proposals would form a statement piece of architecture owing to the use of a contemporary design and varied palette of external construction materials. Numerous existing buildings of a similar height are positioned along Higher Audley Street and the proposed building would not appear overly dominant in terms of its massing given the presence of those existing buildings. Hard and soft landscaping works around the building would also provide further visual enhancements. The proposals are therefore acceptable in relation to aspect, form and scale.
- 4.3.3 A condition is recommended to control the quality and finish of the external construction materials to be used. Such a condition is necessary in order to ensure a satisfactory form of development is achieved. Subject to compliance with that condition, the proposed development would be acceptable with reference to design and visual amenity, in accordance with the relevant requirements of Policies 11, CP8 and DM27.

#### 4.4 Residential Amenity

- 4.4.1 Dwellings are positioned to the south and safeguarding the amenities of those neighbours is an important material planning consideration. A residential care home is also under construction further afield to the northwest. Policy 8 states that all development proposals should secure a satisfactory level of amenity for surrounding occupants in relation to noise, vibration, odour, light, dust, other pollution or nuisance, privacy/overlooking, and the general relationship between buildings. Those requirements are underpinned by Policy DM2.
- 4.4.2 The proposed building would not appear overbearing or cause any unacceptable losses of light for the immediate neighbours owing to ample separation. Furthermore, no harmful privacy impacts would be caused from the proposed building and terrace area for the same reason.
- 4.4.3 A Noise Impact Assessment has been submitted in support of the application. BwD Public Protection have reviewed the submitted assessment and the merits of the application as a whole. No objections have been raised. A number of conditions have been recommended to prevent calls to prayer, limit the hours of operation, agree a soundproofing scheme, external lighting scheme and scheme for the control of cooking odours and fan noise, and to control various aspects of the construction phase.
- 4.4.4 It is recommended that all of those conditions are added aside from the condition to control of cooking odours and fan noise. Such a condition is not necessary owing to ample separation between the proposed kitchen area and nearest dwellings. Subject to compliance with those conditions, the proposed development would be acceptable with reference to residential amenity, in accordance with the relevant requirements of Policies 8 and DM2.

## 4.5 Highways and Parking

- 4.5.1 The site is positioned off a main thoroughfare and within a central location. Policy 10 requires all development proposals to not prejudice road safety or the safe, efficient and convenient movement of all highways users. Adequate parking provision and servicing arrangements should also be provisioned in accordance with the Council's adopted standards. Those requirements are underpinned by Policy DM29.
- 4.5.2 A Transport Assessment and Interim Travel Plan was submitted in support of the application. BwD Highways initially reviewed the submitted reports and the merits of the application as a whole. A number of shortcomings were identified. A highways Technical Note alongside a number of amended plans were subsequently provided to address those concerns. The concerns relating to traffic impact are largely related to the prayer hall facility, which has now been omitted from the proposals. A large space would still be provided on the first floor to serve as an assembly hall yet the Agent has clarified in writing that the space would only be used by students. Such a position is also reinforced by the submitted highways Technical Note.
- 4.5.3 A condition is recommended to prevent the development being used by members of the public in order to prevent a mosque facility being formed within the building. A further condition is recommended to prevent free movement within the provisions of Use Class F1 for the same reason. Those conditions would prevent the number of vehicle trips associated with the development exceeding the amount you would expect to find with the proposed use.
- 4.5.4 Regarding access arrangements, amended plans have been submitted during the course of the application clarifying those details. An acceptable access ramp would be provided with a 1:20 gradient, as requested by BwD Highways. Visibility splays are also deemed to be acceptable given the nature of Eleanor Street. A condition is recommended to prevent obstructions forming within the visibility splays in the interests of ensuring good visibility for motorists egressing the site.
- 4.5.5 Improvements to Eleanor Street are requested. However, those details have already been finalised for an adoption agreement as part of a care home application at a nearby site (ref: 10/21/0745). Vehicle tracking plans have been provided within the submitted highways Technical Note for a 7.5t van, thereby adequately clarifying servicing arrangements. BwD Cleansing have also raised no concerns over waste collection arrangements, which could be safely conducted from the bottom of the access ramp.
- 4.5.6 Regarding parking, the latest iteration of the undercroft parking area includes 18 spaces with a further 15 spaces allocated for drop-offs/pick-ups. Adequate mobility impaired spaces, motorcycle bays and covered cycle storage areas would also be provided. Such provision would comply with the amount prescribed by the adopted Parking Standards. A condition is recommended to ensure the development is implemented in accordance with those details.

Further conditions are recommended to limit the number of students to no more than 150 and to prevent the number of classrooms/activity areas being increased in the future. Such conditions are necessary in order to regulate the parking requirements of the site.

- 4.5.7 Having reviewed the amended plans and submitted highways Technical Note, an objection has been raised by BwD Highways. Their residual concerns predominantly relate to drop-off/pick-up activity potentially being displaced onto Higher Audley Street. Whilst those concerns are acknowledged, they are largely assumption based and adequate facilities would be provided within the undercroft parking area when related to the scale of the proposed operation.
- 4.5.8 That said, in order to further regulate drop-off/pick-up activity, additional conditions are recommended to prevent the drop-off/pick-up bays being used for standard parking and to agree the scope of a Traffic Management Plan for the parking and drop-off/pick-up areas. The management plan would in-parts agree the scope of a marshalling scheme for the carpark in order to ensure all drop-offs/pick-ups are conducted from within the site. Subject to those details being finalised and implemented in perpetuity with the development, the proposals would not prejudice road safety to a level that would warrant refusing the application.
- 4.5.9 The previously recommended condition to control various aspects of the construction phase is also necessary on highways grounds in order to minimise disruptions for the highways network from that phase. When those factors are taken together, and subject to compliance with the recommended conditions in their entirety, the proposed development would be acceptable with reference to highways and parking, in accordance with the relevant requirements of Policies 10 and DM29 together with the adopted Parking Standards.

#### 4.6 Trees and Landscaping

- 4.6.1 A number of mature trees are positioned immediately north of the site. 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 trees. Those requirements are underpinned by Policy DM17. An Arboricultural Impact Assessment has been submitted in support of the application. Tree protection measures are also detailed within the submitted assessment.
- 4.6.2 The BwD Arboricultural Advisor has reviewed the submitted reports and the merits of the application as a whole. No objections have been raised. A number of juvenile Goat Willow trees would be removed to facilitate the development yet those trees provide a limited contribution to the visual amenity of the area and their loss is justified on that basis.
- 4.6.3 Conditions have been advised to ensure the development is implemented in accordance with the submitted tree protection measures and to agree the scope of a landscaping scheme, which are recommended. Subject to compliance with

those conditions, the proposed development would be acceptable with reference to arboricultural considerations, in accordance with the relevant requirements of Policies 9 and DM17.

#### 4.7 Land Contamination

4.7.1 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. Those requirements are underpinned by Policy DM2. A Phase 1 Desk Top Study and Phase 2 Geo-Environmental Assessment have been provided.

4.7.2 BwD Public Protection have reviewed the submitted reports and the merits of the application as a whole. No objections have been raised yet a number of discrepancies have been identified with the submitted reports. They have therefore advised that all three standard land contamination conditions should be added, which is recommended, The Agent has provisionally agreed to such an approach. Subject to compliance with those conditions, the proposed development would be acceptable with reference to land contamination, in accordance with the relevant requirements of Policies 8 and DM2.

#### 4.8 Flood Risk and Drainage

4.8.1 The site is positioned outside of an area that is a risk of flooding. 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 flood risk. Adequate drainage systems must also be provided in support of all new developments. Those requirements are underpinned by Policy DM13. A Drainage Strategy and Management Strategy have been submitted in support of the application.

4.8.2 Foul waters would drain into the sewer with surface waters being drained through an attenuation system. Both BwD Drainage and United Utilities have reviewed the submitted reports and the merits of the application as a whole. No objections have been raised. Conditions has been advised by United Utilities to ensure the development is implemented in accordance with the submitted drainage strategy and to agree the scope of a management strategy for the surface water drainage system to be installed, which are recommended.

4.8.3 For clarity, the submitted Management Strategy does not include a number of details that are required as part of such a report, such as adoption arrangements. Subject to compliance with those conditions, the proposed development would be acceptable with reference to flood risk and drainage, in accordance with the relevant requirements of Policies 9 and DM13.

#### 4.9 Air Quality

4.9.1 The development would involve additional traffic movements when compared with the existing use of the site. Policy 36 requires all development proposals to minimise contributions to carbon emissions and climate change, both directly from the development and indirectly arising from factors such as travel to and from the site. Those requirements are underpinned by Policy DM02. An Air Quality Screening Report has been submitted in support of the application.

4.9.2 BwD Public Protection have reviewed the submitted report and the merits of the application as a whole. No objections have been raised. A condition has been advised to ensure two electric vehicle charging points provided and ensure any gas fired heating boilers installed do not emit more than 40mg NOx/kWh, which are recommended. Subject to compliance with those conditions, the proposed development would be acceptable with reference to air quality, in accordance with the relevant requirements of Policies 36 and DM02.

#### 4.10 Crime Management

4.10.1 In order to prevent crime and disorder and to keep people safe and feeling safe, crime prevention strategies should be integrated into the design of developments as early as possible. Further requirements within Policy 8 state that all development proposals must incorporate positive measures aimed at reducing crime and improving community safety, including appropriately detailed design. Those requirements are underpinned by Policy DM02.

4.10.2 In response to those requirements, the development should be designed and constructed using the security principles and security rated products detailed within the Commercial Developments Secured by Design Guide (2015). An informative note should be added to any approvals issued raising awareness to those requirements. Subject to those obligations being followed, the proposed development would be acceptable with reference to crime management, in accordance with the relevant requirements of Policies 8 and DM02.

#### 4.11 Summary

4.11.1 This application involves the construction of a new two-storey religious education seminary – Use Class F1 (a), formation of new ramped access point, and associated parking and landscaping. Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies and guidance notes detailed in Section 3.4.

4.11.2 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 design and visual amenity, residential amenity, highways and parking, trees and landscaping, flood risk and drainage, land contamination, air quality, and crime management.

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

## 5.0 RECOMMENDATION:

**Delegated authority is given to the Strategic Director of Growth and Development and Deputy Chief Executive to approve planning permission, subject to an agreement under Section 106 of the Town and Country Planning Act (1990) relating to the payment of £40,000 towards off-site highway works relating to a new pedestrian crossing, together with the following conditions and informative note:**

**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 and Development will have delegated powers to refuse the application.**

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

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

5.2 Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: Location Plan (22.162\_00\_001\_A), 22.162\_00\_002\_J, 22.162\_00\_003\_K, 22.162\_00\_004\_J, 22.162\_00\_006\_D and 22.162\_00\_009\_B.

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

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

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

5.4 Following the development hereby approved being brought into use, there shall not be any amplified call to prayer broadcast at the premises whatsoever.



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

- 5.5 The development hereby approved shall only operate between the hours of 8:00 – 18:00.

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

- 5.6 No above ground works shall commence on site unless and until, a sound proofing scheme has first been submitted to the Local Planning Authority. The development shall subsequently be implemented in strict accordance with the approved scheme and any measures installed shall thereafter remain in perpetuity with the development.

REASON: In order to ensure adequate internal noise levels are provided for users of the development, in the interests of public amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

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

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

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

- a) The parking of vehicles of site operatives and visitors;
- b) The loading and unloading of plant and materials;
- c) The storage of plant and materials;
- d) The type and location of wheel washing facilities;
- e) Measures to control the emission of dust and dirt;
- f) Measures to control noise and vibrations;

- g) A scheme for recycling/disposing of waste;
- h) Details of any required security hoardings;
- i) Details of the type, position and height of any required external lighting, and;
- j) A plan showing the location of those provisions.

REASON: In order to control the logistics of the construction phase, in the interests of residential amenity and highway safety, and to comply with the requirements of Policies 8 and 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

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

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

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

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

- 5.11 The development hereby approve shall only be used by registered students and supporting members of staff. No public prayers or gatherings of any type shall be conducted from the site whatsoever following the development being brought into use.

REASON: In order to prevent general use of the site by members of the public, 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 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and The Town

and Country Planning (Use Classes) Order 1987 (as amended) (or any Orders revoking and re-enacting those Orders with or without modification), no operations outside of Use Class F1(a) shall take place from the site whatsoever following the implementation of this permission.

REASON: In order to prevent alternate community uses being operated from the site, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

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

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

- 5.14 The development hereby approved shall not be brought into use unless and until, the vehicle parking and cycle storage provisions as detailed on the approved plan '22.162\_00\_002\_J' have been provided in their entirety. The provisions installed shall thereafter remain in perpetuity with the development and be permanently available for users of the development.

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

- 5.15 The development hereby approved shall only be used by up to 150 students at any given time.

REASON: In order to ensure adequate off-street vehicle 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).

- 5.16 The number of classrooms and activity rooms shall be strictly limited to those detailed on the approved plans '22.162\_00\_003\_K and 22.162\_00\_004\_J'.

REASON: In order to prevent use of the site being intensified through internal conversions and subdivisions, 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).

- 5.17 The drop-off/pick-up bays detailed on the approved plan '22.162\_00\_002\_J' shall only be used for drop-offs/pick-ups and they shall not be used for the parking of vehicles.

REASON: In order to ensure adequate drop-off/pick-up bays 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).

- 5.18 No development shall commence on site unless and until, a Traffic Management Plan has first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be managed in strict accordance with the approved plan.

REASON: In order to ensure adequate traffic management procedures 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).

- 5.19 The development hereby approved shall be implemented in strict accordance with the measures detailed within the submitted Arboricultural Impact Assessment with Tree Protection Measures, prepared by Pennine Ecological and dated December 2020.

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

- 5.20 No development commence on site unless and until, a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be exclusively limited to the following;

- a) Details of proposals for supplementary landscaping around all aspects of the development;
- b) Details indicating the location, arrangement, species, sizes, specifications, numbers, and planting densities of all new planting.
- c) Details confirming the types and extents of any areas of hardstanding to be applied, and;
- d) Details confirming the heights, types, and positions of any new boundary treatments, including fencing and gates.

The approved scheme shall be implemented in its entirety within the first available planting season following the substantial completion of the development. Any tree/shrub or other planting that is lost, felled, removed, uprooted, dead, dying or diseased or is substantially damaged within a period

of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

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

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

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

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

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

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

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

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

- 5.24 The development hereby shall be drained in strict accordance with the details shown within the submitted Drainage Strategy (Revision P01), Microdrainage Calculations (22271-PWA-00-XX-CA-C-3000) and Drainage Details (Revision P01). Any systems installed shall thereafter remain in perpetuity with the development.

REASON: In order to ensure adequate drainage systems are provided in support of the development, in the interests of securing sustainable development, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

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

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

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

REASON: In order to ensure that adequate management arrangements are in place for the sustainable drainage system to be installed, in the interests of securing sustainable development, and to comply with the requirements of

Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.26 The development hereby approved shall not be brought into use unless and until, two electric vehicle charging points have been provided. An appropriate charging point will have a Type 2 connector and a minimum rating of 3.7kW 16A. Any external power points installed must be weatherproof. Any gas fired heating boilers shall also not emit more than 40mg NOx/kWh.

REASON: In order to ensure adequate air quality mitigation measures are provided in support of the development, in the interests of improving air quality, and to comply with the requirements of Policy 36 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

#### Case Specific Informative Note

- 5.27 We would advocate that the installation be designed and constructed using the security principles and security rated products as stated in the attached SBD 'Commercial Developments 2023'. Further details about Secured by Design, including application forms and security specifications can be found at [www.securedbydesign.com](http://www.securedbydesign.com).

## **6.0 PLANNING HISTORY**

- 6.1 10/21/0745 – Proposed 4 Storey Care Home, and 2 Storey Assisted Living Apartments, and associated external parking (nearby site) – Approved, with conditions (committee decision) – February 2022.

## **7.0 CONSULTATIONS**

- 7.1 BwD Arboricultural Advisor – I have considered the proposals with regard to the submitted Arboricultural Impact Assessment (AIA) with Tree Protection Measures document. Most of the trees recorded in the AIA are situated outside the application site. The trees (G4) situated within the site consist of Goat Willow which are self-set, typical pioneer species found on derelict land.

Other trees are situated outside the site and not under the control of the applicants. Due to the close proximity of T6 Alder to the construction, the applicants seek to remove this tree by agreement. Due to the presence of other trees, the loss of T6 tree would not lead to any notable loss of amenity.

The Design and Access statement section 7. Landscaping refers to limited space for the introduction of landscaping and would be restricted to shrubs, hedging and herbaceous planting. The site plan shows some limited tree to the south, east part of the site which could potentially accommodate three small trees. This would be particularly desirable for visual amenity on Higher Audley Street.

The proposed, indicative landscaping is suitable for the scale of the development. The tree protection measures specified in the AIA on drawing 2. Tree Protection Plan, are suitable.

(Conclusion) A condition for full landscape details would be appropriate with any approval of the application. A condition for the tree protection measures specified in the AIA would be appropriate.

- 7.2 BwD Public Protection – Conditions should be added to any approvals issued to prevent calls to prayer, limit the hours of operation, agree a soundproofing scheme, agree an external lighting scheme, agree a scheme for the control of cooking odours and fan noise and control various aspects of the construction phase of the development.

(Land Contamination) It is the understanding of this Section that an application has been submitted in relation to the above site, but has not yet been determined. As such, there is no contaminated land condition currently attached to the application. Therefore, the following comments are aimed at providing an overview of the type of information which would be required by this Section in relation to contamination, should the contaminated land condition be attached. It does not pre-empt any planning decision, and must not be interpreted as such.

Based on the information provided, should permission be granted I would recommend that the standard contaminated land conditions are applied as well as the Watching Brief condition.

(Desk Study) A Phase 1 Desk Top Study has been completed for the site by Worms Eye in October 2020 and identified terraced housing present at the site from sometime between 1893 and 1982.

(Preliminary Conceptual Site Model (CSM) Based on the initial risk assessment a limited site investigation was recommended. A Phase 2 site investigation report has been provided for the site – Phase 2 Geo-Environmental Assessment Eleanor Street By PWA Ltd May 2023 (Report Ref: 22271-PWAG-00-XX-RP-G-2000-P01)

(Sampling Strategy) The sampling strategy comprised the recovery of soil samples from window sampling boreholes and trial pits excavated across the site. Six samples were recovered from window sampling positions.

(Human Health Risk Assessment) Based on the preliminary risk assessment, all analyses were below the relevant assessment. The soils tested at WS06 0.3m were identified as potentially harmful to plants. It was noted that all made ground is likely to be removed from site to accommodate the proposed development.

(Controlled Waters Risk Assessment) The assessment of controlled waters concluded the site was a low risk and no further works regarding controlled waters were required.



(Ground Gas Risk Assessment) PWA considered the risks from ground gas to be low.

(Remedial Strategy) A number of potential remedial options have been presented within the report. However, the further delineation work previously described should be undertaken in order to assess the appropriate remedial option. Once this work is complete, the proposed remedial strategy can be presented for approval. Please present the proposed remedial strategy for approval, once any further delineation work has been completed.

(Update) In respect of the report, standard mitigation is recommended in accordance with the Air Quality Planning Advice Note. Conditions should be imposed on any permissions issued to ensure two electric vehicle charging points provided and ensure any gas fired heating boilers installed do not emit more than 40mg NOx/kWh.

- 7.3 BwD Highways – In summary, we reserve making a formal recommendation until the additional information and matters highlighted are addressed and responded to satisfactorily.

(Parking) In accordance with the Councils adopted parking standards based on the uses proposed that the requirement for the facility would be as follows – 1 car space per 10sqm for prayer hall on first floor, and 1 car space per classroom/activity area plus drop-off zone (in or outside curtilage) of 1 car space per 10 children for teaching area (inc. library).

The accompanying documents within the submission, namely the transport statement demonstrates that the proposed provision of 33 spaces meets the Blackburn with Darwen benchmark parking standards. However, the assessment does not consider the use of the prayer hall. The BwD parking standards for places of worship indicate 1 space per 10sqm in which case the prayer hall should be supported by 32 spaces without consideration of classrooms etc. Given the potential for prayer and education activity to take place simultaneously there is concern that overspill demand will impact on the local highway network.

The potential for pick up and drop off activity associated with the education use is also a concern. It is considered unlikely that this activity would take place within the car park and is much more likely to take place on Higher Audley Street. Higher Audley Street forms part of the town's orbital route and is a single carriageway road with one lane in either direction along the site frontage. Pick up – drop off activity on Higher Audley Street in this location has the potential to be very disruptive. Further consideration should be given to how pickup and drip activity is to be managed.

The proposed layout setting out the 33 spaces (inc. 3 disabled spaces) is therefore in our opinion deemed insufficient. Notwithstanding the above, the layout presented conforms largely to councils approved dimension with the exception of the disabled spaces which should be 3.6m wide, and not as shown

(Access) The development proposals include a new vehicular access junction on Eleanor Street, providing ramped access to an under-croft car park, motorcycle parking, cycle parking, and bin store. The proposed access junction comprises 4.5m kerb radii, 5.0m (minimum) wide carriageway and 1:20 gradient ramp from the back of footway with a fall of 0.5m. The applicant would need to demonstrate the 1:20 to run for a distance twice the radii, to ensure ease of access into and out of the site.

The TS acknowledges that visibility splays for the proposed site access are below MfS standards. It is acknowledged that Eleanor Street is a short road between Higher Audley Street and the proposed care home access and as such visibility splays below MfS standards are not likely to be an issue, subject to there being no frontage boundary treatment to cause any obstruction. Stepped and ramped access for pedestrians is proposed from Higher Audley Street. Details of the ramp should be provided for assessment to ensure rise of fall comply with standard regulations.

There is currently no footway along the frontage of the site along Eleanor Street. Should the application proceed, the developer is required to reinstate the footway on the East side of Eleanor Street to provide a continuous link between Higher Audley Street and the footpath leading to the footbridge over the Leeds & Liverpool canal. This should be conditioned to the approval and attached as a Grampian condition to be carried out as off-site highway works.

The Vehicular access into the site is to be taken from Eleanor Street. This section of highway is adopted, however is in need of repair, both to the carriageway and footway, please attach condition for the surface to be brought up to adoptable standards in support of access to the site. There is no mention of gates at the entrance to the development. Are any gates proposed, if so how will they be managed and controlled, please seek further clarification.

(Servicing) No details of any swept path details have been provided. It is evidenced in the Transport Statement that there would be a refuse vehicle and a service delivery vehicle visit during the weekday (in Am peak). No further details on the type of vehicles, and where the service delivery drop off will be is provided. This information is to be received for assessment and approval.

(Traffic Impact) Section 6 of the TS considers the trip generation and parking demand associated with the development proposals. As previously stated, the assessment does not include any consideration of the potential for public use of the Prayer Hall. Should the prayer hall be available for public prayers further consideration should be given to the potential traffic impact and parking demands associated with this use.

While the development is referred to as a religious education centre the proposed building includes a large prayer hall. The Transport Statement does not confirm if the prayer hall is open for public prayers, however we would expect this to be the case. If the prayer hall is open for public prayers this will have a significant impact in terms of the trip generation and parking demands

and should therefore be considered within the Transport Statement. Please confirm the intended use of the prayer hall including details of the times of day and expected number of worshippers using the facility throughout the day.

The current assessment states that the proposed religious education centre is expected to generate 41 two-way trips during the AM network peak (08:00-09:00), and 37 two-way trips during the PM network peak hour (17:00-18:00), which is equivalent to 1 trip every 1 to 2 minutes when averaged over the peak hours. The analysis shows that the proposed on-site car parking will include enough spaces to adequately accommodate the peak parking demand during the PM period, with spaces remaining available for pick-ups / drop-offs and any occasional increases in parking demand.

The operational information presented in Section 6.2.1 indicates that 60% of students will arrive by car with 50% (75 students) dropped off. The pickup / drop off activity is likely to take place within a small time period prior to the commencement of classes. Even with the assumption of 1.5 students per vehicle there would still be around 50 vehicles involved in pick up and drop off activity. Higher Audley Street has double yellow lines restricting parking along the site frontage, but this is unlikely to be a deterrent to pick up / drop off activity.

(Road Safety) The study area shown in the Transport Statement is limited to the junction of Eleanor Street / Higher Audley Street. There are no clusters or patterns within the study area shown. From further inspection of Crashmap it is evident that there are a number of accidents at the Higher Audley Street / Higher Barn Street and Higher Audley Street / Cicely Street junctions. However, the number of accidents at these junctions are around 1 per annum which is not a major concern.

The potential for the development to give rise to pick up / drop off activity on Higher Audley Street is a road safety concern.

(Site Accessibility) As the site is on the edge of Blackburn town centre it is in an accessible location with a number of amenities within a comfortable walking distance. A number of key routes to the site could however be improved to ensure active modes offer a convenient and attractive option for accessing the site. Further details are provided in the mitigation section that follows.

(Off Site highway work/s106) The following measures should be delivered to ensure the site is accessible by active modes and public transport:

- New pedestrian/cycle crossing across Higher Audley Street to and from the site to better connect with the stated catchment areas. Parallel crossing @ £40,000

The (Other) A construction method Statement is to be received for approval, please condition.

(Update) The additional information provided does not give adequate confidence that the impacts of the proposed development on the local highway

network would not be severe. Given the scale and location of the proposed development, the additional traffic generated is highly likely to have a significant detrimental impact on the safe and efficient operation of a critical part of the local highway network. The additional information does not adequately address the concerns raised previously and as such, I would suggest a recommendation for refusal on highways grounds.

- 7.4 BwD Drainage – No objections
- 7.5 BwD Property Services – No objections.
- 7.6 BwD Ecological Advisor – No objections.
- 7.7 BwD Cleansing – No objections, providing waste management is considered and bins are kept within the boundary of the address.
- 7.8 United Utilities – Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request that an appropriate condition be imposed in order to ensure the development is implemented in accordance with the submitted details. A further condition should be added to agree the scope of a sustainable drainage management and maintenance plan for the lifetime of the development.
- 7.9 Canal and Rivers Trust – No objections.
- 7.10 Lancashire Fire and Rescue – It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'
- 7.11 Ward Cllrs – no comments received.
- 7.12 No public responses received
- 8.0 CONTACT OFFICER:** Christian Barton – Senior Planner
- 9.0 DATE PREPARED:** 4<sup>th</sup> December 2023
- 10.0 SUMMARY OF REPRESENTATIONS** – none received.

## REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/23/0809

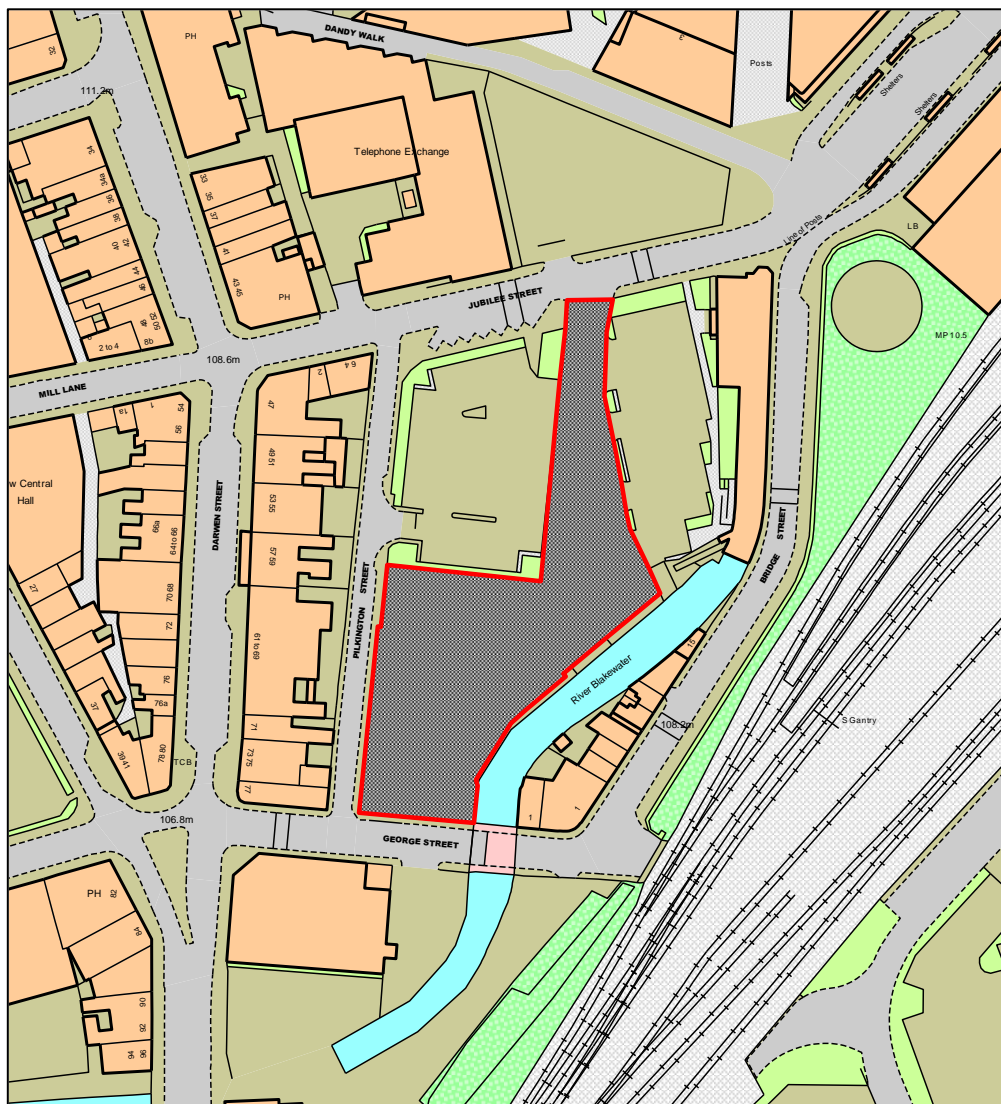
**Proposed Development: Remodelling and landscaping of the external entrance of the Youth Zone, including the provision of an enclosed lobby, green living wall, metal canopies, bicycle storage and 2 no. electric vehicle charging points for existing accessible parking spaces, alongside the restoration and enhancement of the external facade and internal reconfigurations to the Fuse Box building**

**Site Address: Blackburn Youth Zone, Jubilee Street, Blackburn, BB1 1EP**

**Applicant: Blackburn Youth Zone**

**Ward: Blackburn Central**

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



## **1.0 SUMMARY OF RECOMMENDATION**

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

## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Council's Constitution, and given that the application site is within the ownership of the Council.
- 2.2 The proposed development has been publicised through letters to residents and occupants of the nearest 35 adjacent properties on 25<sup>th</sup> September 2023. In addition, a site notice was displayed on 26<sup>th</sup> September 2023. No public comments have been received for the application so far. Should any comments be received ahead of the meeting they will be presented as part of a committee update report.
- 2.3 The Council's development plan supports new community developments and associated works, provided they constitute sustainable development and accord with the development plan when taken as a whole.
- 2.4 The proposed development involves various works to the main entrance of the Youth Zone, including the provision of an enclosed lobby, green living wall, metal canopies, bicycle storage and electric vehicle charging points for existing accessible parking spaces. Various restoration works are also proposed the external facade of the Fuse Box building alongside internal reconfigurations to provide enhanced services.
- 2.5 On balance, the proposals would be satisfactory from a technical point of view, with all issues having been addressed through the application process, or capable of being controlled or mitigated through appropriately worded planning conditions.
- 2.6 The key issues to be addressed in determining this application are as follows;
- Principle of development
  - Design and heritage assets
  - Residential amenity
  - Highways and parking
  - Land contamination
  - Flooding and drainage

### 3.0 RATIONALE

#### 3.1 Site and Surroundings

- 3.1.1 The application site is a split-level, community building that is positioned within Blackburn Town Centre and the Darwen Street Conservation Area. The site is also almost entirely within Flood Zone 3.
- 3.1.2 A youth centre and supporting services are currently in operation from all three levels of the building. The application site boundary covers the Youth Zone building together with the access road from Jubilee Street. A small car parking area is also positioned to the east of the building. Commercial buildings and carpark surround to three sides with dwellings and a hotel along Bridge Street positioned to the east. An open stretch of the River Blakewater part-defines the east boundary, which is allocated as Green Infrastructure.
- 3.1.3 Blackburn Youth Zone is a multi-purpose sports, leisure and recreational facility for young people aged between 5 – 21 years' old, with targeted support for young people with a number of vulnerabilities from 8 – 25 years' old. The Youth Zone operates from an existing building associated with the former Gas Works No. 2, together with a modern, purpose-built facility offering a wide range of sports and recreational activities, including; a four-court sports hall with facilities for indoor tennis, badminton, football, netball and basketball, and a separate climbing wall, alongside a fitness suite and an outdoor multi-use games area.
- 3.1.4 The building comprises of two main parts in an architectural sense. The older part is a former electricity works building, which is now known as the Fuse Box. That part has decorative red brick faced elevations, a slate roof and painted timber doors and windows. The newer part, which was approved in 2010, is a large flat roofed extension with an open roof void. Brown bricks and translucent orange cladding has been used to externally finish the extension and it has been fitted with grey aluminium doors and windows.

Figure One – Location Plan and Satellite Image

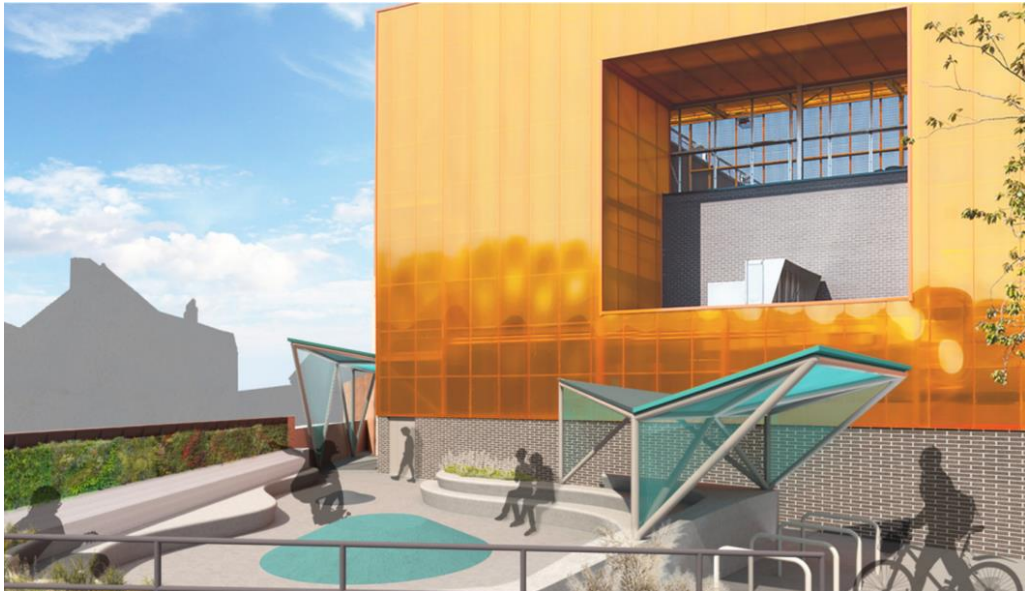


## 3.2 Proposed Development

3.2.1 As detailed above, the proposed development involves various works to the main entrance of the Youth Zone, including the provision of an enclosed lobby, green living wall, metal canopies, bicycle storage and electric vehicle charging points for existing accessible parking spaces. Various restoration works are also proposed the external facade of the Fuse Box Building alongside internal reconfigurations to provide enhanced services.

3.2.2 A folded metal canopy feature would be installed above the entrance door, which would be fitted integral lighting. Various external works are proposed adjacent to the entrance, including the construction of concrete mounds to act as jumps for skateboards etc. and concrete seating affixing to the flood wall. A folded metal canopy would be installed providing a covered seating area and cycle storage. 2 electric vehicle charging points would also be provided serving the existing mobility impaired spaces.

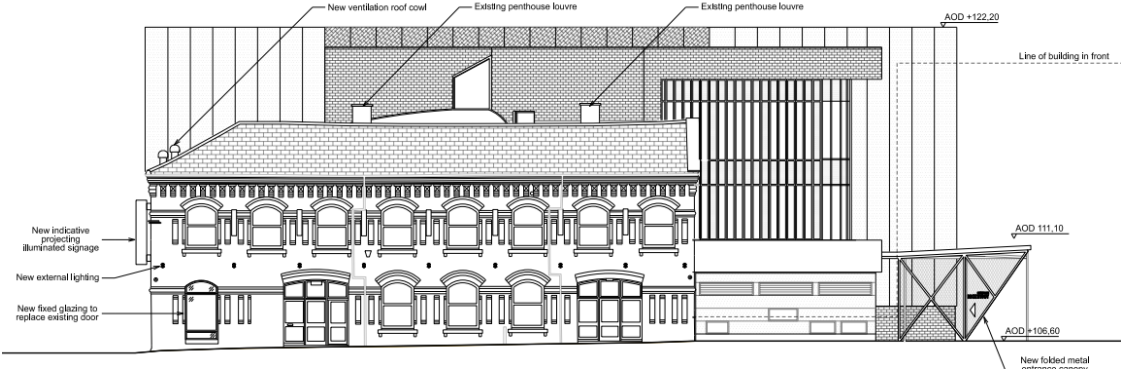
Figure Two – Artist’s Impression of Proposed External Works



3.2.3 The works to the Fuse Box building comprise of the installation of a new aluminium glazed entrance along Pilkington Street, inserted into the historic elevation and existing doorway. New lighting and signage will guide to this entrance. The existing Electricity Works sign on the Pilkington Street elevation would be restored. Two blocked-up ground floor windows would be reinstated in the west elevation with a doorway on the south elevation replaced with fixed glazing. New spotlights and ventilation roof cowls are also shown on the submitted plans.

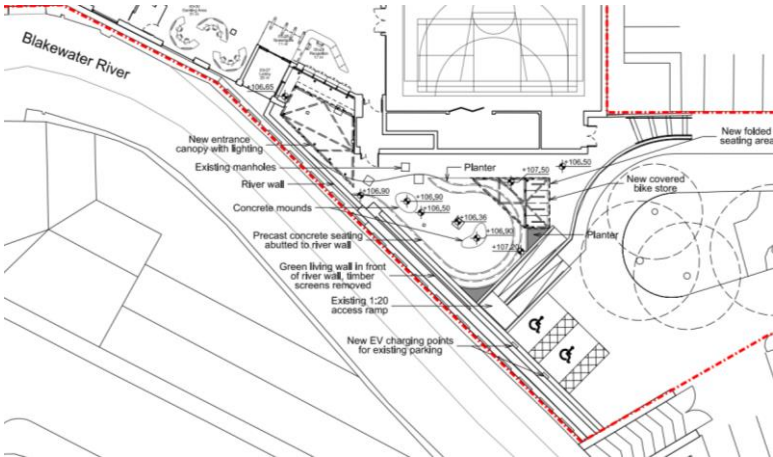


**Figure Three – Proposed South Elevation**



3.2.4 The internal configurations would allow for the provision of art studios, workshops, and recreational areas on the ground floor. Similar uses would be provided on the first floor with a gym and sports hall provided on the second floor. The reconfigurations of the entrance point would allow for the formation of a lobby and reception area.

**Figure Four – Extract of Proposed Site Plan (amended)**



**3.3 Case Officer Site Photos**



### 3.4 Development Plan

#### 3.4.1 Core Strategy (2011):

- Policy CS11: Facilities and Services

#### 3.4.2 Local Plan Part 2 (2015):

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

#### 3.4.3 Local Plan (Emerging) 2021-2037

- Policy CP2: The Spatial Approach
- Policy CP7: The Historic Environment
- Policy CP8: Securing High Quality and Inclusive Design
- Policy CP11: Town Centres and Commercial Development
- Policy DM2: Protecting Living and Working Environments
- Policy DM13: Flooding/SuDS
- Policy DM26: Heritage Assets
- Policy DM27: Design in New Developments
- Policy DM29: Transport and Accessibility
- Policy DM33: Town Centres

## 4.0 **ASSESSMENT**

### 4.1 Principle of Development

4.1.1 The site is located within the defined urban boundary, which is identified as the preferred locations for all new development by Policy 1. Policy CS11 states that the range and quality of public services and facilities will be expanded and enhanced; in particular, at accessible locations. Policy 26 supports proposals which deliver supporting community services within town centres. Those requirements are underpinned by Policies CP2, CP11 and DM33.

4.1.2 The proposals would enhance an existing community building within a town centre location. Numerous policies offer support for such forms of development. BwD Children's Services have reviewed the proposed and no objections have been raised. The proposed development is therefore acceptable in principle, in accordance with Policies CS11, 1, 26, CP2, CP11 and DM33.

4.1.3 In accordance with the presumption in favour of sustainable development detailed in the Framework, and Policy 7, development proposals should proceed without delay, unless impacts which significantly and demonstrably

outweigh the benefits of the proposal are identified; subject to assessment of the following matters;

#### 4.2 Design and Heritage Assets

- 4.2.1 The site is a large, multi-level community building that is a standalone architectural feature within the streetscene. The building comprises of two main elements of different ages and it is positioned within a conservation area, as detailed above. 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. Policy 39 states that development with the potential to affect any designated heritage asset, either directly or indirectly including by reference to their setting, will be required to sustain or enhance the significance of the asset. Those requirements are underpinned by Policies CP7, CP8, DM26 and DM27.
- 4.2.2 In relation to visual amenity, the external works proposed to the Fuse Box building are minimal and they would not harm the character of the building. The works proposed to the modern extension would also be minimal. Moreover, the works proposed within the grounds would be read in conjunction with the large modern extension and they not lead to any adverse visual complications on that basis.
- 4.2.3 From a heritage standpoint, a review of the proposals has been undertaken by the BwD Heritage Advisor and no objections have been raised. No harmful impacts would be caused for the setting of nearby listed buildings owing to ample separation. The conservation area has a mix of mid-late nineteenth century Victorian and buildings alongside more modern developments. The majority of the works proposed to the Fuse Box building would be implemented internally and they would have no impact on the setting of the conservation area.
- 4.2.4 Aside from the proposed roof works, the proposed external works would be implemented within the existing openings of the building. A condition is recommended to agree the materials and designs for any new doors and windows to be installed within the Fuse Box building in order to agree the scope of those works. The plans make indicative references to various signs to be installed yet the scope of those works will be controlled as part of a subsequent application for advertisement consent.
- 4.2.5 The works proposed to the modern extension and within its grounds would appear at odds with some of the more historic elements of the conservation area. However, those works would be implemented as part of an overtly modern development, which is positioned adjacent to large modern commercial buildings. They would also be implemented within a part of the site that is partly concealed from the public domain.
- 4.2.6 A condition is recommended to ensure those works are implemented in accordance with the submitted materials details in order to ensure a satisfactory form of development is achieved. Subject to compliance with those conditions,

the proposed development would be acceptable with reference to design and heritage assets, in accordance with the relevant requirements of Policies 11, 39, CP7, CP8, DM26 and DM27.

#### 4.3 Residential Amenity

4.3.1 Dwellings are positioned along Bridge Street and safeguarding the amenities of those neighbours is an important material planning consideration. Policy 8 states that all development proposals should secure a satisfactory level of amenity for surrounding occupants in relation to noise, vibration, odour, light, dust, other pollution or nuisance, privacy/overlooking, and the general relationship between buildings. Those requirements are underpinned by Policy DM2.

4.3.2 A review of the proposals has been undertaken by BwD Public Protection and no objections have been raised. The internal works do not require planning consent and the external works would not intensify usage of the site to a level that would be harmful to the aural amenities of the immediate neighbours. Furthermore, the lighting scheme would be modest and it would not lead to any adverse levels of light pollution for the immediate neighbours.

4.3.3 A condition is recommended to control construction works hours in order to limit disruptions for neighbours during that phase of the development. Subject to compliance with that condition, the proposed development would be acceptable with reference to residential amenity, in accordance with the relevant requirements of Policies 8 and DM2.

#### 4.4 Highways and Parking

4.4.1 The site is positioned within a town centre location with short and long stay parking facilities within walking distance. Policy 10 requires all development proposals to not prejudice road safety or the safe, efficient and convenient movement of all highways users. Adequate parking provision and servicing arrangements should also be provisioned in support of new development. Those requirements are underpinned by Policy DM29.

4.4.2 The proposals would have the potential to increase the capacity of the site, and therefore parking requirements. That said, such an outcome does not present any material planning concerns given the central nature of the site. It is also reasonable to assume that many service users would not require parking provisions themselves. On that basis, the proposed development is acceptable with reference to highways and parking, in accordance with the relevant requirements of Policies 10 and DM29.

#### 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. Those requirements are underpinned by Policy DM2.

4.5.2 BwD Public Protection has reviewed the merits of the application and no objections have been raised. They have essentially advised that due diligence should be applied by contractors to safeguard the integrity of any remediation works previously undertaken as part of the previously approved extension. An informative note should be added to any approvals issued to control those details. Subject those obligations being followed, the proposed development would be acceptable with reference to land contamination, in accordance with the relevant requirements of Policies 8 and DM2.

#### 4.6 Flooding and Drainage

4.6.1 The site is positioned almost entirely within Flood Zone 3, as detailed above. 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 flood risk. Those requirements are underpinned by Policy DM13.

4.6.2 A Drainage Strategy and Flood Risk Statement was submitted in support of the application. Any surface waters associated with the development would be minimal and they would be drained into the existing system, which involves an attenuation tank. No further details are required regarding surface water drainage.

4.6.3 Regarding flood risk, both BwD Drainage and the Environment Agency have objected to the development given inadequacies with the submitted Flood Risk Statement. In response to those objections the proposals have been revised, namely the layout of the proposed external works. A more comprehensive Flood Risk Assessment has also been submitted.

4.6.4 BwD Drainage and the Environment Agency are yet to review the amended information as it has only been received this week. Any further comments provided by them will be presented as part of the committee update report.

#### 4.7 Summary

4.7.1 This application involves the remodelling and landscaping of the external entrance of the Youth Zone, including the provision of an enclosed lobby, green living wall, metal canopies, bicycle storage and 2 no. electric vehicle charging points for existing accessible parking spaces, alongside the restoration and enhancement of the external facade and internal reconfigurations to the Fuse Box building. Subject to flood risk being acceptable and appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies detailed in Section 3.4.

4.7.2 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 design and heritage assets residential amenity, highways and parking, and land contamination. For clarity, the issues around flood risk are yet to be satisfied and additional information in that regard will be presented as part of the committee update report.

## **5.0 RECOMMENDATION:**

**Subject to flood risk being acceptable, 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 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: P500, P1200 – Revision 01, P1201, P1303, P2000, P2001, P2002, P2003 – Revision 01, P2100 – Revision 01, P2101, P2102, P3000, P3001, P3100 – Revision 01, P3101 – Revision 01, P4000 and P4100 – Revision 01.

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

- 5.3 Prior to their installation, details confirming the designs, colours and finishes of any doors and windows to be installed within the Fuse Box building shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved details.

REASON: In order to clarify the scope of those works, in the interests of visual amenity and safeguarding the character of the conservation area and host building, and to comply with the requirements of Policies 11 and 39 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.4 With the exception of any doors and windows to be installed within the Fuse Box building, the external construction 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 Any construction works associated with the development hereby approved shall only take place between the hours of 8:00 – 18:00 Monday – Friday and 9:00 – 13:00 on Saturdays. No such works shall take place on Sundays or Bank Holidays whatsoever.

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

#### Case Specific Informative Note

- 5.6 It is important to note that the site was a former gas works site and there was contamination identified at the site. Significant works were undertaken to make the site suitable for use as part of a previous planning application, and this included providing membranes beneath the building to protect occupiers of the building. Any works undertaken as part of this permission must respect the integrity of the existing protective measures included in the original planning design, and must not compromise or in any way render the installed remediation at the site ineffective.

Any contractors should be made aware of the existing remediation and the need to maintain the protective measures throughout the lifetime of the building. Contractors should undertake their own risk assessment to ensure the safety of their workers in light of potential contamination at the site, and should use appropriate PPE etc. when working at the site.

## **6.0 RELEVANT PLANNING HISTORY**

- 6.1 10/11/0947 – Revised fenestration to the entrance elevation – Approved, with conditions – October 2011.
- 6.2 10/09/1006 – Demolition of existing office building and redevelopment of site for a youth facility - including reception, cafe, kitchen and servery, multi-purpose activity spaces, sports hall and changing rooms, roof top kick pitch and ancillary office accommodation. Also external walkway, vehicle drop off zone and dedicated disabled parking (Conservation Area Consent) – Approved, with conditions – February 2010.
- 6.3 10/09/0992 – Demolition of existing office building and redevelopment of site for a youth facility - including reception, cafe, kitchen and servery, multi-purpose activity spaces, sports hall and changing rooms, roof top kick pitch and ancillary office accommodation. Also external walkway, vehicle drop off zone and dedicated disabled parking Phase 2 - Surestart Building (Early Learning Centre) with car park – Approved, with conditions – February 2010.

## **7.0 CONSULTATIONS**

- 7.1 BwD Children's Services – No objections.

7.2 BwD Heritage Advisor – As I am required to do so, I have given the duty’s imposed by s.66(1) and s.72(1) of the P(LBCA) Act 1990 considerable weight in my comments. I consider that subject to further details (windows) the proposal meets the statutory test ‘to preserve’ and will not result in any substantive harm to both the character or appearance of the Darwen Street Conservation Area, nor to the contribution made by the setting to the nearby Grade II listed Blackburn Railway Station. Therefore, no balancing exercise is required as per NPPF P.202. As such, the proposal meets the objectives of Chapter 16 of the NPPF and accord with the policies of the Local Plan.

7.3 BwD Public Protection – It is important to note that the site was a former gas works site and there was contamination identified at the site. Significant works were undertaken to make the site suitable for use as part of a previous planning application, and this included providing membranes beneath the building to protect occupiers of the building. Any works undertaken as part of this permission must respect the integrity of the existing protective measures included in the original planning design, and must not compromise or in any way render the installed remediation at the site ineffective.

Any contractors should be made aware of the existing remediation and the need to maintain the protective measures throughout the lifetime of the building. Contractors should undertake their own risk assessment to ensure the safety of their workers in light of potential contamination at the site, and should use appropriate PPE etc. when working at the site.

7.4 BwD Drainage – We object to the proposals in line with the EA’s requirements for a revised FRA. We may remove our objection upon receipt of a satisfactory FRA.

7.5 BwD Property Services – No objections.

7.6 Environment Agency – We have been consulted on the planning application accompanied by a Flood Risk Assessment (FRA) prepared by Booth King Partnership Limited, referenced; 14896- BKP-XX-XX-RP-S-010-P01, dated September 2023. The Flood Risk Assessment (FRA) aspects are covered in Section 3 of the above document. We have reviewed the FRA in so far as it relates to our remit, and we are not satisfied with the adequacy of the FRA as it does not demonstrate a satisfactory understanding of flood risk or demonstrate that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented.

(Environment Agency Position) In the absence of an acceptable Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused. The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development.



To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above. If this cannot be achieved, we are likely to maintain our objection.

7.7 Ward Cllrs

7.8 No public responses received

8.0 **CONTACT OFFICER:** Christian Barton – Senior Planner

9.0 **DATE PREPARED:** 30<sup>th</sup> November 2023

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

**Proposed development: Variation of Condition No.6 "opening hours" pursuant to planning application 10/22/0758 "Proposed change of use of lower ground floor from vacant mill to a Live Music Venue (Sui Generis use) and removal of a section of link building. " - to amend opening hours to: Monday to Thursday open from 18:30 - 23:00, Friday open from 17:00 - 23:00; Saturday open from 16:00 until 23:00, and Sunday/Bank Holidays open 16:00 until 22:00.**

**Site Address:  
BVSMNT (former Darwen Windows Ltd)  
The Old Co-Op Building  
Borough Road  
Darwen  
BB3 2FT**

**Applicant: Mr Grant Mizon**

**Ward: Darwen West**

**Councillors: Dave Smith, Brian Taylor  
Stephanie Brookfield**



## **1.0 SUMMARY OF RECOMMENDATION**

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

## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

2.1 This application is reported to Committee as it represents a minor material amendment to an application originally determined at Committee level, due to the volume of public objection received. Determination is in accordance with the Council's adopted Scheme of Delegation.

2.2 The original grant of planning permission is subject to conditions. In the context of noise control, these include a 12 month temporary permission; limited opening hours; maximum noise levels at the boundary of noise sensitive premises; and provision of a sound proofing scheme, in the interests of safeguarding amenity levels for the surrounding area.

2.3 The application is submitted under the provision of Section 73 of the Town and Country Planning Act 1990 (as amended). The proposal seeks to vary condition no. 6, as summarily referenced in the above development description, applied to the host planning permission 10/22/0758 dated 15<sup>th</sup> December 2022.

2.4 Members are advised that all other conditions would remain unchanged and applicable to a varied permission. Critically, the 12 month temporary permission would allow the Council to monitor the impact of the development.

2.5 The amendment represents a modest increase in opening hours to those originally approved, in order to capture early evening trade at the weekend and Bank Holidays. On balance, the proposal is found to be acceptable, in accordance with the Development Plan and National Planning Policy Framework.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

3.1.1 The application site (the site) comprises the basement of a vacant red brick mill, last occupied by Darwen Windows, located and accessed to the south east of Borough Road, Darwen.

3.1.2 The mill was constructed in circa 1901 as an industrial bakery and was later sub-divided into separate units, which have been occupied by a range of commercial uses.

3.1.3 The following images show the building, its location and the internal space (Planning, Design and Access Statement, Antonio Caparelli).



3.1.4 The site is located within the Darwen Town Centre Conservation Area (CA), on the fringe of the Town Centre, just outside of its boundary, so defined by the Adopted Polices Map for Darwen.

3.1.5 The local area is defined as mixed, with a range of commercial and service uses in immediate proximity to the site, to the north, south and east. To the west, the area transitions away from a typical town centre / edge of centre mix to residential uses.

### **3.2 Proposed Development**

3.2.1 This application is submitted under the provisions of Section 73 of Town and Country Planning Act 1990, as a minor material amendment to the original grant of (reserved matters) planning permission. The amendment seeks to vary the following condition – no. 6 on the original permission:

*6. The operational use hereby permitted shall only take place between the following hours:*

*Monday - Saturday: 18:30 - 23:00; and  
Sunday: 18:30 - 22:00.*

*REASON: In order to protect the amenities of the area by, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.*

3.2.2 The varied condition would read as follows:

*5. The operational use hereby permitted shall only take place between the following hours:*

*Monday to Thursday: 18:30 - 23:00;  
Friday: 17:00 - 23:00;  
Saturday: 16:00 - 23:00; and  
Sunday & Bank Holidays: 16:00 - 22:00.*

*REASON: In order to protect the amenities of the area by, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.*

3.2.3 The revised list of conditions is set out at paragraph 4.1. The varied condition is listed as no. 5, due to the original decision notice duplicating condition no. 3 at condition no. 4. A revised decision notice would correct this error.

### **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

3.3.4 Local Plan Part 2 (LLP2)

- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 10 – Accessibility and Transport

**3.4 Other Material Planning Considerations**

3.4.1 Local Plan Review

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

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

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

- Section 6: Building a Strong and Competitive Economy
- Section 11: Making Effective Use of Land

3.4.3 National Planning Policy Guidance (NPPG).

**3.5 Assessment**

3.5.1 Assessment of this application is limited to the merits of the extended opening hours. The principle of the development is established under the original grant of planning permission. The following important materials considerations are taken into account:

- Development and People / Amenity; and
- Accessibility and Transport.

3.5.2 Amenity

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

- 3.5.3 The potential for noise disturbance arising from the live music venue use was a key consideration of the original planning application, in consultation with the council's Public Protection consultee, aided by review of a submitted Noise Impact Assessment. Significant public objection was received, consistently citing noise nuisance as a concern. Committee offered support for the application, in line with the recommendation of Public Protection – ie conditions limiting the use to a temporary period of 12 months; limited hours of use; maximum noise levels at the boundary of noise sensitive premises; and sound proofing to the host building.
- 3.5.4 In response to the subject application, Public Protection offer support, whilst acknowledging the potential for noise disturbance and the general level of uncertainty as to how profound this will be. Their support is in recognition of the relatively modest increase in opening hours, amounting *to an hour and a half earlier on a Friday; and two and a half hours earlier on a Saturday, Sunday and Bank Holidays*. Critically, the proposed hours would not result in the venue closing any later than originally approved. Moreover, all other noise control conditions originally applied would also be applied to the grant of an amended permission. The 12 month temporary period of consent would allow noise impacts to be pro-actively monitored, affording the Council an appropriately representative position on which to base assessment of any subsequent application proposing a permanent use. It should also be emphasised that it would be open to the Local Planning Authority to take enforcement action against any established breach of condition throughout the duration of the temporary use.
- 3.5.5 Supporting the extended opening hours would allow the venue to capture early evening weekend trade, thereby providing an alternative town centre fringe offer.
- 3.5.6 Accordingly, on balance, and subject to the aforementioned limiting / mitigating conditions, it is found that the proposal would make an overall positive contribution to the area, and would secure a satisfactory level of amenity for surrounding uses, in accordance with the requirements of Policy 8 and The Framework.
- 3.5.7 Accessibility and Transportation  
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.
- 3.5.8 An objection received cites parking as a concern. No increased parking demand or general highway impacts would arise from the proposed amended opening hours, considered in the context of the sites sustainable town centre fringe location and availability of on-street and of-street parking in the immediate vicinity of the site.

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

#### 3.5.10 Summary

This report assesses the material issues affecting this planning application. The assessment demonstrates that the planning decision must be made in the context of assessing the merits of the proposal balanced against any potential harm that may arise from its implementation. This report finds that the proposal, on balance, meets the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, and the National Planning Policy Framework

## 4.0 RECOMMENDATION

### 4.1 Approve subject to:

**Delegated authority is given to the Strategic Director of Growth and Development and the 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 the host planning permission – ie. 15/12/2022.

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 proposal received 13<sup>th</sup> October 2023, including drawing number TWNTS.01.

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

3. The applicant or any successor in title shall notify the Local Planning Authority in writing and in advance, of the date on which the operational use hereby approved shall first commence. The approved use shall thereafter be limited to a temporary period, ceasing no later than 12 months after the specified date of commencement.

REASON: In order that amenity impacts arising from the development can be assessed during this period, and that any future application can be decided on the basis of this assessment, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

4. No development shall take place until a sound proofing scheme to the application building, to guard against the transmission of noise and vibration, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a requirement for approval of



performance testing. The development hereby permitted shall thereafter be implemented and operated in strict accordance with the approved details.

REASON: In order to protect the amenities of the area by ensuring that measures are implemented to prevent noise nuisance, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

5. The operational use hereby permitted shall only take place between the following hours:

Monday to Thursday: 18:30 - 23:00;  
Friday: 17:00 - 23:00;  
Saturday: 16:00 - 23:00: and  
Sunday & Bank Holidays: 16:00 - 22:00.

REASON: In order to protect the amenities of the area by, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

6. The level of noise (LAFeq(1 min), free field) emitted from the site shall not exceed 2dB, 8dB and 13dB in the 63Hz, 125Hz and 250Hz octave bands respectively at the boundary of any residential property.

REASON: In order to protect residential amenity by ensuring that measures are implemented to prevent noise nuisance, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

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

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

## 5.0 PLANNING HISTORY

5.1 10/22/0758: Proposed change of use of lower ground floor from vacant mill to a Live Music Venue (Sui Generis use) and removal of a section of link building. Approved by Planning & Highways Committee 15/12/2022.

## 6.0 CONSULTATIONS

6.1 Public Protection

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

Comment: Noise Amenity

This live entertainment venue proposal presents some serious concerns in respect of its impact upon surrounding land users that may be affected by excessive noise disturbance. There is uncertainty regarding the noise level of the proposed entertainment. Noise management at the venue will be important; the restricted hours of use and temporary period of approval will enable any noise complaints to be investigated and enforcement of planning conditions as appropriate. This would inform the assessment of any proposed extended hours of use into the night-time period.

Condition – Temporary Approval

The applicant or any successor in title shall notify the Local Planning Authority in writing, and in advance, of the date on which the operational use hereby approved shall first commence. The approved use shall thereafter be limited to a temporary period, ceasing no later than 12 months after the specified date of commencement.

Reason: In order that amenity impacts arising from the development can be assessed during this period, and that any future application can be decided on the basis of this assessment, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

Condition – Entertainment Noise Control

Entertainment noise (LAFeq(1 min), free field) arising from the application site shall not exceed 2dB, 8dB and 13dB in the 63Hz, 125Hz and 250Hz octave bands respectively at the boundary of any noise sensitive premises.

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

Condition – Sound Proofing and Validation

A sound proofing scheme shall be submitted to the Local Planning Authority (LPA) in writing and implemented at the application premises. The sound proofed premises shall be performance tested and approved, in writing, by the LPA prior to commencement of the approved 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 premises.

Condition – Hours of Use Restriction

The approved use shall be restricted to the following times:

Monday to Thursday: 18:30 – 23:00 hours

Friday: 17:00 – 23:00 hours

Saturday: 16:00 – 23:00 hours

Sunday: 16:00 – 22:00 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 noise sensitive premises.

Other Informative(s);

Informative: Statutory Nuisance Loss of Amenity

The Applicant should be aware that this planning approval does not prejudice any investigation or formal proceedings deemed appropriate by the Council under the Environmental Protection Act 1990 for statutory nuisance.

## **7.0 CONTACT OFFICER: Nick Blackledge – [Principal Planning Officer].**

## **8.0 DATE PREPARED: 29<sup>th</sup> November 2023.**

## **9.0 SUMMARY OF REPRESENTATIONS**

### **Objection – Mrs M A Bedworth, no address provided. Received: 20/10/2023**

Dear Martin

Following on from your recent letter and previous regarding the above planning for BVSMNT The Old CO-OP Building, Borough Road, Darwen BB32FT.

Will it actually make any difference if anyone who lives near this says anything?! You have obviously just ignored previous grievances regarding this including noise levels 7 days a week. May I also point out there is INSUFFICIENT PARKING!!! It is bad enough as it is for residents in this area without adding this ridiculous idea to it all. Where are you proposing visitors to this unnecessary venue park? I don't want to come home after a long day at work and be unable to park and kept awake until past 11pm every night when we have to be up for work at 5.30am.

There are so many empty venues within town that are suitable for this and not so close to residential areas. It is quite clear you live nowhere near this area as you won't be disturbed by it or the insufficient parking.

This idea is completely unacceptable and I'm sure if you actually made the effort to knock on people's doors in this area instead of just giving us an option of emailing and probably just ignoring these anyway they would all say no thank you! Some of our elderly residents may not have access to email or understand.

Yours sincerely and with disgust

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### **2<sup>nd</sup> Objection – Mrs M A Bedworth, BB3 1LQ. Received: 24/10/2023**

I am writing to you regarding our local council and the above planning reference. I have also attached the letter this concerns.

I would like to know why this has even been considered by the council in a residential area with absolutely no parking facilities and also 7 days a week!! Have the residents on Reservoir Street, Tockholes Road and Borough Road been consulted properly on this, no they haven't. It's just a case of this is going ahead whether you like it or not. Not only is this 7 days a week with NO parking facilities, there is the noise when people are leaving here at 11pm!

In the small town of Darwen we already have many facilities that provide services for live music, DJs and other entertainment.

For instance we have to name but a few:

Sunbird

Level One

Level Live

Bees Knees

Bridgewater

Blues Bar

The Old Function Room

The Old Crown

The Vault

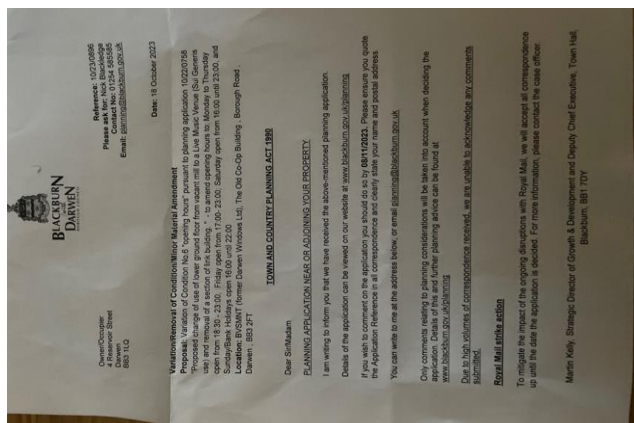
Spitfire

I am writing to you to ask for your help in this matter and hope you can shed some light on why this is being allowed to go ahead so close to many people's homes who work and do not want to be kept awake all week, every night.

There are better places this money could be spent on as the town is full of pound shops, barbers and takeaway places as it is along with all the bars that leave the town a mess after people have been out with rubbish and glasses dumped everywhere in the streets.

We have no banks anymore, there is nowhere to buy shoes or clothing. At the end of the day this is supposedly a town but unless you want rubbish from a pound shop or a takeaway there's not much to offer in our lovely town anymore.

I have written to the planning committee previously regarding Ref 10/23/0896 BVSMNT The Old Coop Building, Borough Road, Darwen, BB2 2FT and now also Mr Berry.



**ORIGINATING DIVISION:** HIGHWAYS AND TRANSPORTATION

**REPORT TO:** BLACKBURN WITH DARWEN BOROUGH COUNCIL  
PLANNING AND HIGHWAYS COMMITTEE

**DATE:** 14<sup>th</sup> December 2023

**TITLE:** Proposed Stopping Up of No Longer Necessary  
Highway at Bolton's Court and Swallow Drive,  
Blackburn

**WARD:** Blackburn Central      **COUNCILLORS:** Samim Desai  
Mahfooz Hussain  
Zamir Khan

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## 1.0 PURPOSE OF THE REPORT

The purpose of the report is to seek committee approval to progress an Order for the Stopping Up of sections of highway at Bolton's Court and Swallow Drive, Blackburn which are no longer necessary. It is requested that Members authorise the Deputy Director, Legal & Governance to progress the necessary legal order and to apply to the Magistrates' Court to confirm the stopping ups.

## 2.0 BACKGROUND AND DETAILS

The council have recently progressed two highway schemes to the north of Blackburn town centre; a new link road from the Mall Car Park through to Barbara Castle Way and a new car park at Blakewater Lodge, Whalley Range.

The new link road from the Mall car park was constructed along the line of the existing footpaths at Bolton's Court which were subsumed into the scheme. The new link road is dedicated as new adopted highway and the stopping up of these footpaths can be viewed as an administrative exercise to clear up the adoption records.

Planning approval was given in 2018 for the demolition of the Blakewater Lodge Rest Home on Swallow Drive. This was subsequently carried out and the council have recently constructed the Blakewater Lodge Car Park on the site to serve the adjacent Whalley Range shopping area. The vehicular access road to the front and pedestrian access path to the rear of the former care home were both adopted highways which were not stopped up as part of the demolition scheme. These have now been incorporated along with three other small adopted areas into the new car park scheme and therefore require to be legally stopped up as they are no longer available as highway.

Plans showing the proposed areas to be stopped up are attached to this report.

### 3.0 LEGAL

The relevant legislation is the Highways Act 1980, Section 116. Under this section power is vested in the Magistrates' Court to authorise a highway to be stopped up if they think fit that it is unnecessary.

### 4.0 IMPLICATIONS

<b>Customer</b>	None
<b>Financial</b>	The costs of progressing the order will be met by the relevant projects.
<b>Anti-poverty</b>	None
<b>Crime and Disorder</b>	None

### 5.0 CONSULTATION

All statutory consultation required under S 116 of the Highways Act 1980 will be carried out should members approve to proceed with a stopping up order.

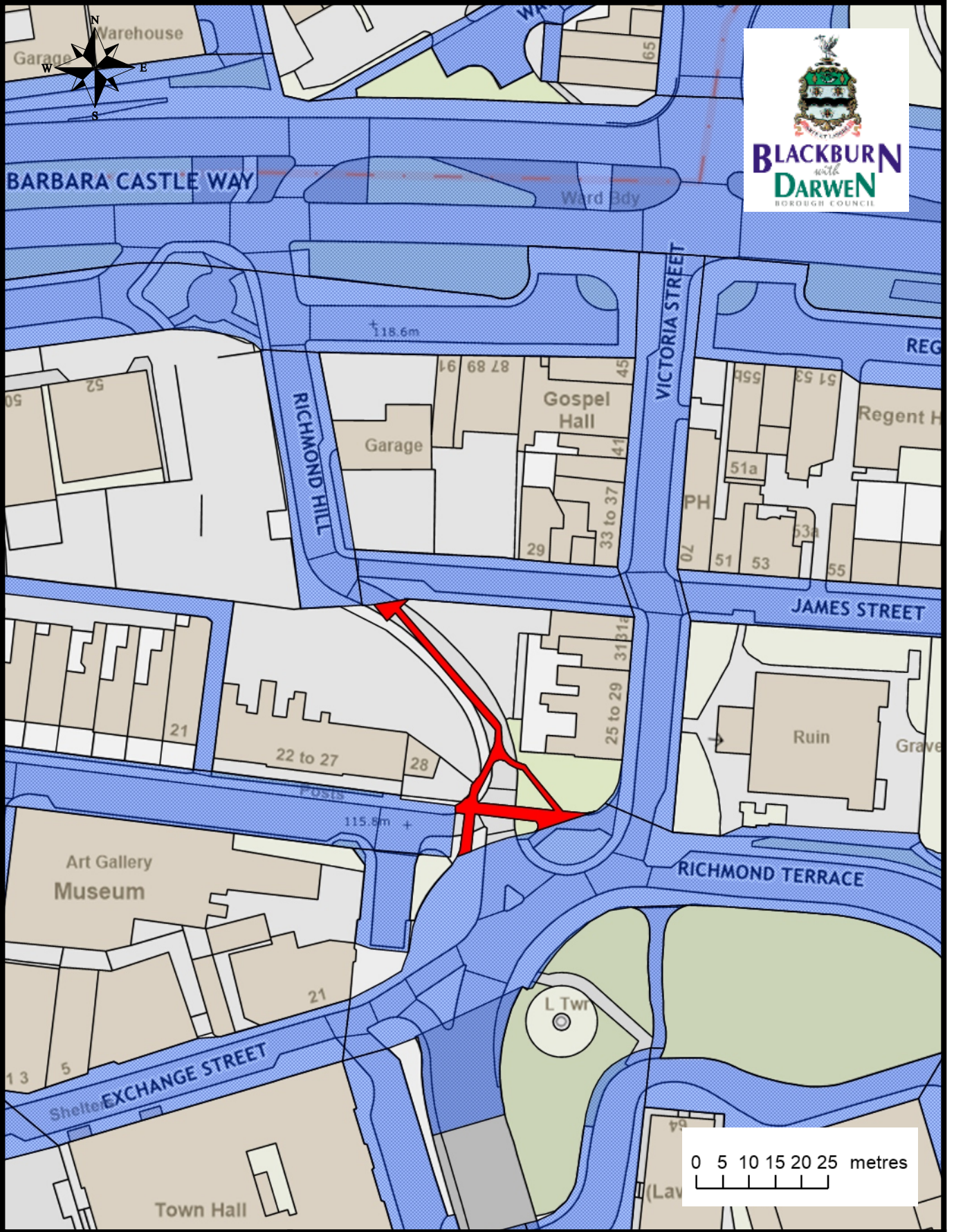
### 6.0 RECOMMENDATION

It is the officer's recommendation that Committee authorise the Deputy Director of Legal & Governance to progress with the closure of the the highways described above and shown on the attached plans and if the Department believes there is a good chance that the application will be successful, to apply to the Magistrates' Court for the necessary Order.

**6.0 BACKGROUND PAPERS:** Attached Stopping Up Plans

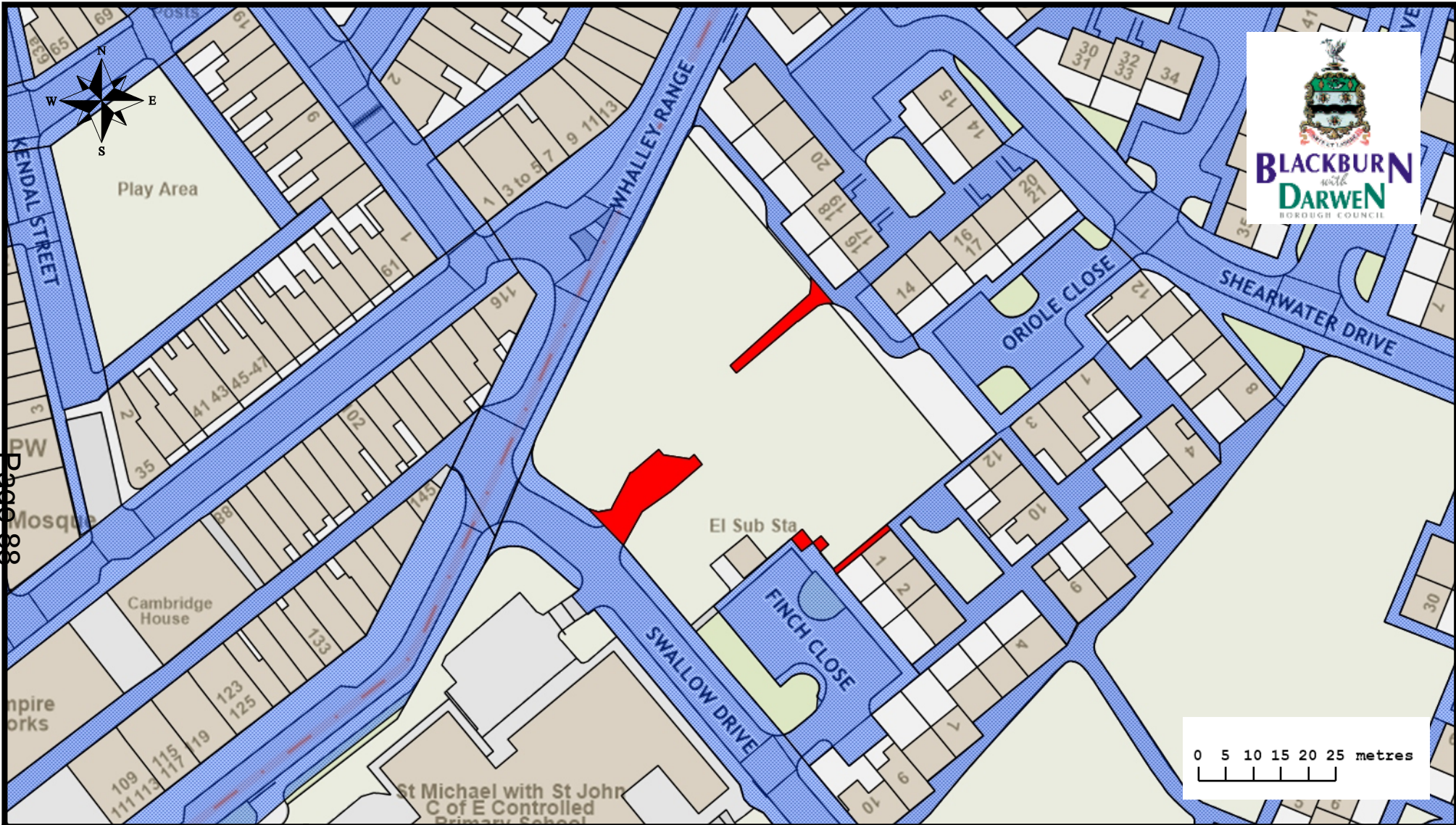
**7.0 CONTACT OFFICERS:** George Bell

**8.0 DATE PREPARED:** 9<sup>th</sup> November 2023



- Proposed Stopping Up
- Adopted Highways

**Proposed stopping up of footpaths at Bolton's Court, Blackburn**



Page 88

- Proposed Stopping Up
- Adopted Highways

### Proposed stopping up of highways at Swallow Drive, Blackburn

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## GROWTH & DEVELOPMENT DEPARTMENT

ORIGINATING SECTION: PLANNING (DEVELOPMENT  
MANAGEMENT)

REPORT TO PLANNING & HIGHWAYS COMMITTEE –14<sup>th</sup> DECEMBER 2023

TITLE: APPEALS MONITORING REPORT

WARDS: ALL

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### 1.0 PURPOSE OF THE REPORT

- 1.1 To present Members with an update of recently decided appeals since the last monitoring report in April 2023. You can see from the attached table, 12 no appeals in total were determined during the period 7<sup>th</sup> April 2023 to 1<sup>st</sup> December 2023, this included one enforcement appeal. 11 no appeals were dismissed, and 1 appeal was allowed.
- 1.2 With regards to the National performance benchmarking in terms of appeals allowed against the number of applications determined, Blackburn With Darwen Borough Council are performing very well. The latest published figures by the Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities & Local Government for the period October 2020 to September 2022 (appeal decisions up to September 2022), show the Council in **18<sup>th</sup> place** out of 330 local planning authorities. Figure 1 below is the current published table.
- 1.3 The table at Figure 1 presents the latest data on the performance of local planning authorities against the published criteria for assessing under-performance under section 62B of the Town and Country Planning Act 1990. The data in the table cover minor developments, changes of use where the site area is less than one hectare and householder developments. These are subsequently described collectively as 'non-major developments', having been referred to in previous versions of this table as 'Minor and other developments'. For the quality of decisions, the statistics show the overall figure for planning applications determined in the assessment period of 24 months to the end of December 2021 (and subsequent appeal decisions to the end of September 2022).
- 1.4 The measure to be used is the percentage of the total number of decisions made by the authority on applications that are then subsequently overturned at appeal, once nine months have elapsed following the end of the assessment period, as recorded in Live Table P152a and P152b for major development and in Live Table 154 for non-major development from the data collected by the Ministry of

Housing, Communities and Local Government and the Planning Inspectorate. The nine months specified in the measure enables appeals to pass through the system and be decided for the majority of decisions on planning applications made during the assessment period. The assessment period for this measure is the two years up to and including the most recent quarter for which data on planning application decisions are available at the time of designation, once the nine months to be allowed for beyond the end of the assessment period is taken into account. For example, a two year assessment period ending March 2022 will be used for designation decisions in Quarter 1 2023, this allows for applications to be decided between April 2020 and March 2022 and a 9 month lag to December 2022 for appeals to be decided. The average percentage figure for the assessment period as a whole is used [para 20, National Planning Practice Guidance “Improving planning performance: criteria for designation (updated 2022)” – 19<sup>th</sup> October 2022].

1.5 The threshold for designation on applications for both major and non-major development, above which a local planning authority is eligible for designation, is 10 per cent of an authority’s total number of decisions on applications made during the assessment period being overturned at appeal. Members are advised that there have been no appeals relating to ‘major developments’ within the same period.

1.6

England		Quality of decisions (% overturned at appeal)
City of London		0.0
Ebbsfleet Development Corporation <sup>4</sup>		0.0
Ipswich		0.0
London Legacy Development Corporation <sup>4</sup>		0.0
Northumberland National Park		0.0
Old Oak and Park Royal Development Corporation <sup>4</sup>		0.0
Allerdale		0.1
East Lindsey		0.1
East Staffordshire		0.1
Havant		0.1
Knowsley		0.1
Norwich		0.1
Oadby and Wigston		0.1
Preston		0.2
Richmondshire		0.2
North Somerset		0.2
Barrow-in-Furness		0.2
Blackburn with Darwen		0.2
County Durham		0.2
Eden		0.2
Hyndburn		0.2

Figure 1:

Table P154: District Matters Planning Performance Table for Quality of non-major decisions: October 2020 to September 2022

**2.0 RECOMMENDATION**

2.1 That the report be noted.

**3.0 BACKGROUND PAPERS**

3.1 See the file numbers referred to.

**4.0 CONTACT OFFICER:** Gavin Prescott, Planning Manager  
(Development Management)

**5.0 DATE PREPARED** 1<sup>st</sup> December 2023

**APPEALS MONITORING REPORT RELATING TO APPEALS DETERMINED BETWEEN THE PERIOD 7<sup>th</sup> APRIL 2023 AND 1<sup>st</sup> DECEMBER 2023  
PLANNING & HIGHWAYS COMMITTEE – 14<sup>th</sup> DECEMBER 2023**

APPEAL START DATE	APPEAL REFERENCE	APPEAL SITE ADDRESS & DEVELOPMENT DESCRIPTION	APPEAL TYPE	APPEAL DECISION	APPEAL DECISION DATE	REASONS FOR DECISION
3 <sup>rd</sup> May 2022	APP/M2372/W/22/3290442 10/21/1009	Land South of Higher Pastures Farm Broadhead Road Turton  Creation of hardstanding	Written Representations	Dismissed	5 <sup>th</sup> May 2023	The Inspector considered having regard to the size of the area proposed, it would result in an extensive area of hardstanding that could accommodate a significant number of items in a prominent and exposed site. The hardstanding area would not be located adjacent to existing buildings or landscape features that provide a certain level of screening. As a result, the proposal would be clearly visible from public vantage points and would cause harm to the visual amenity and character of the area. The proposal would conflict with the aims of Policies 11 and 41 of the Local Plan.

**APPEALS MONITORING REPORT RELATING TO APPEALS DETERMINED BETWEEN THE PERIOD 7<sup>th</sup> APRIL 2023 AND 1<sup>st</sup> DECEMBER 2023  
PLANNING & HIGHWAYS COMMITTEE – 14<sup>th</sup> DECEMBER 2023**

APPEAL START DATE	APPEAL REFERENCE	APPEAL SITE ADDRESS & DEVELOPMENT DESCRIPTION	APPEAL TYPE	APPEAL DECISION	APPEAL DECISION DATE	REASONS FOR DECISION
29 <sup>th</sup> June 2023	APP/M2372/W/23/3318776 10/21/1059	33 Blackburn Road Darwen BB3 1EJ  Change of use from cafe to hot food takeaway (retrospective)	Written Representations	Dismissed	16 <sup>th</sup> October 2023	The Inspector considered the proposal results in a closed frontage for long periods during daytime hours which is detrimental to the character and vitality of the District Centre, being contrary to Policy 27 of the Local Plan. In relation to the concentration of existing hot food takeaways close to the appeal site, and the proximity of local schools, the Inspector considered it would be likely to lead to an increase in the consumption of takeaway food by young people, contrary to Policy 33 of the Local Plan and the SPD guidance. Due to the lack of technical information relating to the extraction system the

**APPEALS MONITORING REPORT RELATING TO APPEALS DETERMINED BETWEEN THE PERIOD 7<sup>th</sup> APRIL 2023 AND 1<sup>st</sup> DECEMBER 2023  
PLANNING & HIGHWAYS COMMITTEE – 14<sup>th</sup> DECEMBER 2023**

APPEAL START DATE	APPEAL REFERENCE	APPEAL SITE ADDRESS & DEVELOPMENT DESCRIPTION	APPEAL TYPE	APPEAL DECISION	APPEAL DECISION DATE	REASONS FOR DECISION
						Inspector considers there is likely to be an impact towards the living conditions of the of the first floor flat, particularly the bedroom window, contrary to Policy 8 of the Local Plan.
23 <sup>rd</sup> February 2023	APP/M/2372/W/22/3312377 10/22/0309	Masjid E Zainabia and Imambargah and adjoining unit Holly Street / Logwood Street Blackburn BB1 9TU  Replacement roof and continued use of unit for the storage of motor vehicles (retrospective)	Written Representations	Dismissed	20 <sup>th</sup> July 2023	The Inspector considered that the living conditions for nearby residents would be harmed with particular regard to noise and disturbance, conflicting with Policy 8 of the Local Plan. In addition, the Inspector found the availability of parking of staff to be acceptable, however the use of the building for storage of vehicles conflicts with Policy 10 of the Local Plan by virtue of the significant effect on highway safety with particular regard to

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APPEAL START DATE	APPEAL REFERENCE	APPEAL SITE ADDRESS & DEVELOPMENT DESCRIPTION	APPEAL TYPE	APPEAL DECISION	APPEAL DECISION DATE	REASONS FOR DECISION
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22 <sup>nd</sup> March 2023	APP/M/2372/D/23/3317111 10/22/0721	59 Earnsdale Road Darwen BB3 1HS  Proposed double storey side and rear extension with part rear single storey extension	Written Representations	Dismissed	2 <sup>nd</sup> May 2023	servicing and manoeuvring.  The Inspector considered the proposed extension would cause significant harm to the character and appearance of the host building and the local area, conflicting with Policy 11 of the Local Plan.  COSTS DECISION: - The application for the award of costs is refused by the Inspector. The Inspector considered the Council had reasonable planning grounds for its decision. The Case officer raised concerns over the proposed materials and suggested other options which were not agreed by the appellants.
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**APPEALS MONITORING REPORT RELATING TO APPEALS DETERMINED BETWEEN THE PERIOD 7<sup>th</sup> APRIL 2023 AND 1<sup>st</sup> DECEMBER 2023  
PLANNING & HIGHWAYS COMMITTEE – 14<sup>th</sup> DECEMBER 2023**

APPEAL START DATE	APPEAL REFERENCE	APPEAL SITE ADDRESS & DEVELOPMENT DESCRIPTION	APPEAL TYPE	APPEAL DECISION	APPEAL DECISION DATE	REASONS FOR DECISION
						Unreasonable behaviour by the Council was not demonstrated during the assessment of the application, and therefore the award of costs to the appellant was refused.
3 <sup>rd</sup> July 2023	APP/M/2372/W/23/3319205 10/22/0739	5 Moorcroft Lower Darwen BB3 0RY  Change of use from a dwellinghouse (Use Class C3) to a residential institution (Use Class C2) to house up to four families - parent(s) and one child - for 12 weeks durations, to allow 'Residential Parenting Assessments'	Written Representations	Dismissed	17 <sup>th</sup> October 2023	The Planning Inspector considered the comings and goings associated with supporting 4 vulnerable families in one property would be of noticeably greater intensity that that associated with the existing single dwelling or other dwellings along the street. This would occur by virtue of increased activity including those of a more commercial nature generated by frequent professional visits to up to 4 families as well as staff changeovers. The



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APPEAL START DATE	APPEAL REFERENCE	APPEAL SITE ADDRESS & DEVELOPMENT DESCRIPTION	APPEAL TYPE	APPEAL DECISION	APPEAL DECISION DATE	REASONS FOR DECISION
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						<p>proposal would conflict with Policy 8 of the Local Plan. The windows of the neighbouring properties Nos 3 and 7 would be close to the parking area at the appeal property and with the increased comings and goings this would impact on the living conditions of those properties. In addition, the Inspector considered there would be conflict with Policy 47 of the local plan, as it is not demonstrated there is a need for the proposal arising from the requirements of people already ordinarily resident in the borough or of BwD service users currently receiving service outside of the borough.</p>
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<b>APPEAL START DATE</b>	<b>APPEAL REFERENCE</b>	<b>APPEAL SITE ADDRESS &amp; DEVELOPMENT DESCRIPTION</b>	<b>APPEAL TYPE</b>	<b>APPEAL DECISION</b>	<b>APPEAL DECISION DATE</b>	<b>REASONS FOR DECISION</b>
6 <sup>th</sup> June 2023	APP/M/2372/Z/23/3315571 10/22/0967	16 Preston New Road Blackburn BB2 1AW  Digital Internally Illuminated Outdoor LED Advertisement Screen	Written Representations	Dismissed	9 <sup>th</sup> November 2023	The Planning Inspector considered for those drivers approaching the junction along Preston New Road in a south-easterly direction, towards the junction, the advertisement would be highly prominent and driver's attention would be diverted by the illuminance and changing imagery at a point in the road where attention would be required to focus on traffic signals and road conditions, resulting in harm to highway safety in conflict with Policy 43 of the Local Plan.
19 <sup>th</sup> September 2023	APP/M2372/W/23/33229 10/22/1102	Roman Road street works Roman Road Blackburn BB1 2LB  Proposed 5G telecoms	Written representations	Dismissed	22 <sup>nd</sup> November 2023	The Planning Inspector considered the proposed siting of the pole would result in a busy and cluttered appearance to this section of the road, with the structure

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APPEAL START DATE	APPEAL REFERENCE	APPEAL SITE ADDRESS & DEVELOPMENT DESCRIPTION	APPEAL TYPE	APPEAL DECISION	APPEAL DECISION DATE	REASONS FOR DECISION
		installation: H3G 18m high street pole and additional equipment cabinets				being highly visible with long ranging views. The structure would appear as an imposing and visually disruptive addition. The Inspector was not certain that other suitable alternative sites were fully and robustly considered
7 <sup>th</sup> July 2023	APP/M/2372/ D/23/3323456  10/22/1142	1 The Copse Edgworth Bolton BL7 ODP  Proposed first floor addition to south east elevation and alterations to north elevation	Written Representations	Allowed	10 <sup>th</sup> August 2023	The Planning Inspector considered that the design and materials of the proposal have been carefully considered and would result in a satisfactory composition. The proposed changes would not result in harm to the character or appearance of the area and would add interest to the street scene, and therefore there is no conflict with Policy of the Local Plan and the residential design guide.

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<b>APPEAL START DATE</b>	<b>APPEAL REFERENCE</b>	<b>APPEAL SITE ADDRESS &amp; DEVELOPMENT DESCRIPTION</b>	<b>APPEAL TYPE</b>	<b>APPEAL DECISION</b>	<b>APPEAL DECISION DATE</b>	<b>REASONS FOR DECISION</b>
19 <sup>th</sup> September 2023	APP/M/2372/ W/23/3323898  10/23/0207	74 Queens Park Road Blackburn BB1 1SE  Retention of shed to front terrace to be used as food bank (Use Class F2) (retrospective)	Written Representations	Dismissed	15 <sup>th</sup> November 2023	The Planning Inspector considered the shed within the modest yard appears cramped and is visually imposing along the street scene. It is the only structure visible within the immediate terraced row. The proposal would conflict with Policies 8 and 11 of the Local Plan. In addition, the proposal would have a significant adverse effect on the living conditions of occupiers of adjacent dwellings with regard to noise and disturbance contrary to Policy 8 of the Local Plan.
29 <sup>th</sup> June 2023	APP/M/2372/ D/23/3323855  10/23/0218	Cambay Villas Billinge End Road Blackburn BB2 6PT	Written Representations	Dismissed	13 <sup>th</sup> September 2023	The Planning Inspector considered that the proposed structure would appear as a prominent and conspicuous feature that would dominate

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APPEAL START DATE	APPEAL REFERENCE	APPEAL SITE ADDRESS & DEVELOPMENT DESCRIPTION	APPEAL TYPE	APPEAL DECISION	APPEAL DECISION DATE	REASONS FOR DECISION
		Proposed insertion of entrance portico to front elevation				the ground floor frontage and obscure the traditional architectural detailing and proportions of the original building, contrary to Policy 11 of the Local Plan.
25 <sup>th</sup> August 2023	APP/M/2372/ D/23/3327226 10/23/0460	10 Brantfell Road Blackburn BB1 8DN  Rear dormer (retrospective) (amendments following planning refusal App No: 10/23/0076)	Written Representations	Dismissed	11 <sup>th</sup> October 2023	The Planning Inspector took into account previous appeal decisions, and acknowledged the extension had been reduced. However, the Inspector still considered the extension would be the most dominant feature on the rear facing roof slope being clearly visible in views from the rear alley and is a dominant feature within the roofscape. The design would remain at odds with the property and fails to preserve or enhance the character or appearance of the

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<b>APPEAL START DATE</b>	<b>APPEAL REFERENCE</b>	<b>APPEAL SITE ADDRESS &amp; DEVELOPMENT DESCRIPTION</b>	<b>APPEAL TYPE</b>	<b>APPEAL DECISION</b>	<b>APPEAL DECISION DATE</b>	<b>REASONS FOR DECISION</b>
						conservation area, contrary to Policies 11 and 39 of the Local Plan.
6 <sup>th</sup> February 2023	APP/M/2372/ C/23/3314223  2021E0370	10 Brantfell Road Blackburn BB1 8DN  Appeal against Enforcement Notice relating to retention of dormer extension to rear roof space.	Written Representations	Dismissed, and the enforcement notice is upheld	9 <sup>th</sup> August 2023	The Planning Inspector considered that a dormer extension of reduced size would not remedy the breach of planning control. In addition, the Inspector considered that the compliance period of six months was reasonable and therefore should not be extended.

**TOTAL NUMBER OF DECISIONS: 12**

**TOTAL NUMBER ALLOWED: 1 (8%)**

**TOTAL NUMBER DISMISSED: 11 (92%)**

<b>REPORT OF:</b>	<b>STRATEGIC DIRECTOR OF GROWTH &amp; DEVELOPMENT &amp; DEPUTY CHIEF EXECUTIVE</b>
<b>TO:</b>	<b>PLANNING AND HIGHWAYS COMMITTEE</b>
<b>ON:</b>	<b>14<sup>th</sup> DECEMBER 2023</b>
<b>ORIGINATING SECTION:</b>	<b>PLANNING (DEVELOPMENT MANAGEMENT SERVICE)</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>
<b>COUNCILLORS:</b>	<b>ALL</b>

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**TITLE OF REPORT:**

**INFRASTRUCTURE FUNDING STATEMENT 2022/23**

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## **1. PURPOSE OF THE REPORT**

- 1.1 To present Members with an update on the latest Infrastructure Funding Statement (IFS) for 2022/23, for Blackburn With Darwen Borough Council, that was presented to the Executive Board on the 7<sup>th</sup> December 2023, for approval to publish the statement.

## **2. BACKGROUND**

- 2.1 Under section 106 (s106) of the Town and Country Planning Act 1990, a Local Planning Authority (LPA) can seek obligations, both physically on-site and contributions for off-site, when it is considered that a development will have negative impacts that cannot be dealt with through conditions in the planning permission
- 2.2 The obligations may be provided by the developers “in kind” – that is, where the developer builds or provides directly the matters necessary to fulfil the obligation. This might be to build a certain number of affordable homes on-site, for example. Alternatively, planning obligations can be met in the form of financial payments to the Council to provide off-site infrastructure works or contributions towards providing affordable housing elsewhere in the borough. In some cases, it can be a combination of both on-site provision and off-site financial contributions
- 2.3 The types of infrastructure the Council funds wholly or in part by developer contributions include, but are not limited to:
- Affordable housing;
  - Education provision, which can be school extensions or new schools;

- Transport and travel improvements;
  - Highways infrastructure;
  - Health infrastructure;
  - Community facilities;
  - Open space, public realm and leisure;
  - Flood defence and water management;
  - Biodiversity net gain and environmental improvements;
  - Carbon reductions, including decentralised energy;
  - Digital infrastructure.
- 2.4 Regulations state that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and
  - Fairly and reasonably related in scale and kind to the development.
- 2.5 Unless specific circumstances apply, the Council will only request s106 planning obligations for major planning applications, as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2.6 The Community Infrastructure Levy (Amendment)(England)(No.2) Regulations 2019 requires authorities to prepare an Infrastructure Funding Statement (IFS) each year to set out their annual income and expenditure relating to section 106 agreements. Blackburn with Darwen's 2022-23 IFS provides a summary of financial contributions the Council has secured through section 106 agreements from new developments for off-site infrastructure works and affordable housing, in addition to highway works completed as part of new developments through section 278 agreements within the 2022-23 monitoring period. It also includes information on the infrastructure works funded through s106 contributions.
- 2.7 In summary, the report provides:
- An overview of s106 and s278 agreements;
  - The Council's internal process relating to s106 contributions;
  - The s106 contributions paid to the Council in the 2022/23 monitoring period;
  - S106 contributions and s278 works estimated for future years;
  - Projects delivered in the borough via s106 and s278 agreements in the 2022/23 monitoring period; and
  - Information on monitoring fees and inflation applied to s106 agreements.
- 2.8 Some of the key details from the 2022/23 are summarised below:
- As at March 2023, a net total of £6,053,479 was available to fund public open space, education, highways and affordable housing projects in the borough;
  - A total of £3,883,516 in s106 monies were received in the 2022/23 period;
  - A total of £2,326,216 s106 monies were spent in the 2022/23 period - £501,113 funding highway works in the borough, £421,610 spent on



- improving existing or creating new open spaces and £1,394,867 spent on providing additional school places; and
    - A total of £8,626 was collected in monitoring fees in 2022/23. Monitoring fees are added to s106 agreements to cover the cost of the monitoring and reporting on delivery of the agreements.
- 2.9 The information included in the report is updated annually and published on the Council's website at [Annual infrastructure funding statements | Blackburn with Darwen Borough Council](#). This will ensure the most up to date information on the amount of developer contributions received from new developments, in addition to information on where these monies have been spent, is readily available to members of the public and other interested parties.
- 2.10 The report does not include information on the infrastructure delivered on site as part of new developments in the borough. It is also important to note that data on developer contributions is imperfect because it represents estimates at a given point in time, and can be subject to change. The data reported within the IFS is, however, the most robust available at the time of publication.

### 3. RATIONALE

#### The Process for Off-Site Financial Contributions:

- 3.1 Where it is determined that on-site infrastructure and/or affordable housing required by policy is not appropriate, the Council will request from developers a financial contribution to meet these needs outside of the development site through a S106 obligation.
- 3.2 The financial contribution requirement for off-site green infrastructure provision is set via the Green Infrastructure & Ecological Networks Supplementary Planning Document (SPD), and the Affordable Housing Developers Guide sets out the tariff for off-site affordable housing contributions. Both documents can be accessed on the Council's planning website at <https://www.blackburn.gov.uk/planning/planning-policies-strategies-and-guides>
- 3.3. Contributions towards required highway works are agreed on a case by case basis, evidenced through the assessment of the impact of the development on the local highway network and what mitigation works are required. Other contributions can relate to Education i.e. contributions towards expanding any existing or school, or towards the provision of a new school, and these are agreed on a case by case basis.
- 3.4. The process is summarised in a flowchart that can be found on page 6 of the annual report document. Appendix A of this report details the flowchart.
- 3.5 The report summarises the total contributions received in 2022/23 and the total spent in the same period. This shows at March 2022, a net S106 total of £4,496,180 was available to fund public open space, highways, education and affordable housing projects in the borough. During 2022/23, £3,883,516 was

received in contributions with £2,326,216 spent within the same period. This consists of £501,113 funding the delivery of new highway infrastructure, £1,394,867 on the delivery of new educational places in the borough, and £421,610 spent on improving existing or creating new open spaces.

- 3.6 In summary therefore, as at 31<sup>st</sup> March 2023, there is a net total of £6,053,479 in S106 contributions available to spend on affordable housing, education, public open space and highway projects in the borough.

S106 Monies Received as at 31<sup>st</sup> March 2022 (net)

Infrastructure type	S106 monies available (£)
Public open space	466,232
Affordable housing	1,437,121
Highways	1,673,060
Education	919,768
<b>TOTAL</b>	<b>4,496,180</b>

S106 Contributions Received in 2022/23  
(see pages 9-12 for details)

Infrastructure type	S106 contributions received (£)
Public open space	703,761
Education	2,028,030
Affordable housing	672,619
Highways	460,480
Biodiversity Net Gain	10,000
Monitoring fee	8,626
<b>TOTAL</b>	<b>3,883,516</b>

### S106 Contributions Spent in 2022/23

(see pages 13-15 for details)

Infrastructure type	S106 contributions spent (£)
Public open space	421,610
Highways	501,113
Affordable Housing	0
Education	1,394,867
Monitoring Fee	8,626
<b>TOTAL</b>	<b>2,326,216</b>

### Total S106 (net) Amount Available to Spend as at March 2023

Net total as of March 2022	4,496,180
S106 income received 2022/23	3,883,516
<b>Total</b>	<b>8,379,696</b>
Minus monies spent 2022/23	-2,326,216

<b>TOTAL</b>	<b>6,053,479</b>
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### Breakdown of Amount Available to Spend as at March 2023

Infrastructure type	S106 monies available (£)
Public open space	748,382
Affordable housing	2,109,740
Highways	1,658,427
Education	1,526,930
Biodiversity net gain	10,000
<b>TOTAL</b>	<b>6,053,479</b>

- 3.7 The report goes further by reporting on where the contribution monies have been received in 2022/23 monitoring period on page 9. The following table summarises this:

	Development site	S106 contributions received(£)	Infrastructure project to fund
Affordable Housing	Planning app. Ref: 10/21/0331 Land off School Lane, Guide	56,230	All contributions to fund provision of affordable housing across the borough
	Planning app. Ref: 10/17/0578 Land off Yew Tree Drive, Blackburn	100,000	
	Planning app. Ref: 10/18/1116 Brokenstone Road, Blackburn	150,000	
	Planning app. Ref: 10/19/0807 Land off Victoria Buildings, Waterside, Darwen	25,000	
	Planning app. Ref: 10/20/1036 Land at Davyfield Farm, Roman Road, Darwen	42,037	
	Planning app. Ref: 10/21/1001 Land at Milking Lane/Greenbank Terrace, Lower Darwen	299,352	
	<b>TOTAL</b>	<b>672,619</b>	

	Development site	S106 contributions received(£)	Infrastructure project to fund
Education	Planning app. Ref: 10/18/0895 Land at Roe Lee, Blackburn	250,000	Contribution towards additional primary school places in Blackburn North
	Planning app. Ref: 10/19/0317 Land at Spring Meadows, Darwen	300,000	Contribution towards additional primary school places in Darwen
		250,000	Contribution towards additional secondary school places in borough
	Planning app. Ref: 10/17/0578 Land off Yew Tree Drive, Blackburn	510,000	Contribution towards additional primary school places in Blackburn North
	Planning app. Ref: 10/18/1116 Brokenstone Road, Blackburn	101,000	Contribution towards additional primary school places in Blackburn West
	Planning app. Ref: 10/21/0122 Land at Ellison Fold Way, Darwen	297,030	Contribution towards additional primary school places in Darwen
	Planning app. Ref: 10/21/0636 Land to the North of Ramsgreave Drive, Blackburn	100,000	Contribution towards additional primary school places in Blackburn North
	Planning app. Ref: 10/20/0265 Land off Ramsgreave Drive, Blackburn	200,000	Contribution towards additional primary school places in Blackburn North
	Planning app. Ref: 10/20/1036 Land at Davyfield Farm, Roman Road, Darwen	20,000	Contribution towards additional primary school places in Darwen
<b>TOTAL</b>	<b>2,028,030</b>		

	Development site	S106 contributions received(£)	Infrastructure project to fund
Public open space	Planning app. Ref: 10/18/1116 Brokenstone Road, Blackburn	350,000	Witton Park upgrades
	Planning app. Ref: 10/19/0807 Land off Victoria Buildings, Waterside, Darwen	14,060	To improve/provide additional green infrastructure within vicinity of the site
	Planning app. Ref: 10/21/0544 Site of The Albany, St Alban's Road, Darwen	4,951	Improvements to green infrastructure within Darwen
	Planning app. Ref: 10/18/0740 Former Sappi Papermill, Blackburn	112,250	Improvements to Feniscowles Sports Club
		222,500 (forward funded by the Council)	Improvements to Witton sports turf
	<b>TOTAL</b>	<b>703,761</b>	

	Development site	S106 contributions received(£)	Infrastructure project to fund
Highways	Planning app. Ref: 10/16/1132 Land off Livesey Branch Road (Gib Lane Phase A), Blackburn	191,250	Construction of new vehicular access onto Livesey Branch Road
	Planning app. Ref: 10/17/0578 Land off Yew Tree Drive, Blackburn	50,000	Toucan crossings at Lammack Road, Pleckgate Road, Whinney Lane; improvements to Brownhill junction; and sustainable transport measures.
	Planning app. Ref: 10/20/0265 Land off Ramsgreave Drive, Blackburn	130,000	Toucan crossings at Lammack Road, Pleckgate Road, Whinney Lane; Brownhill junction improvements; other highway improvements in North Blackburn, including sustainable transport measures in the Ramsgreave Drive area
	Planning app. Ref: 10/21/1294 Land at Former Darwen Paper Mill Site, Darwen	89,230	Towards improvement of junction at Goose House Lane and Hollins Grove
	<b>TOTAL</b>	<b>460,480</b>	

	Development site	S106 contributions received (£)	Infrastructure project to fund
Biodiversity net gain	Planning app. Ref: 10/21/1294 Land at Former Lower Darwen Paper Mill site, Lower Eccleshill Road Darwen	10,000	Contribution towards biodiversity net gain projects within the borough

3.8 Page 13 of the report summarises the projects which have been delivered off-site by s106 contributions for the period 2022/23 in the borough. These projects are demonstrated in the following table:

	Development site	S106 contributions spent (£)	Project delivered
Education	Planning app. Ref: 10/17/0578 Land off Yew Tree Drive, Blackburn	510,000	Contribution towards extension of Lammack Primary School to provide an additional 140 places
	Planning app. Ref: 10/18/0895 Land at Roe Lee, Blackburn	419,527	
	Planning app. Ref: 10/20/0265 Land off Ramsgreave Drive, Blackburn	200,000	
	Planning app. Ref: 10/21/0636 Land to the North of Ramsgreave Drive, Blackburn	100,000	
	Planning app. Ref: 10/20/0934 Land to the North and South of Fishmoor Drive and to the East of Roman Road	165,340	Contribution towards extension of Longshaw Nursery and Infant School
<b>Total</b>	<b>1,394,867</b>		

	Development site	S106 contributions spent (£)	Project delivered
Public open space	Planning app. Ref: 10/12/0522 21 Fernhurst Street, Blackburn	500	Provision of wildflowers at Ewood roundabout
	Planning app. Ref: 10/18/0740 Former Sappi Papermill, Blackburn	222,500 (forward funded by the Council)	Improvements to Witton sports turf
		53,449	Improvements to Feniscowles Sports Club
	Planning app. Ref: 10/05/1076 Former Kwik Save Site, Bolton Road, Blackburn	10,241	
	Planning app. Ref: 10/15/1556 Former Bear Hotel, Bolton Road Blackburn	19,210	Improvements to Wolsley Street Play Area/River Darwen Parkway
	Planning app. Ref: 10/19/0977 Former Beechwood Garden Centre, Roman Road, Blackburn	15,710	
	Planning app. Ref: 10/21/0122 Land at Ellison Fold Way, Darwen	100,000	Improvements to Blacksnape Children's play area
<b>Total</b>	<b>421,600</b>		

	Development site	S106 contributions spent (£)	Project delivered
Highways	Planning app. Ref: 10/17/0211 Land to the West of Gib Lane (Gib Lane Phase C), Blackburn	110,978	Contribution towards delivery of Bog Height Road link road (design phases)
	Planning app. Ref: 10/17/0578 Land off Yew Tree Drive, Blackburn	360,135	Toucan crossings at Lammack Road, Pleckgate Road, Whinney Lane; improvements to Brownhill junction and Yew Tree Drive; and sustainable transport measures
	Planning app. Ref: 10/20/1048 Former Westholme Nursery School, Preston New Road	30,000	Towards junction improvements at Preston New Rd / Billinge End Rd - MOVA system and tactile paving
	<b>Total</b>	<b>501,113</b>	

3.9 Page 16 of the report goes further by summarising what s106 contributions have been secured which will be paid in future years. This is summarised in Appendix B of this report.

3.10 Section 3 of the report sets out the S278 projects in the year 2022/23, and the S278 projects for future years. These are detailed in Appendix C of this report. S278 agreements under the 1980 Highways Act are legally binding assessments between the local highway authority (Blackburn With Darwen Borough Council) and the developer to ensure delivery of necessary highway works as a result of new development.

#### 4. POLICY IMPLICATIONS

4.1 Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

4.2 The reforms to the planning obligations process introduced by the Community Infrastructure Levy Regulations 2019 contain a number of key elements, which includes the ability for authorities to charge a monitoring fee and the requirement to prepare an annual Infrastructure Funding Statement (from December 2020).

4.3 The need to produce an Infrastructure Funding Statement has increased the

substantial workload and cost the Council has to cover when producing, monitoring and reporting on s106 agreements, work which is currently unfunded by the developer. Introducing monitoring fees will help to offset these costs and are set at an amount which is proportionate and reasonable.

- 4.4 The Blackburn With Darwen statutory development plan, currently comprising the Blackburn With Darwen Core Strategy and Local Plan Part 2, in addition to the emerging new Local Plan (2021-2037) (scheduled for adoption in January 2024) set out planning policies against which planning obligations may be secured. Publication of the IFS meets all the requirements of national and local policy.

## **5. FINANCIAL IMPLICATIONS**

- 5.1 There are no specific financial implications contained within this report. The Infrastructure Funding Report sets out factual information regarding section 106 and section 278 receipts and expenditure.

## **6. LEGAL IMPLICATIONS**

- 6.1 The Community Infrastructure Levy (Amendment)(England)(No.2) Regulations 2019 now allow Local Authorities to charge a monitoring fee through section 106 planning obligations, to cover the cost of the monitoring and reporting on delivery of that section 106 obligation as described above. Monitoring fees can be used to monitor and report on any type of planning obligation, for the lifetime of that obligation. However, monitoring fees should not be sought retrospectively for historic agreements.
- 6.2 The Council began to add a monitoring fee to any s106 agreement associated with planning applications received from 1st October 2020. These will cover the cost of the monitoring and reporting on delivery of the agreements, including the production of the IFS (which is a new requirement), on an annual basis. Fees will be reviewed on an annual basis to ensure they remain proportionate and reasonable.
- 6.3 The IFS will be used to report on the amount of fees collected each year.

## **7. RESOURCE IMPLICATIONS**

- 7.1 Publication of the Infrastructure Funding Statement 2022/23 does not have any direct resource implications. It does, however, report on the sources and utilisation of resources. The s106 monies received are recorded and reconciled within our financial control systems.

## **8. EQUALITY IMPLICATIONS**

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



**9. CONSULTATIONS**

9.1. Executive Board – 7<sup>th</sup> December 2023.

**10. RECOMMENDATION**

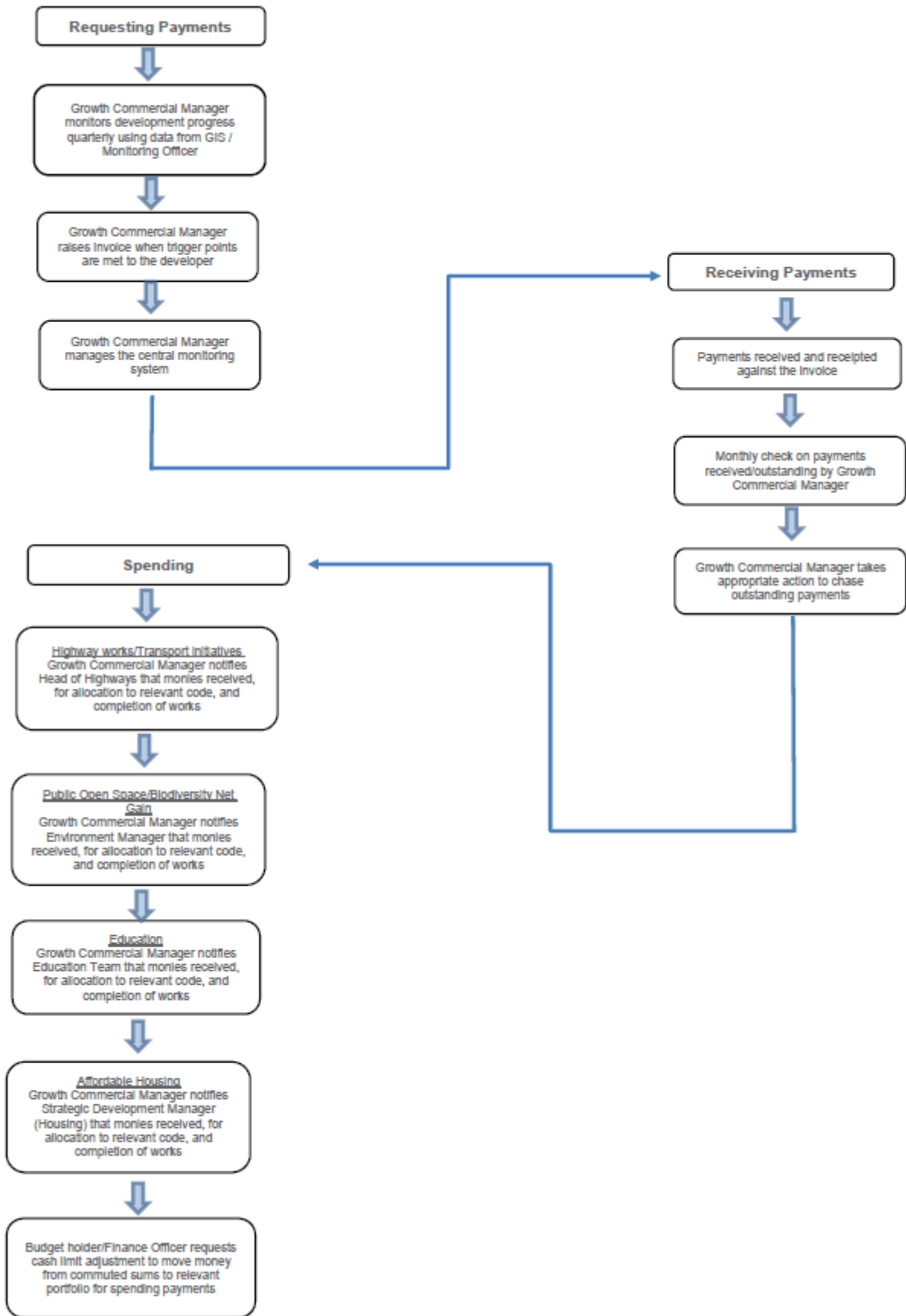
10.1 That the Committee note the content of the report

**Contact Officer:** Laura Ainscow-Gorst, Principal Strategic Planner  
& Gavin Prescott, Planning Manager  
(Development Management)

**Date:** 24<sup>th</sup> November 2023

**Background Papers:** Blackburn With Darwen Infrastructure Funding Statement  
2022/23 – December 2023.

## APPENDIX A – FLOWCHART SUMMARISING THE S106 PROCEDURE



## APPENDIX B – S106 CONTRIBUTIONS SECURED FOR FUTURE YEARS

	Development site	S106 amount (£)	Proposed s106 works to be delivered
Education	Planning app. Ref:10/20/0265 Land off Ramsreave Drive, Blackburn	200,000	Contributions towards additional primary school places in Blackburn North
	Planning app. Ref:10/18/1116 Brokenstone Road, Blackburn	2,405,000	Contribution towards additional primary school places in Blackburn West
	Planning app. Ref:10/19/0317 Land at Spring Meadows, Darwen	450,000	Contribution towards additional primary school places in Darwen
	Planning app. Ref:10/21/0122 Land at Ellison Fold Way, Darwen	445,545	Contribution towards additional primary school places in Darwen
	Planning app. Ref: 10/20/1036 Land at Davyfield Farm, Roman Road Eccleshill	20,000	Contribution towards additional primary school places in Darwen
	Planning app. Ref: 10/19/1084 Waterside Park, Johnson Road, Eccleshill	201,400	Contribution towards additional primary school places in East Darwen
	Planning app. Ref: 10/21/0331 Land off School Lane, Guide	40,000	Provision of additional educational places in the borough
	Planning app. Ref: 10/19/0662 Land off Moorland Drive, Blackburn	850,000	New primary school places in West Blackburn

	Development site	S106 amount (£)	Proposed s106 works to be delivered
Highways	Planning app. Ref: 10/16/0789 Land at Pole Lane North, Darwen	30,000	Traffic management and road safety initiatives around Darwen East Distributor Corridor (DEDC)
	Planning app. Ref: 10/19/0520 Land at Ellison Fold Way, Darwen	445,544 (forward funded in part by the Council)	Towards completion of DEDC highway improvement works, sustainable transport initiatives including (but not limited to) subsidised public transport, traffic calming and improved pedestrian routes
	Planning app. Ref: 10/21/0636 Land to the North of Ramsgreave Drive, Blackburn	99,598	For toucan crossings at Lammack Road, Pleckgate Road, Whinney Lane; improvements to Brownhill Junction and Yew Tree Drive, and sustainable transport measures
	Planning app. Ref: 10/21/0331 Land off School Lane, Guide	24,475	Improvements to highway network in South East Blackburn and enhancement of sustainable transport measures
	Planning app. Ref: 10/21/1313 Greenbank Works, Gladstone Street, Blackburn	51,000	A6119/Carl Fogarty Way roundabout improvement works
	Planning app. Ref: 10/21/1426 Fishmoor/Haslingden Rd, Blackburn	250,000	Improvement works associated with South East Blackburn major transport scheme
	Planning app. Ref: 10/22/0067 Plot 4 Carl Fogarty Way, Blackburn	12,000	A6119/Carl Fogarty Way roundabout improvement works
	Planning app. Ref: 10/22/0722 South of Whalley Old Road, Blackburn	574,200	Highway and junction improvement works and sustainable transport schemes in locality
	Planning app. Ref: 10/21/0428 Land at Haslingden Road, Blackburn	98,911	Improvements to highway network in vicinity of site and enhancement of sustainable transport measures

	Development site	S106 amount (£)	Proposed s106 works to be delivered
Public open space	Planning app. Ref: 10/18/0740 Former Sappi Paper Mill, Blackburn	100,000	Improvements to Feniscowles Sports Club
		37,500 (forward funded by the Council)	Improvements to Witton sports turf
	Planning app. Ref: 10/21/0331 Land off School Lane, Guide	19,684	Green infrastructure in the locality
	Planning app. Ref: 10/19/0113 Land at Fountain Street, Darwen	14,060	Bold Venture Park and/or Whitehall Park improvements
	Planning app. Ref: 10/0636 Ramsgreave Drive, Blackburn	66,082	Green infrastructure in the locality

	Development site	S106 amount (£)	Proposed s106 works to be delivered
Biodiversity Net Gain	Planning app. Ref: 10/20/0451 Former Centurian Public House, Higher Croft Road, Blackburn	15,000	Biodiversity Net Gain projects in the borough
	Planning app. Ref: 10/22/0722 Land to the South of Whalley Old Road, Blackburn	210,870	Improving Biodiversity Net Gain in the locality
	Planning app. Ref: 10/21/0428 Land at Haslingden Road, Blackburn	10,000	Biodiversity Net Gain projects in the borough

	Development site	S106 amount (£)	Proposed s106 works to be delivered
Affordable housing	Planning app. Ref: 10/18/0740 Former Sappi Paper Mill, Blackburn	115,500	All contributions received to provide off-site affordable housing within the borough
	Planning app. Ref: 10/16/0077 Old Blackburnians, Lammack Road, Blackburn	490,875	
	Planning app. Ref: 10/17/0211 Land at Gib Lane, Phase C, Blackburn	105,000	
	Planning app. Ref: 10/20/1036 Land at Davyfield Farm, Roman Road, Eccleshill	42,037	
	Planning app. Ref: 10/19/0317 Land at Spring Meadows, Darwen	100,000	
	Planning app. Ref: 10/19/0113 Land at Fountain Street, Darwen	25,000	
	Planning app. Ref: 10/20/0265 Ellerslie, Bury Fold Lane, Darwen	229,500	
	Planning app. Ref: 10/19/0662 Land off Moorland Drive, Blackburn	150,000	
	Planning app. Ref: 10/18/1116 Brokenstone Road, Blackburn	600,000	

## APPENDIX C – S278 PROJECTS

### S278 Projects in 2022/23

3.3 The following table sets out the works carried out in the borough under s278 agreements in the current year 2022/23:

Development site	Type of use	Summary of s278 works	Cost (£)
Planning app. Ref: 10/19/0317 Land at Spring Meadows, Darwen	Residential	Realigning Spring Meadows	Cost unknown - works undertaken by developer contractor
Planning app. Ref 10/21/0636 Land to the North of Ramsgreave Drive, Blackburn	Residential	New site access together with right turn lane on central reservation	Cost unknown - works undertaken by developer contractor
Planning app. Ref 10/21/1083 Brokenstone Road, Blackburn	Residential	Phase 2: New site access and footway with street lighting	Cost unknown - works undertaken by developer contractor
Planning app. Ref 10/21/1294 Former Lower Darwen Paper Mill, Lower Eccleshill Road, Darwen	Employment	Creation of new site access	Cost unknown - works undertaken by developer contractor
Planning app. Ref 10/20/1036 Land at Davyfield Farm, Roman Road, Eccleshill	Residential	Installation of footway to connect to the site	Cost unknown - works undertaken by developer contractor

### Committed S278 Projects for Future Years

3.4 The following table sets out the s278 highway works to be delivered as part of future developments in the borough, which will be implemented should the developments progress as planned.

Development site	Type of use	S278 requirements	Cost (£)
Planning app. Ref: 10/20/0716 Land to the South of Whalley Old Road, Blackburn	Residential	Street lighting along frontage, two new access points, traffic calming and new crossing	Estimated £300,000
Planning app. Ref: 10/18/0740 Former Sappi Paper Mill, Blackburn	Residential	Signalised junction at Moulden Brow and junction improvements at Livesey Branch Road	Estimated £800,000
Planning app. Ref: 10/18/0326 Land off Albert Street, Huddlesden	Residential	Junction improvements and realignments	Estimated £25,000
Planning app. Ref: 10/17/0079 Land at Charles Street, Blackburn	Residential	Bringing up section of Hollin Street to acceptable standards	Estimated £95,000
Planning app. Ref: 10/21/0008 Former Huddlesden Mill, Johnson New Road, Huddlesden	Residential	Street lighting, new footway along frontage, traffic calming, crossing with speed reduction measures	Estimated £120,000
Planning app. Ref 10/21/0371 Lammack Primary School Extension, Lammack Road, Blackburn	School extension	Traffic calming measures	Estimated £30,000
Planning app. Ref 10/20/0934 Land to the North & South of Fishmoor Drive and Land to East of Roman Road, Blackburn	Residential	Traffic calming enhancements, highway improvements and gateway features	Estimated £300,000
Planning app. Ref 10/21/1083 Brokenstone Road, Blackburn	Residential	Phase 1: Junction works at Livesey Branch Road/Preston Old Road, realignment of roundabout and relocation of zebra crossing.  Phase 3: Traffic calming with speed reduction	Estimated £280,000
Planning app. Ref 10/19/0662 Land off Moorland Drive, Blackburn	Residential	Traffic calming along Brokenstone Road with speed reduction	Estimated £70,000

Development site	Type of use	S278 requirements	Cost (£)
Planning app. Ref 10/21/1306 Griffin Lodge, Cavendish Place, Blackburn	Health facilities	New site access and right turn lan	Estimated £200,000
Planning app. Ref 10/19/0812 Land at Dock Street, Blackburn	Employment	Realigning access and new footway	Estimated £25,000
Planning app. Ref 10/21/0826 Carl Fogarty Way Plot 1, Blackburn	Employment	Site access, footway and cycling provision	Estimated £80,000

## GROWTH & DEVELOPMENT DEPARTMENT

**ORIGINATING SECTION: PLANNING (DEVELOPMENT  
MANAGEMENT)**

**REPORT TO: PLANNING & HIGHWAYS COMMITTEE - 14<sup>th</sup> DECEMBER 2023**

**TITLE: National Planning Application Fee Increase.**

**WARDS: All**

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### **1.0 PURPOSE OF THE REPORT**

1.1 To inform Members of the proposed national increase to planning application fees following debates in Parliament, and the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2023, being made on the 8<sup>th</sup> November, and coming into force on the 6<sup>th</sup> December 2023.

### **2.0 RECOMMENDATION**

2.1 That the Committee note the report, and content of the proposed increase to the planning application fees.

### **3.0 BACKGROUND & RATIONALE**

3.1 Members will recall a report was presented to the 20<sup>th</sup> April 2023 Committee meeting relating to the Government's consultation on the 28<sup>th</sup> February 2023, which focussed on increasing the national planning application fees. The consultation ended on the 25<sup>th</sup> April 2023. The Committee approved the consultation responses for the Council to the 21 questions set in the consultation, with the aim of providing a more effective and efficient service through additional financing and resources.

3.2 The draft regulations relating to the proposed increase to fees, were laid in Parliament before the summer recess, and will come into force 28 days after the day on which they are made. The Statutory Instrument [2023 No.1197] was made on the 8<sup>th</sup> November 2023, which means the fee increase, will come into force on Wednesday 6<sup>th</sup> December 2023.

3.3 The regulations do the following:

- Increase planning applications fees by 35% for applications for major development and 25% for all other applications.



- Introduce an annual indexation of planning application fees, capped at 10%, from 1<sup>st</sup> April 2025.
- Remove the fee exemption for repeat applications (the ‘free go’). An applicant will still be able to benefit from a free-go if their application was withdrawn or refused in the preceding 12 months, subject to all other conditions for the free-go being met. This means the application must either be submitted or determined on or before the 5<sup>th</sup> December 2023.
- Reduce the Planning Guarantee for non-major planning applications from 26 to 16 weeks. Regulation 9A states that where a decision has not been made within 26 weeks of a valid planning application being received, a refund should be paid to the applicant/agent, unless there has been an agreed extension of time made between both the LPA and the applicant/agent [para 2 (a)].
- Introduce a new prior approval fee of £120 for applications for prior approval for development by the Crown on closed defence sites.

Appendix A to this report details the proposed increase to the application fees.

- 3.4 The regulations show the maximum fee for major applications will therefore rise to £405,000, while the fee for householder applications will increase from £206 to £258. Applications fees will also be adjusted annually from the 1<sup>st</sup> April 2025 based on the Consumer Prices Index (CPI) from the previous September, with any annual fee increases capped at 10%.
- 3.5 The consultation looked to introduced higher fees i.e doubling, for retrospective planning applications. Various respondents to the consultation raised issues, such as whether retrospective fees for householder applications should be doubled and whether doubling retrospective fees would result in an increase in unauthorised development. The Government in view of these responses determined this required further consideration. In order to not delay the national fees increase, the Government are continuing to develop proposals to double fees for retrospective applications for delivery through regulations at the next available opportunity.
- 3.6 The consultation also looked at ring-fencing the additional income for spending within the local authority planning department. There was strong support for this in the responses to the consultation (88%). However, the Government has decided to not take this measure forward, stating: *“We want to ensure that the fee increase results in additional funds being available to local authority planning departments, but we will not take ring-fencing forward through legislation as this would impose a restriction on local authorities when they are best placed to make decisions about funding local services, including planning departments. However, we would expect local*

*planning authorities to protect at least the income from the planning fee increase for direct investment in planning service.” [Department for Levelling Up, Housing and Communities (DLUHC) response to the consultation “Stronger performance of local planning authorities supported through an increase in planning fees”, dated 25<sup>th</sup> July 2023].*

3.7 Members are advised that the [website](#) has been updated to alert applicants/agents of the proposed increase to fees.

4.0 **CONTACT OFFICER:** Gavin Prescott, Planning Manager  
(Development Management).

5.0 **DATE PREPARED:** 24<sup>th</sup> November 2023.

6.0 **BACKGROUND PAPERS:**

Department for Levelling Up, Housing & Communities Technical Consultation: Stronger performance of local planning authorities supported through an increase in planning fees – Published 28<sup>th</sup> February 2023.

## APPENDIX A



1

### Forthcoming fees for Planning Applications in England

These fees will apply from 6<sup>th</sup> December 2023 as per the legislative amendments: [‘The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2023’](#).

For comparison purposes, the [current fees can be seen in our existing guidance document](#). Please [read our blog post for latest information on the fee changes and required user actions](#).

Householder Applications		
Alterations/extensions to a <b>single dwellinghouse</b> , including works within boundary	Single dwellinghouse	£258

Outline Applications		
<b>The erection of dwellinghouses</b>		
Site area	Not more than 0.5 hectares	£578 for each 0.1 hectare (or part thereof)
	Between 0.5 hectares and 2.5 hectares	£624 for each 0.1 hectare (or part thereof)
	More than 2.5 hectares	£15,433+ £186 for each additional 0.1 hectare (or part thereof) in excess of 2.5 hectares Maximum fee of £202,500
<b>The erection of buildings (not dwellinghouses)</b>		
Site area	Not more than 1 hectare	£578 for each 0.1 hectare (or part thereof)
	Between 1 hectare and 2.5 hectares	£624 for each 0.1 hectare (or part thereof)
	More than 2.5 hectares	£15,433 + £186 for each additional 0.1 hectare (or part thereof) in excess of 2.5 hectares Maximum fee of £202,500

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<b>Full Applications (and First Submissions of Reserved Matters; or Technical Details Consent)</b>		
<b>Alterations/extensions to dwellinghouses, including works within boundaries</b>		
Number of dwellinghouses	Single dwellinghouse (or single flat)	£258
	Two or more dwellinghouses (or two or more flats)	£509
<b>The erection of dwellinghouses</b>		
Number of dwellinghouses	Not more than 10 dwellinghouses	£578 for each dwellinghouse
	Between 10 and 50 dwellinghouses	£624 for each dwellinghouse
	More than 50 dwellinghouses	£30,860 + £186 for each additional dwellinghouse in excess of 50 Maximum fee of £405,000
<b>Erection of buildings (not dwellinghouses, agricultural, glasshouses, plant nor machinery)</b>		
Gross floor space to be created by the development	No increase in gross floor space or no more than 40 square metres	£293
	More than 40 square metres but no more than 1,000 square metres	£578 for each 75 square metres (or part thereof).
	Between 1,000 square metres and 3,750 square metres	£624 for each 75 square metres (or part thereof)
	More than 3750 square metres	£30,680 + £186 for each additional 75 square metres (or part thereof) in excess of 3,750 square metres Maximum fee of £405,000

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<b>Full Applications</b> (and First Submissions of Reserved Matters; or Technical Details Consent) continued...		
<b>The erection of buildings (on land used for agriculture for agricultural purposes)</b>		
Gross floor space to be created by the development	Not more than 465 square metres	£120
	More than 465 square metres but not more than 540 square metres	£578
	More than 540 square metres but not more than 1,000 square metres	£578 for first 540 square metres + £578 for each additional 75 square metres in excess of 540 square metres
	Between 1,000 square metres and 4,215 square metres	£624 for first 1,000 square metres + £624 for each additional 75 square metres in excess of 1,000 square metres.
	More than 4,215 square metres	£30,860 + £186 for each additional square metres (or part thereof) in excess of 4,215 square metres Maximum fee of £405,000
<b>Erection of glasshouses (on land used for the purposes of agriculture)</b>		
Gross floor space to be created by the development	Not more than 465 square metres	£120
	More than 465 square metres but not more than 1,000 square metres	£3,225
	1,000 square metres or more	£3,483

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<b>Full Applications (and First Submissions of Reserved Matters; or Technical Details Consent) continued...</b>		
<b>Erection/alterations/replacement of plant and machinery</b>		
Site area	Not more than 1 hectare	£578 for each 0.1 hectare (or part thereof)
	More than 1 hectare but not more than 5 hectares	£624 for each 0.1 hectare (or part thereof)
	More than 5 hectares	£30,860 + £186 for each additional 0.1 hectare (or part thereof) in excess of 5 hectares Maximum fee of £405,000
<b>Applications other than Building Works</b>		
Car parks, service roads or other accesses (for existing uses)		£293
<b>Waste (Use of land for disposal of refuse or waste materials or deposit of material remaining after extraction or storage of minerals)</b>		
Site area	Not more than 15 hectares	£316 for each 0.1 hectare (or part thereof)
	More than 15 hectares	£47,161 + £186 for each additional 0.1 hectare (or part thereof) in excess of 15 hectares Maximum fee of £105,300
<b>Operations connected with exploratory drilling for oil or natural gas</b>		
Site area	Not more than 7.5 hectares	£686 for each 0.1 hectare (or part thereof)
	More than 7.5 hectares	£51,395 + £204 for each additional 0.1 hectare (or part thereof) in excess of 7.5 hectares. Maximum fee of £405,000

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<b>Full Applications (and First Submissions of Reserved Matters; or Technical Details Consent) continued...</b>		
<b>Applications other than Building Works continued...</b>		
<b>Operations (other than exploratory drilling) for the winning and working of oil or natural gas</b>		
Site area	Not more than 15 hectares	£347 for each 0.1 hectare (or part thereof)
	More than 15 hectares	£52,002 + additional £204 for each 0.1 hectare in excess of 15 hectares Maximum fee of £105,300
<b>Other operations (winning and working of minerals) excluding oil and natural gas</b>		
Site area	Not more than 15 hectares	£316 for each 0.1 hectare (or part thereof)
	More than 15 hectares	£47,161 + additional £186 for each 0.1 hectare in excess of 15 hectares Maximum fee of £105,300
<b>Other operations (not coming within any of the above categories)</b>		
Site area	Any site area	£293 for each 0.1 hectare (or part thereof) Maximum fee of £2,535
<b>Change of Use of a building to use as one or more separate dwellinghouses, or other cases</b>		
Number of dwellinghouses	Not more than 10 dwellinghouses	£578 for each dwellinghouse
	Between 10 and 50 dwellinghouses	£624 for each dwellinghouse
	More than 50 dwellinghouses	£30,860 + £186 for each additional dwellinghouse in excess of 50 Maximum fee of £405,000
<b>Other Changes of Use of a building or land</b>		£578

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<b>Lawful Development Certificate</b>	
Existing use or operation	Same as Full
Existing use or operation - lawful not to comply with any condition or limitation	£293
Proposed use or operation	Half the normal planning fee

<b>Prior Approval (under Permitted Development rights)</b>	
Larger Home Extensions	£120
Additional storeys on a home	£120
Agricultural and Forestry buildings & operations	£120
Demolition of buildings	£120
Communications (previously referred to as 'Telecommunications Code Systems Operators')	£578
Change of use from Commercial/Business/Service (Use Class E), or Betting Office or Pay Day Loan Shop to mixed use including up to two flats (Use Class C3)	£120
Change of Use of a building and any land within its curtilage from Commercial/Business/Service (Use Class E), Hotels (Use Class C1), Residential Institutions (Use Class C2), Secure Residential Institutions (Use Class C2A) to a State Funded School	£120
Change of Use of a building and any land within its curtilage from an Agricultural Building to a State-Funded School	£120
Change of Use of a building and any land within its curtilage from an Agricultural Building to a flexible commercial use within Commercial/Business/Service (Use Class E), Storage or Distribution (Use Class B8), or Hotels (Use Class C1)	£120
Change of Use of a building and any land within its curtilage from Commercial/Business/Service (Use Class E) to Dwellinghouses (Use Class C3)	£125 for each dwellinghouse
Change of Use of a building and any land within its curtilage from an Agricultural Building to Dwellinghouses (Use Class C3)	£120; or
	£258 if it includes building operations in connection with the change of use
Change of use of a building from Betting Office, Pay Day Loan Shop, Launderette; a mixed use combining one of these uses and use as Dwellinghouse(s); or Hot Food Takeaways to Dwellinghouses (Use Class C3)	£120; or
	£258 if it includes building operations in connection with the change of use

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<b>Prior Approval (under Permitted Development rights) continued...</b>		
Change of Use of a building and any land within its curtilage from Amusement Arcades/Centres and Casinos to Dwellinghouses (Use Class C3)		£120; or
		£258 if it includes building operations in connection with the change of use
Temporary Use of Buildings or Land for the Purpose of Commercial Film-Making and the Associated Temporary Structures, Works, Plant or Machinery required in Connection with that Use		£120
Provision of Temporary School Buildings on Vacant Commercial Land and the use of that land as a State-funded School for up to 3 Academic Years		£120
Development Consisting of the Erection or Construction of a Collection Facility within the Curtilage of a Shop		£120
Installation, Alteration or Replacement of other Solar Photovoltaics (PV) equipment on the Roofs of Non-domestic Buildings, up to a Capacity of 1 Megawatt		£120
Erection, extension, or alteration of a university building		£120
Movable structure within the curtilage of a historic visitor attraction, or listed pub/restaurant/etc		£120
Erection, extension or alteration on a closed defence site by or on behalf of the Crown of single living accommodation and/or non-residential buildings		£120
Construction of new dwellinghouses	Not more than 10 dwellings	£418 for each dwellinghouse
	Between 10 and 50 dwellinghouses	£451 for each dwellinghouse
	More than 50 dwellinghouses	£22,309 + £135 for each dwellinghouse in excess of 50 Maximum fee of £405,000
<b>Reserved Matters</b>		
Approval of reserved matters following outline approval		Full fee due; or
		If full fee already paid, £578

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<b>Removal/Variation/Approval/Discharge of condition</b>		
Removal or variation of a condition following grant of planning permission		£293
Discharge of condition(s) – Approval of details and/or confirmation that one or more planning conditions have been complied with	Householder permissions	£43
	All other permissions	£145

<b>Advertising</b>		
Relating to the business on the premises		£165
Advance signs which are not situated on or visible from the site, directing the public to a business		£165
Other advertisements		£578

<b>Non-material Amendment Following a Grant of Planning Permission</b>		
Householder developments		£43
Any other development		£293

<b>Permission in Principle</b>		
Site area		£503 for each 0.1 hectare (or part thereof)

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<b>Concessions</b>
<b>Please note:</b> Not all concessions are valid for all application types. Upon receipt of your application, the local authority will check the fee is correct and if the concession is applicable.
<b>Application types with no current fee</b>
Listed Building Consent
Planning permission for relevant demolition in a Conservation Area
Works to Trees covered by a Tree Preservation Order or in a Conservation Area
Hedgerow removal notice
<b>Exemptions from payment (removed from legislation but remain valid as per below)</b>
An application that is the first and only revision of a previous application of the same type, for development of the same character or description, on the same site (or part of that site), by the same applicant where it will be received by the Local Authority within 12 months of: <ul style="list-style-type: none"> <li>• the Local Authority receiving the previous application if it was withdrawn; or</li> <li>• the previous application being granted or refused; or</li> <li>• the determination period of the previous application expiring, where that application was validated, not determined, and then appealed on the grounds of non-determination;</li> </ul> and, in all cases, where that relevant 12-month period started no later than 5 <sup>th</sup> December 2023.
An application that is the first and only revision of a previous application, for display advertisement(s) of the same description, on the same site(s) or part(s) of the site(s), by the same applicant, where it will be received by the Local Authority within 12 months of: <ul style="list-style-type: none"> <li>• the Local Authority receiving the previous application if it was withdrawn; or</li> <li>• the previous application being refused;</li> </ul> and, in all cases, where that relevant 12-month period started no later than 5 <sup>th</sup> December 2023.
<b>Exemptions from payment</b>
An application solely for the alteration or extension of an existing dwellinghouse; or works in the curtilage of an existing dwellinghouse (other than the erection of a dwellinghouse) for the purpose of providing: <ul style="list-style-type: none"> <li>• Means of access to or within it for a disabled person who is resident in it, or is proposing to take up residence in it; or</li> <li>• Facilities designed to secure that person's greater safety, health or comfort.</li> </ul>
An application solely for the carrying out of the operations for the purpose of providing a means of access for disabled persons to or within a building or premises to which members of the public are admitted.
If the application relates to an alternate use of buildings or land within the same Use Class that requires planning permission only by the requirements of a condition imposed on a permission granted or deemed to be granted under Part 3 of the Town and Country Planning Act 1990 (as amended).

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<b>Concessions continued...</b>
<b>Please note:</b> Not all concessions are valid for all application types. Upon receipt of your application, the local authority will check the fee is correct and if the concession is applicable.
<b>Exemptions from payment continued...</b>
If the application is for a lawful development certificate, for existing use, where an application for planning permission for the same development would be exempt from the need to pay a planning fee under any other planning fee regulation
If the application is for consent to display an advertisement which results from a direction under Regulation 7 of the 2007 Regulations, dis-applying deemed consent under Regulation 6 to the advertisement in question
If the application relates to a condition or conditions on an application for Listed Building Consent or planning permission for relevant demolition in a Conservation Area
If the application is for a Certificate of Lawfulness of Proposed Works to a listed building
If an application for planning permission (for which a fee is payable) being made by the same applicant on the same date for the same site, buildings or land as the prior approval application (for larger home extensions, additional storeys on a home, or change of uses)
<b>Reductions to payments</b>
If the application is being made on behalf of a non-profit making sports club for works for playing fields not involving buildings then the fee is £578
If the application is being made on behalf of a parish or community council then the fee is 50%
If the application is an alternative proposal being submitted on the same site by the same applicant on the same day, where this application is of lesser cost then the fee is 50%
In respect of reserved matters you must pay a sum equal to or greater than what would be payable at current rates for approval of all the reserved matters. If this amount has already been paid then the fee is £578
If the application is for a Lawful Development Certificate for a Proposed use or development, then the fee is 50%
If two or more applications are submitted for different proposals on the same day and relating to the same site then you must pay the fee for the highest fee plus half sum of the others

Continued on next page...

### **Fees for cross boundary applications**

Where an application crosses one or more local or district planning authorities.

- The amount due is usually 150% of the 'single' fee that would have been payable for the proposed development (as if there had only been one application to a single authority covering the entire site); unless
- The 'total' fee (the sum total of each separately calculated fee for each part of the development within each authority's boundary) is smaller. In which case this 'total' fee is the fee due

In either case, the fee should be paid to the authority that contains the larger part of the application site within its boundary.

ENDS

<b>REPORT OF:</b>	<b>STRATEGIC DIRECTOR OF GROWTH &amp; DEVELOPMENT/ DEPUTY CHIEF EXECUTIVE</b>
<b>TO:</b>	<b>PLANNING AND HIGHWAYS COMMITTEE</b>
<b>ON:</b>	<b>14<sup>th</sup> DECEMBER 2023</b>
<b>ORIGINATING SECTION:</b>	<b>PLANNING (DEVELOPMENT MANAGEMENT SERVICE)</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>
<b>COUNCILLORS:</b>	<b>ALL</b>

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**TITLE OF REPORT:**

**REVISED VALIDATION CHECKLIST FOR PLANNING APPLICATION SUBMISSIONS**

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**1. PURPOSE OF THE REPORT**

- 1.1 To engage the Planning and Highways Committee in the review of the Council's adopted Local Validation Checklist (LVC) listing the criteria and requirements for the formal submission of planning applications. In particular to:
- To brief the Committee on the proposed changes to the LVC; and,
  - To ensure that quality planning applications submissions are received and to provide certainty for applicants, agents and Officers alike on the validation requirements of planning applications.

**2. BACKGROUND**

- 2.1 Since 2008 Local Planning Authorities have been required to adopt and publish local validation requirements - a local list, which sets out what information, over and above the national requirements (i.e. application form, plans, fee, ownership certificate etc.), is necessary to accompany a planning application before it is registered by the Council as "valid". The Council's first Local List was adopted in 2008 and was last reviewed and updated in 2020.
- 2.2 In addition to the National Validation Requirements laid down by the Government, paragraph 44 of the National Planning Policy Framework (NPPF, 2023) states that '*Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals and reviewed on a frequent basis. Local Planning Authorities should only request supporting information that is relevant, necessary and material to the application in question.*' The combined

use of the National and Local Validation Requirements provides both the authority and applicant with more certainty over the type of information required from the start of the process and helps to make sure that the information requested is proportionate to the type and scale of application being made.

- 2.2 The Town and Country Planning (Development Management Procedure) (England) Order 2015 details in Part 3, Article 11 (3) that Local Planning Authorities will only to be able to request information based upon a local validations requirement list produced within two years of the date of an application being submitted. This means the local validation requirements list will need to be revisited, revised and readopted prior to December 2025.

### **3. RATIONALE**

- 3.1 The National Planning Policy Framework (NPPF) sets out that Local Planning Authorities should publish a list of their information requirements for planning related applications and that this should be reviewed on a frequent basis. Since the previous iteration in 2020 a number of new national policies and Planning Practice Guidance documents have been introduced by the Government and therefore an update is now required. Additionally, in accordance with the Development Management Order 2015, Local Planning Authorities are only able to request information based on a local validation requirement list where it has been produced within the last two years of the date of the submission of the application.

- 3.2 Since the 2020 LVC, the main amendments to the checklist which were consulted upon include:

- All references to any out of date regulations, or policies have been removed;
- Where regulations or planning practice guidance has changed, the text has been altered to reflect this change;
- The reference to fire safety and high rise residential buildings as a national requirement; and,
- The appendices to the LVC have been extended to include:
  - A Health Impact Screening Tool to aid ease of access for applicants' where the impact on local health is a material consideration;
  - An updated Agricultural Statement to include details of existing stocking types and numbers, labour and accommodation, and if a new dwelling is proposed, requiring details of any existing properties. This accords with similar templates used by other LPA's in East Lancashire
  - A summary of what should be submitted with any applications for wind turbines. This will ensure sufficient information is submitted with these types of application to enable Officers to accurately assess such applications;
  - Protected Species Statement – bats, barn owls and nesting birds;
  - Planning Obligation/Section 106 Statement/Heads of Terms;

- Checklist of recommended information requirements for planning applications affecting playing field land (Sport England);
  - Sustainable Urban Drainage Systems (SuDS) pro forma, which is a requirement for any planning application for major development.
- 3.3 A formal six week consultation has been undertaken from the 6<sup>th</sup> October 2023 until 17<sup>th</sup> November 2023. This comprised a consultation page on the Council’s website. An email was also sent to regular agents to advise them of the consultation. In total the Council consulted 655 planning agents, consultants and interested parties on the proposed amendments. Eight responses were received, seven from statutory/non-statutory consultees, and one from a planning agent. Their comments are included within Section 9 of this report.
- 3.4 As a result of the public consultation period some text has been altered to ensure greater clarity for applicants. In addition, the comments of the consultees have been taken in to account, as detailed in Section 9 of this report, and have been included in the LVC.
- 3.5 In addition to the above, a Front Cover has been added and a page describing the scope and aims of the LVC. These are:
- “The aim of this document is to provide the necessary information required to submit a valid planning application and enable Blackburn with Darwen Borough Council, the Local Planning Authority (LPA), to provide an efficient and effective registration and validation service.”*
- 3.6 It is intended to benefit all customers of the Planning and Development Management Service by:
- Increasing the awareness of the type of information required to ensure an application is accepted;
  - Promoting the use of pre-application discussions and advice;
  - Speeding up the registration process;
  - Ensuring consistency in the approach taken by Blackburn with Darwen Borough Council;
  - Increasing the use of electronic delivery;
  - Minimising the submission of additional information;
  - Avoid delays during the planning process; and,
  - Enabling Blackburn with Darwen Borough Council to provide applicants with certainty as to the information required.”
- 3.7 To summarise, the amendments brought forward do not materially change the document which was subject to public consultation.
- 3.8 This report sets out the updated requirements and seeks Members agreement to the updated document. A copy of the final draft version of the LVC is attached to the report.



#### 4. POLICY IMPLICATIONS

- 4.1 It is considered that the update to the Local List will assist users of the document by containing more current and accurate information.

#### 5. FINANCIAL IMPLICATIONS

- 5.1 None

#### 6. LEGAL IMPLICATIONS

- 6.1 Town and Country Planning Act 1990 S62 (3) allows a local planning authority to require that a planning application must include such particulars that they think necessary and evidence in support of anything in or relating to the application as they think necessary. This power is providing that any requirement is not inconsistent with any requirement of the Town and Country Planning (Development Management Procedure) (England) Order 2015 or the National Planning Policy Framework.

#### 7. RESOURCE IMPLICATIONS

- 7.1 None for the purposes of this report.

#### 8. EQUALITY IMPLICATIONS

- 8.1 None for the purposes of this report.

#### 9. CONSULTATIONS

- 9.1. Conservation Consultant response.

I have read through the updated Validation Checklist.

My comments are highlighted in red within the relevant sections.

L4 Structural Survey / Demolition Method Statement Structural surveys are required for: • The conversion of barns or other buildings outside the urban area • Applications for Listed Building Consent where requested during the pre-application process, or when structural alterations **and/or demolition of any part of the building** are proposed • Applications where the land is unstable Demolition Method Statements are required for: • Applications for prior notification of demolition • Applications involving demolition or site clearance

**Should we also include**

- **Demolition of relevant buildings in conservation areas**

L5 Tree Survey/ Arboricultural Survey Required for: Development with the potential to affect trees where: • Trees are on site • Trees are adjacent to the site and are within falling distance of the boundary • Trees could be affected by construction work • Trees could be affected by the delivery or storage of materials.

**Should we also include reference to**

- **Works to trees in conservation areas and TPO's?**

L18 Heritage Statement / Heritage Impact Assessment Required for: • Alteration or demolition of a Heritage Asset (designated or non-designated) • Alteration or demolition of any building in a Conservation Area (including householder) • Works to a Historic Park or Garden • Works affecting an area of archaeological interest • Proposals affecting the setting of a Heritage Asset.

Does this need some explanation of what a heritage asset and non-designated heritage asset are?

Would it be reasonable to explain that the requirement of a HS/HIA is to describe the significance of heritage asset(s) affected including any contribution made by their setting and that the level of detail required should be proportionate to the assets importance and be sufficient to understand the impact of the works on their significance.

Some other Validation Checklists I have seen include more detail on the type of plans/information expected for LBC applications i.e.

Suitable plan details, including cross sections and a Method Statement should be submitted for works which involve any demolition, replacement, or renovation of any historic fabric including works to walls/elevations, roof, windows and doors and specifications of any joinery/masonry. This will enable the Local Planning Authority to fully assess the impact of the proposed development on the significance of the designated heritage asset.

**Ian Bond**  
**Lead for Specialist Services**  
**GrowthLancashire**

### **RESPONSE:**

It is agreed to include the amendments to L4 “Structural Survey/Demolition Method Statement Structural Surveys”, and L5 “Tree Survey/Arboricultural Survey”. With regards to L18 “Heritage Statement/Heritage Impact Assessment”, it is to include the additional requirement relating to suitable plan details etc.

## 9.2 The Coal Authority

“Dear Planning Policy Team

Re: Validation Checklist 2024 Consultation

Thank you for your notification received on the 6th October 2023 in respect of the above consultation.

The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

As you will be aware the Blackburn with Darwen area has significant coal mining legacy with features recorded at surface and shallow depths including; mine entries, coal workings and reported surface hazards.

In light of the above we are pleased to see that L26 of the Validation List sets out the requirements for the submission of a Coal Mining Risk Assessment when development is proposed. We also welcome the inclusion of signposting within the document, via the links included, to further information on coal mining legacy and guidance on Coal Mining Risk Assessments. .”

### 9.3 Historic England

13 October 2023

Dear Sir or Madam,

#### **Blackburn with Darwen Borough Council - New Local Validation Checklist 2024**

Historic England is the Government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.

Thank you for consulting Historic England on the above document. At this stage we have no comments to make on its content.

If you have any queries or would like to discuss anything further, please do not hesitate to contact me.

Yours faithfully,

**Emily Hrycan**  
Historic Environment Planning Adviser (North West)  
Historic England

## 9.3 Canal & Rivers Trust

planning@blackburn.gov.uk

Your Ref

Our Ref CRTR-POL-2023-40011

Friday 17 November 2023

Dear Sir/Madam,

Validation Checklist 2024

Thank you for your consultation on the above document.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Canal & River Trust (the Trust) is a statutory consultee in the Development Management process, and as such we welcome the opportunity to input into planning policy related matters to ensure that our waterways are protected, safeguarded and enhanced within an appropriate policy framework.

Based on the documents and information available the Trust has the following **general advice** and ask that the document is updated to include the following matters:

### Local Requirements

#### L4 – Structural Survey/Demolition Method Statement

This section sets out when structural surveys and demolition method statements may be required. The list of points also includes 'application where the land is unstable'. This is most relevant to the Trust as a statutory consultee and ensuring that the structural integrity of our waterway assets and infrastructure are safeguarded in of critical importance. Land stability and the consideration of the suitability of development with regard to ground conditions are material planning considerations as set out in paragraphs 174(e) and (f) and 183 of the National Planning Policy Framework (NPPF) and that the responsibility for securing a safe development in terms of land stability rests with the developer (para 184). This is subject to more detailed discussion in the National Planning Practice Guidance (PPG). We often find that developers often overlook this matter and consider the canal to be stable. This is not the case; the canal is over 200 years old and not built to modern engineering standards and is very susceptible to damage.

It is often the case that where development sites are adjacent to the canal that we ask for additional information related to the canal corridor to enable us to make a substantive response as a consultee on this matter. As a minimum this is normally a request for a cross section showing the development relative to the canal/cutting/embankment. We can then more easily ascertain the risk and mitigation that may be required.

We would welcome a further bullet point added under section L4 related to the point. This could be phrased in a similar way to drainage (L16) as set out within the draft document. For example, ***A scaled cross section shall be provided where development is with 15m of the canal corridor showing the development relative to the canal infrastructure. The Canal & River Trust consultation zone, can be checked here:***

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/planning-applications/when-to-consult-us>

Requiring this information at the validation stage would enable the Trust to provide a substantive response within 21 days and speed up the decision-making process.

## L16 – Drainage Scheme

We welcome and support the inclusion of the need for a drainage scheme were the building is within our notified consultation zone.

### Section 7 – Details of Sustainable Drainage

Within the 'Hierarchy of Drainage Option' section and method of discharging to a surface water body we note that the canal is included as an option as shown below.

Proposed method of surface water discharge		Is this proposed?		
<b>Hierarchy Level 2: To a surface water body (select type)</b> <i>NOTE: Consent from LLFA or Permit from Environment Agency may be required – refer to guidance</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>		
		<input type="checkbox"/> Main river	<input checked="" type="checkbox"/> Canal	
<input type="checkbox"/> Ordinary watercourse				
If YES - Evidence Required		If NO – Evidence Required Tick ALL that apply		
<input type="checkbox"/>	Surface water body / watercourse survey and report	<input type="checkbox"/>	Plan showing nearby watercourses and waterbodies <b>AND</b> <input type="checkbox"/> Statement providing justification in your Sustainable Drainage Strategy  <i>Note: Where discharge of any element in the hierarchy is discounted, an applicant should provide justification. If the reasoning for discounting a discharge of surface water to watercourse relates to issues associated with third party land or the securing of any other required consent, it may be necessary for the applicant to provide evidence to the local planning authority to support their proposed approach.</i>	

We would welcome a similar note being added as the 'consent from LLPA or Permit from EA.' We suggest this is expanded to include, 'consent from Canal & River Trust to discharge to the canal would be required'.

[https://canalrivertrust.org.uk/media/document/BQcrktehtD\\_YrY6pbichIA/FjMAuJlnWsZl8R4gxEsFANS14FDZbwtQtHlob8i9\\_c/aHR0cHM6Lu9jcnRwcm9kY21zdWtzMDEuYmxyYi5ib3JllndobmRvd3MubmV0L2RvY3VtZW50Lw/0189adff6-9aeb-7c87-8151-fdf3b64aaa29.pdf](https://canalrivertrust.org.uk/media/document/BQcrktehtD_YrY6pbichIA/FjMAuJlnWsZl8R4gxEsFANS14FDZbwtQtHlob8i9_c/aHR0cHM6Lu9jcnRwcm9kY21zdWtzMDEuYmxyYi5ib3JllndobmRvd3MubmV0L2RvY3VtZW50Lw/0189adff6-9aeb-7c87-8151-fdf3b64aaa29.pdf)

The above comments do not prejudice any further matters that might be raised at a later stage.

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

Tim Bettany-Simmons MRTPI  
Area Planner

## **RESPONSE:**

With regards to L4 "Structural Survey/Demolition Method Statement", it is agreed to include the requirement for a scaled cross section drawing to be provided within 15 metres of the canal corridor showing the development relevant to the canal infrastructure. With regards to Section 7 "details of sustainable drainage", it is agreed to include an additional note stating consent from the Canal & River Trust is required to discharge to the canal, with a link to the relevant guidance.

## 9.4 Planning Strategy

### L28: Energy Statement

#### Required:

- For major development proposing enhanced emissions reduction (above Building Regulation Standards)
- **When requested as part of the pre-application process.**
- **6 months from the date of the CILs SPDs adoption, all minor residential (1-9 dwellings) will be required to submit an energy statement**

~~All development must demonstrate how it has been designed to minimise its contribution to carbon emissions and climate change.~~ The Council will be supportive of exemplar developments which demonstrate how particularly high standards of environmental performance can be achieved in accordance with the adopted Local Plan.

Further guidance on producing such a statement and demonstrating consideration of the energy hierarchy through scheme design will be provided through the Council's Climate Impact Framework (CIF) SPD.

L35: Climate Impact Framework (CIF) (once the ~~form is available~~ SPD is adopted, and CIF form is available)

Required for:

- ~~All new residential developments (creation of 1 or more dwellings)~~
- Major residential developments
- Major commercial developments
- Minor residential developments (subject to the outcome of consultation on the draft CIF)

The Council is ~~expecting to~~ consulting on a draft SPD in the autumn of 2023, and ~~have is~~ expecting to have a completed final CIF SPD available ~~on~~ following adoption of the new Local Plan (2021 – 2037), expected in early 2024. Some requirements of the CIF remain subject to the outcome of that consultation, including whether minor residential developments should be required to complete and submit a CIF, and any applicable transitional periods which should apply. These requirements will be confirmed through the final CIF SPD.

- ~~6 months from the date of the SPDs adoption, all minor residential (1-9 dwellings) will be required to submit a completed CIF~~

A link to the online CIF form will be provided below when available. ~~Link to be inserted when available~~

## **RESPONSE:**

The changes are agreed.

### 9.5 Public Protection

I write regarding your consultation on the new local validation checklist.

Please find below our comments on those sections relevant to us i.e. L20 – L24.

Comments are made under separate headings. Our comments are in red against the proposed details on the checklist which are in black.

#### **L20 - Contaminated Land Survey**

- When requested as part of the pre-application process In other cases this will be requested during the determination process if required.

The above is at odds with the standard application form that directs people to the following questions. I think the validation guidance needs to mirror this.

- If the development is on land that is known to be contaminated ie. Where the presence of contamination is already confirmed.
- Land where contamination is suspect for all or part of the site ie. Where the land has a significant industrial history or is adjacent to land that has significant industrial history or the potential to produce ground gas.
- A proposed use that would be particularly vulnerable to the presence of contamination ie Where the development is for housing, school or residential institution.

Extract from application form below;

Does the proposal involve any of the following? If Yes, you will need to submit an appropriate contamination assessment with your application.

Land which is known to be contaminated

Yes  
 No

Land where contamination is suspected for all or part of the site

Yes  
 No

A proposed use that would be particularly vulnerable to the presence of contamination

Yes  
 No

#### **L21 Noise Impact Assessment Required:**

- For noise generating proposals in close proximity to residential properties In other cases this will be requested during the determination process if required.

We would recommend that residential development adjacent existing noise generating land uses are also included as a reason for a noise assessment

We note the additional guidance for wind turbine apps which is helpful although they are quiet a rare application for there to be specific guidance for. Is there a specific reason for the ? if we are adding in additional guidance for wind turbines there are many other noise generating uses we should be adding further guidance in for which would be much more well used or helpful ?

#### **L22 Air Quality Assessment Required:**

- When required by the Council's Air Quality Planning Advisory Note – please see the below link [Air quality advisory note | Blackburn with Darwen Borough Council](#)

To assist planning applicants, it would be helpful to include in the appendices the AQ PAN Section 3.1 'Classify the site – a five step process'. This will enable them to determine whether an AQA is required without having to read the whole of the AQ PAN.

#### **L23 Odour Assessment Required:**

- When requested as part of the pre-application process In other cases this will be requested during the determination process if required.

If the application site is likely to have a large odour generating potential such as a food factory or waste processing or disposal site.

It would be helpful if all eatery applications were required to submit our useful info doc

'Guidance note for developers – Control of odour and noise from Kitchen Exhaust Systems'

**L24 Lighting scheme / Light Pollution Assessment Required:**

- If neighbouring occupiers will be affected by the proposals In other cases this will be requested during the determination process if required.

How will the applicant assess the need for a scheme/assessment and can some additional guidance be provided ? Should the guidance docs ie, the ILP Guidance be referenced to assist applicants?

I trust that this assists and gives you a steer as to our comments. Please contact me if you have any further questions.

Best Regards.

John Wood  
Principal Officer - Environmental Protection

**RESPONSE:**

With regards to L20 “contaminated land survey”, it is agreed to change the requirements as suggested.

With regards to L21 “noise impact assessment”, it is agreed to include residential development adjacent existing noise generating land uses are also included as a reason for a noise assessment.

With regards to L22 “air quality assessment”, it is agreed to insert the link to the published Planning Advisory Note, with a sentence to highlight Section 3.1 ‘Classify the site – a five step process’.

With regards to L23 “odour assessment”, it is agreed that a sentence be inserted to advise applicant/agents to contact Public Protection for a copy of the “Guidance note for developers – Control of odour and noise from Kitchen Exhaust Systems”.

No change to L24.

9.6 **SPORT ENGLAND**

Dear Sir/Madam,

Thank you for consulting Sport England on the above.

I attach a copy of the consultation guidance checklist prepared by Sport England.

Further information can also be found on our website at:

<http://www.sportengland.org/playingfieldspolicy>

If you have any queries please do not hesitate to contact us.



## 9.7 The Intelligent Design Service

Hi Emily,

Thanks for the clarification. Can I ask then, does the council have a separate validation list for the PD prior approval type applications, or is this just left to the legislation related to each particular PD class which states what matters can be taken into consideration?

Regards  
Craig

**Craig Buck** MCIAT  
Director

### **RESPONSE:**

The requirements for the relevant prior approval applications is covered in the secondary legislation of the Town & Country Planning (General Permitted Development) Order 2015 (as amended).

## **10. RECOMMENDATION**

- 10.1
- i.) That the consultation responses be noted;
  - ii) That the Committee note the content and issues described in the report; and,
  - iii) That the Local List of criteria for the validation of planning applications, as set out in the Appendix to this report, be endorsed and adopted by the Council.

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

**Date:** **1<sup>st</sup> December 2023**

Background Papers: National Planning Policy Framework  
Planning Practice Guidance



# VALIDATION CHECKLIST

DRAFT

## Scope/Aim

The aim of this document is to provide the necessary information required to submit a valid planning application and enable Blackburn with Darwen Borough Council, the Local Planning Authority (LPA), to provide an efficient and effective registration and validation service.

It is intended to benefit all customers of the Planning and Development Management Service by:

- Increasing the awareness of the type of information required to ensure an application is accepted;
- Promoting the use of pre-application discussions and advice;
- Speeding up the registration process;
- Ensuring consistency in the approach taken by Blackburn with Darwen Borough Council;
- Increasing the use of electronic delivery;
- Minimising the submission of additional information;
- Avoid delays during the planning process; and,
- Enabling Blackburn with Darwen Borough Council to provide applicants with certainty as to the information required.

## **VALIDATION REQUIREMENTS FOR PLANNING APPLICATIONS**

### **A VALID APPLICATION WILL:**

- **COMPLY WITH THE NATIONAL LIST**
- **COMPLY WITH LOCAL LIST**
- **INCLUDE ANYTHING REQUESTED DURING PRE APPLICATION DISCUSSIONS**

The preferred method of submission is on line at:

<https://www.planningportal.co.uk/info/200126/applications>

When submitting via the Planning Portal or Email it would be beneficial to upload any drawings with its full and detailed title and drawing number. This will help speed up the processing of the application.

The Council would advise applicants to obtain pre-application advice before submitting a planning application. Details of which can be found at:

<http://www.blackburn.gov.uk/Pages/Planning-advice.aspx>

### 1.1 Validation Process

Applications will be checked and validated once the fee is paid. Please note that if the fee is not paid within 14 days of the receipt of the application, the application will be withdrawn by the Council. No reminders will be sent.

If any information is missing the application will be treated as 'INVALID'  
We will write to you to tell you what is wrong with it.

If the requested information is not received to the required standard within 21 days of the date it is requested, the application will be treated as 'WITHDRAWN' and an administrative charge will be levied. The charge seeks to recover some of the cost of officer time involved in handling such invalid applications. Details of the charges are on the Councils website.

The application will be checked again ONCE when ALL the missing information has been provided. If you receive a letter to say that your planning application is 'invalid' please provide all the requested information together in one submission.

If the information is still incorrect the application will be treated as withdrawn and the file destroyed.

If the drawings are incorrect a new set will be required so that the incorrect ones can be destroyed and replaced. Please make sure that the detail on the drawings is consistent throughout. (for example the window details on floor plans and elevations should correspond)

If the application is treated as withdrawn, the file will be destroyed and the application will have to be resubmitted

If you do not intend to provide any of the information required by this 'Validation Checklist' you should provide the reasons for this with your application as a 'validation dispute' under the provisions of Part 3, Article 12 of the Town Country Planning (Development Management Procedure)(England) Order 2015

It will help to avoid delays in processing your application if you :

- Submit and pay for the application online

- Check the validation checklist and provide all the necessary information at the time of submission
- Submit plans at A4 or A3 size where possible. (**The Council does not accept drawings at A0 paper size**)
- Provide electronic documents separately (Do not save within a folder hierarchy)
- Clearly name documents
- Avoid using high definition colour
- Avoid large file sizes
- Avoid 'binding' documents
- Avoid password protecting documents

In addition for Major Applications with numerous documents :

- Apply & pay on line by completing the form, then provide separately
  - 1 paper copy of all the documents
  - 1 copy of all the documents in PDF format via email – please note the Council cannot accept emails with attachments greater than 15MB
  - A document schedule/checklist

This will enable us to check and reconcile documents quickly and will avoid applications being made invalid due to the piecemeal submission of documents which are too large to upload via planning portal.

## NATIONAL REQUIREMENTS

INFORMATION DETAILED ON THE NATIONAL LIST IS ALWAYS REQUIRED.  
APPLICATIONS WILL BE MADE INVALID & DELAYED IF THIS IS MISSING FROM THE SUBMISSION

<b>N1</b>	<b>Application Form:</b> Answer all questions
<b>N2</b>	<p><b>Correct Fee</b></p> <ul style="list-style-type: none"> <li>• This must be paid at the time the application is made or within 14 days of its receipt</li> <li>• Applications not paid within 14 days will be withdrawn by the Council and the file destroyed</li> <li>• No reminders will be sent</li> </ul>
<b>N3</b>	<p><b>Ownership Certificates</b></p> <ul style="list-style-type: none"> <li>• <b>Certificate A</b> must be completed when the applicant is the sole owner of the site</li> <li>• <b>Certificate B</b> must be completed when the owner of the site is known to the applicant</li> <li>• <b>Certificate C and D</b> must be completed when some or none of the owners of the site are known</li> </ul>
<b>N4</b>	<b>Agricultural Holdings Certificate</b>
<b>N5</b>	<p><b>Article 6 Notices</b></p> <p>If certificate B or C is used an Article 6 notice should be served on the owner.</p>
<b>N6</b>	<p><b>Location Plan</b></p> <p>This should:</p> <ul style="list-style-type: none"> <li>• Be Ordnance Survey Quality</li> <li>• Be at a scale of 1:1250 or for larger sites 1:2500</li> <li>• Show a North point</li> <li>• Show at least 2 road names &amp; property numbers/names</li> <li>• Show a red edge around the application site which should include all the land required to carry out the proposed development</li> <li>• Show a blue edge around any other land the applicant owns or has an interest in</li> </ul>
<b>N7</b>	<p><b>Site Plans</b></p> <p><b>ARE ALWAYS required for:</b></p> <ul style="list-style-type: none"> <li>• Major Developments</li> <li>• Commercial / industrial extensions</li> <li>• New buildings (residential / commercial / industrial)</li> <li>• Householder extensions where the development displaces or alters existing parking arrangements</li> <li>• Householder extensions where extensions are in close proximity to neighbouring properties and/or habitable room windows</li> <li>• Development which will increase the demand for parking</li> <li>• Development which increases the number of bedrooms</li> <li>• Adverts where the advert is not fixed to a building</li> <li>• Developments which have been subject to pre application advice where a site plan has been requested.</li> </ul> <p><b>Existing and Proposed Site Plans should be at a scale of 1:500 or 1:200 and should:</b></p> <ul style="list-style-type: none"> <li>• Include the same information as the Location Plan and show: <ul style="list-style-type: none"> <li>○ The proposed development in relation to the site boundaries and any existing buildings on site, or adjacent to it</li> <li>○ Any buildings or structures to be demolished</li> <li>○ Any roads, footpaths and public rights of way crossing or adjoining the site.</li> <li>○ The existing and proposed access arrangements</li> <li>○ The existing and proposed parking arrangements</li> <li>○ The position of trees on or adjacent to the site. (If there are any a tree survey will be required <b>(see L5)</b>)</li> </ul> </li> </ul> <p>The extent and type of any proposed hard surfacing</p>

	<ul style="list-style-type: none"> <li>○ Any existing or proposed boundary treatments including walls/fencing where these</li> <li>○ Proposed bin/refuse storage arrangements</li> </ul> <p><b>NOTE</b> Network Rail is a statutory consultee for any planning applications within 10 metres of relevant railway land (as the Rail Infrastructure Managers for the railway, set out in Article 16 of the Development Management Procedure Order) and for any development likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway (as the Rail Network Operators, set out in Schedule 4 (J) of the Development Management Procedure Order).</p>
<b>N8</b>	<p><b>Floor Plans</b> <b>Existing <u>and</u> proposed Floor Plans are needed for:</b></p> <ul style="list-style-type: none"> <li>• Applications where new floor space is proposed</li> <li>• Applications where a change in the use of floor space is proposed</li> <li>• Advertisement Applications to show the position of the proposed advertisement</li> </ul> <p>These should:</p> <ul style="list-style-type: none"> <li>• Be drawn to a recognised metric scale, preferably 1:50 or 1:100</li> <li>• Explain the proposal in detail</li> <li>• Show details of the existing buildings and those for the proposed development.</li> <li>• Show the development in context with any adjacent buildings (including property numbers where appropriate)</li> <li>• The detail shown on the Floor plans should correspond with the detail on the elevations</li> </ul>
<b>N9</b>	<p><b>Elevations &amp; Roof Plans</b> <b>Existing <u>and</u> proposed elevations are needed where:</b></p> <ul style="list-style-type: none"> <li>• New elevations details are proposed</li> <li>• Existing elevations are altered</li> </ul> <p>These should:</p> <ul style="list-style-type: none"> <li>• Be drawn to a recognised metric scale, preferably 1:50 or 1:100</li> <li>• Explain the proposal in detail</li> <li>• Show details of the existing buildings and those for the proposed development</li> <li>• Show all sides of the proposal</li> <li>• Clearly show the relationship between any adjoining buildings or any building in close proximity(2 metres) providing details of the positions of any openings on each property</li> <li>• The detail shown on the elevations should correspond with the detail on the floor plans</li> </ul> <p><b>Elevations</b> are also required for Applications for Advertisement Consent to show:</p> <ul style="list-style-type: none"> <li>• The size and position of the proposed advertisement in relation to the associated site and buildings</li> <li>• The height above ground level</li> <li>• The amount of projection</li> <li>• The sections</li> <li>• Proposed materials &amp; colours</li> <li>• The method of fixing</li> </ul> <p><b>Roof Plans are needed where:</b></p> <ul style="list-style-type: none"> <li>• A new roof is proposed</li> <li>• An existing roof is altered</li> </ul> <p>These should:</p> <ul style="list-style-type: none"> <li>• Be drawn to a recognised metric scale, preferably 1:50 or 1:100</li> </ul> <p>They are not usually required to validate householder applications where the roof is a simple one with two planes or less. If a roof plan is required for such an application it will be requested by the case officer.</p>

<p><b>N10</b></p>	<p><b>Section Drawings are Needed:</b></p> <ul style="list-style-type: none"> <li>• Where a proposal involves a change in ground levels – drawings should be submitted to show both existing and finished levels.</li> <li>• For sloping sites – full information is required showing alterations to levels, the way in which a proposal sits within the site and in particular the relative levels between existing and proposed buildings.</li> </ul> <p>These should:</p> <ul style="list-style-type: none"> <li>• Be drawn to a recognised metric scale preferably at 1:50 or 1:100</li> </ul> <p>Show a cross section through the proposed building(s)</p>
<p><b>N11</b></p>	<p><b>Design &amp; Access Statement</b></p> <p><u>Required for</u></p> <ul style="list-style-type: none"> <li>• Major development both full and Outline</li> <li>• Applications for development within a Conservation Area where the development consists of: <ul style="list-style-type: none"> <li>- one or more dwellings; or</li> <li>- a building or buildings with a floor space of 100 square metres or more.</li> </ul> </li> <li>• Applications for Listed Building Consent</li> </ul> <p>Design and Access Statements accompanying applications for listed building consent must include an explanation of the design principles and concepts that have been applied to the proposed works, and how they have taken account of:</p> <p>(a) the special architectural or historic importance of the building;</p> <p>(b) the particular physical features of the building that justify its designation as a listed building; and</p> <p>(c) the building's setting.</p> <p>Unless the proposed works only affect the interior of the building, Design and Access Statements accompanying applications for listed building consent must also explain how issues relating to access to the building have been dealt with. They must explain the applicant's approach to access, including what alternative means of access have been considered, and how relevant Local Plan policies have been taken into account. Statements must also explain how the applicant's approach to access takes account of matters (a)-(c) above.</p> <p>Design and Access Statements accompanying applications for listed building consent must provide information on any consultation undertaken, and how the outcome of this consultation has informed the proposed works. Statements must also explain how any specific issues which might affect access to the building have been addressed.</p> <p>The new Local Plan (2021-37) (Policy CP8) will require a Design Review to take place at an early stage, where any proposed development is considered to have a significant impact on local townscape or landscape. Where Design Review has been requested, the Design and Access Statement should be used to summarise how the findings have informed evolution of the scheme's design.</p>



<p><b>N12</b></p>	<p><b>Environmental Statement</b></p> <p>The planning authority screens development to assess whether or not the development is EIA development. This is done either as a separate screening opinion or as part of the application process. An Environmental statement will be required where</p> <ul style="list-style-type: none"> <li>• Development is classed as EIA development under the provisions of: <b>The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)</b></li> <li>• A development has been the subject of a previous screening opinion by the Council, and it's been determined that the development is EIA development</li> <li>• A development has previously been refused permission because the development was screened as part of the application process and judged to be EIA development and no Environmental Statement was provided with the application</li> </ul> <p>The Environmental Statement should provide details of how any adverse impacts on soils can be minimised. Further guidance is contained in the Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites.</p> <p>Please check with the planning department if you require any further advice.</p>
<p><b>N13</b></p>	<p><b>Sustainable Urban Drainage Systems (SUDs) Plans -</b> <u>Required for:</u></p> <ul style="list-style-type: none"> <li>• All Major developments</li> </ul> <p>Pease see Annex G for further guidance and a proforma that should accompany your application.</p>
<p><b>N14</b></p>	<p><b>Fire Safety and High Rise Residential Buildings –</b> <u>Required for:</u></p> <p>All applications which involve the erection of a building which contains two more dwellings or educational accommodation and is more than 18 metres in height or 7 or more storeys in height require the submission of a fire statement.</p> <p>The relevant submissions forms and details can be found below:</p> <p><a href="http://www.gov.uk">Planning application and fire statement forms: templates - GOV.UK (www.gov.uk)</a></p>

## LOCAL REQUIREMENTS

**APPLICATIONS WILL BE MADE INVALID & DELAYED IF INFORMATION REQUIRED BY THE LOCAL LIST IS MISSING FROM THE SUBMISSION**

<b>L1</b>	<p><b>Details of any Pre-application Discussions</b></p> <p><u>Not required for validation</u></p> <p>However, if there has been pre application advice and the validation checklist issued as part of the pre-application process is not submitted together with all the requested information, the application may be delayed.</p>
<b>L2</b>	<p><b>Statement of Community Involvement</b></p> <p><u>Required for:</u></p> <ul style="list-style-type: none"> <li>• The following developments within or adjoining residential areas <ul style="list-style-type: none"> <li>○ Residential schemes of 50+ units</li> <li>○ Retail, commercial &amp; industrial schemes with a floor space of between 2000sqm on sites of 2 hectares or more</li> <li>○ Educational, hospital leisure and recreation schemes on sites of 2 hectares or more</li> <li>○ Schemes with 2 or more land uses on sites of 1.5 hectares</li> <li>○ Changes of use of building(s) with a gross floor area of 1,500 sq m or more</li> <li>○ Any scheme requiring an Environmental Impact Assessment</li> </ul> </li> <li>• Major departures from the development plan</li> <li>• EIA development</li> <li>• Proposals which by virtue of their type or potential impact are likely to generate widespread interest within the community.eg. <ul style="list-style-type: none"> <li>○ Windfarms,</li> <li>○ Telecommunications in a sensitive situation (eg. next to a school)</li> <li>○ Institutional uses likely to raise local concerns</li> <li>○ Development on a valued open space</li> </ul> </li> </ul>
<b>L3</b>	<p><b>Supporting Planning Statement</b></p> <p><u>Required for:</u></p> <ul style="list-style-type: none"> <li>• All 'Major' development</li> <li>• Developments not in accordance with the Development Plan</li> <li>• When requested during the pre -application process</li> <li>• For wind turbine applications to include the following: <ul style="list-style-type: none"> <li>○ Grid Reference</li> <li>○ Details of wind speeds</li> <li>○ Evidence of the feasibility of energy generation</li> <li>○ A shadow flicker report</li> <li>○ A visual amenity assessment</li> <li>○ A highways plan showing the route to be used for the delivery</li> <li>○ A hydrological &amp; soil assessment report to establish whether the proposal would have an impact on the peat or hydrology of the area</li> </ul> </li> </ul>

<p><b>L4</b></p>	<p><b>Structural Survey / Demolition &amp; Method Statement</b></p> <p><u>Structural surveys are required for:</u></p> <ul style="list-style-type: none"> <li>• The conversion of barns or other buildings outside the urban area</li> <li>• Applications for Listed Building Consent where requested during the pre-application process, or when structural alterations and/or demolition of any part of the building are proposed</li> <li>• Applications where the land is unstable</li> <li>• A scaled cross section shall be provided where development is with 15m of the canal corridor showing the development relative to the canal infrastructure. The Canal &amp; River Trust consultation zone can be checked <a href="#">here:</a></li> </ul> <p><u>Demolition &amp; Method statements are required for:</u></p> <ul style="list-style-type: none"> <li>• Applications for prior notification for demolition</li> <li>• Applications involving demolition or site clearance</li> <li>• Demolition of relevant buildings in conservation areas</li> </ul>
<p><b>L5</b></p>	<p><b>Tree Survey/ Arboricultural Survey</b></p> <p><u>Required for:</u></p> <p>Development with the potential to affect trees where:</p> <ul style="list-style-type: none"> <li>• Trees are on site</li> <li>• Trees are adjacent to the site and are within falling distance of the boundary</li> <li>• Trees could be affected by construction work</li> <li>• Trees could be affected by the delivery or storage of materials</li> <li>• Works to trees in conservation areas and TPO's</li> </ul>
<p><b>L6</b></p>	<p><b>Ecological Surveys &amp; Protected Species Statements (Including Bat, Barn Owl and Nesting Birds Surveys)</b></p> <p><u>Ecological surveys are required for:</u></p> <ul style="list-style-type: none"> <li>• SSSI or Sites of Local / National Biological importance</li> <li>• Biological Heritage Sites</li> <li>• Applications where it's been requested as part of the pre-application process.</li> <li>• Sites falling within or adjacent to 'green infrastructure' designations on the Local Plan</li> <li>• Barn conversions outside the urban area</li> <li>• Demolition of any building</li> <li>• Work affecting roof spaces outside the urban area</li> <li>• Removal of any tree or hedgerow</li> <li>• Alteration to any watercourses</li> <li>• Wind Turbine applications</li> <li>• Where questions contained within the Protected Species proforma are answered 'yes'</li> </ul> <p><u>Within the Urban Boundary an Ecological Survey may also be required for :</u></p> <ul style="list-style-type: none"> <li>○ Works to an existing roof</li> <li>○ Redevelopment of an already cleared site</li> </ul> <p>Completing the Protected Species Proforma will establish whether an Ecological Survey will be required. The Protected Species Proforma is included within Appendix A. Applicants can check whether their proposals are within close proximity to internationally or nationally designated sites through Natural England's MAGIC mapping website: <a href="http://www.natureonthemap.naturalengland.org.uk/">http://www.natureonthemap.naturalengland.org.uk/</a>.</p>

<p><b>L7</b></p>	<p><b>Landscaping proposals</b></p> <p><u>Required</u></p> <ul style="list-style-type: none"> <li>• When requested as part of the pre- application process</li> <li>• Landscape strategies are included either as supporting information or as part of Design and Access Statements or EIAs</li> <li>• For sites that are considered to be particularly sensitive in landscape or visual terms we recommend that a Landscape and Visual Impact Assessment (LVIA) is undertaken. For example: <ul style="list-style-type: none"> <li>○ where large scale developments are proposed, particularly vertical developments;</li> <li>○ where developments are within areas with a national or international landscape or landscape heritage designation (eg Areas of Outstanding Natural Beauty (AONBs));</li> <li>○ where developments may affect the settings of the above areas; or</li> <li>○ where developments will be visible from publicly accessible viewpoints</li> </ul> </li> </ul> <p>In other cases this will be requested during the determination process if required.</p>
<p><b>L8</b></p>	<p><b>Statement of Proposed Heads of Terms (Section 106- Planning Obligations)</b></p> <p><u>Required for:</u></p> <p>The <b>Planning Obligations / Section 106 Statement</b> should be submitted for all major residential developments, and selected major non-residential developments when requested via the pre-application process for the following requirements:</p> <ul style="list-style-type: none"> <li>• Highways impacts;</li> <li>• Off-site affordable housing;</li> <li>• Green Infrastructure / Public Open Space;</li> <li>• Education provision; and</li> <li>• Biodiversity Net Gain.</li> </ul> <p>Please note that the above list is not exhaustive and contributions could be requested for other matters arising during consultation on a planning application.</p> <p>In addition, if a reduction in Section 106 contributions is being sought, a <b>Viability Appraisal</b> must be submitted as described above.</p> <p>Further information can be found at <a href="#">Developer contributions   Blackburn with Darwen Borough Council</a></p> <p>A Heads of Terms/viability form is available within Appendix B.</p>
<p><b>L9</b></p>	<p><b>Affordable Housing (AH)/Highways impact/Green Infrastructure-Public Open Space/Education Provision and Biodiversity Net Gain Financial Appraisal/Viability Report (Section 106 - Planning Obligations)</b></p> <p><u>Required:</u></p> <ul style="list-style-type: none"> <li>• When requested as part of the pre-application process, or through the application process.</li> </ul> <p>If the applicant feels that 20% AH is not viable, or any of the other requirements, a financial viability report/appraisal will be required. This must be in compliance with the HCA Development Appraisal Tool (DAT). Although this is not required to validate the application, it will be required to determine it and will delay the application or lead to the refusal of planning permission if not provided.</p> <p>A Heads of Terms/Viability Form is appended within Appendix B.</p>

<p><b>L10</b></p>	<p><b>Vacant Building Credit</b></p> <p>If Vacant Building Credit is being sought, a Vacant Building Credit Statement must be submitted alongside the relevant planning application in which a reduced affordable housing contribution is being sought. Within this statement the developer will need to submit the following information:</p> <ul style="list-style-type: none"> <li>• Evidence that any referenced building is a 'Vacant Building'. A building will not be considered as 'vacant' if the building has been in continuous use for any six months during the last three years up to the date of the planning application is determined. The building must also be vacant at the time of the time the application is determined.</li> <li>• Evidence a building on site is not an 'Abandoned Building' or vacated solely for redevelopment. The onus will be on the applicant to demonstrate this. The four factors the Council will consider are: <ul style="list-style-type: none"> <li>- The physical condition of the building;</li> <li>- The length of time that the building had not been used;</li> <li>- Whether it had been used for any other purposes; and</li> <li>- The owner's intentions.</li> </ul> </li> </ul> <p>Information on the existing Gross Internal Floor Area (GIFA) against the proposed GIFA. GIFA is the area of a building measured to the internal face of the perimeter walls at each floor level. We will use the Royal Institution of Chartered Surveyors' (RICS) definition of GIFA for assessing VBC.</p>
<p><b>L11</b></p>	<p><b>Open Space Proposals</b> <u>Required</u></p> <ul style="list-style-type: none"> <li>• When requested as part of the pre- application process</li> </ul> <p>In other cases this will be requested during the determination process if required.</p>
<p><b>L12</b></p>	<p><b>Transport Statement/Transport Assessment</b> <u>Transport Assessments are required:</u></p> <ul style="list-style-type: none"> <li>• When requested as part of the pre-application process</li> <li>• For all 'Major' development</li> </ul> <p>- In other cases this will be requested during the determination process if required.</p> <p><u>A Transport Assessment (TA)</u> is a comprehensive and systematic process that sets out transport issues relating to a proposed development. It identifies what measures will be required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport and what measures will need to be taken to deal with the anticipated transport impacts of the development.</p> <p>As a guide a TA will be required for major residential development of 50 dwellings or more, and for non-major developments, of developments where the new floorspace is greater than 1,000sqm.</p> <p><u>Transport Statements are:</u></p> <p>A simplified version of a Transport Assessment where it is agreed the transport issues arising out of development proposals are limited and a full Transport Assessment is not required. These are required:</p> <ul style="list-style-type: none"> <li>• When requested as part of the pre-application process</li> </ul> <p><a href="#">Paragraph 111 of the NPPF</a> advise that Local Planning Authorities must make a judgement as to whether a development proposal would generate significant amounts of movement on a case by case basis (ie significance may be a lower threshold where road capacity is already stretched or a higher threshold for a development in an area of high public transport accessibility).</p> <p>In other cases this will be requested during the determination process if required.</p>

**L13 Green Travel Plan**  
**Required:**

- When requested as part of the pre-application process
- For all 'Major' development

For further guidance on what should be included in Travel Plans, please refer to National Planning Practice Guidance "[Travel Plans, Transport Assessments and Statements](#)"

In other cases this will be requested during the determination process if required.

**L14 Town Centre Uses: Retail Impact Assessments for out of centre developments.**  
**Required:**

- When requested as part of the pre-application process
- For proposed 'Town Centre Uses' In accordance with Policy 29 of the Local Plan Part 2
- Where the proposed floor space is above the thresholds detailed in the summary below:

Town Centre Uses include:

- Retail (including warehouse, clubs, & factory outlets)
- Leisure & entertainment (including cinemas, restaurants, drive through restaurants, bars, pubs, night clubs, casinos, health & fitness, indoor bowling & bingo)
- Offices (Use Class E, (g)(i))
- Arts, culture, tourism (including theatres, museums, galleries, concert halls, hotels and conference facilities)

Location of development	Proposed floor space threshold of any proposed 'town centre' use	Centres required to be assessed for potential impact
Within 500m of any district centre boundary or a local centre or parade of shops	280 sq m	All district centres or local centres / parades of shops within 500m
Darwen Urban area (South of M65)	500 sq m	Darwen Town centre plus all district centres / local centres / parades of shops within 500m
Blackburn Urban Area (North of M65)	1000 sq m	Blackburn town centre plus all district centres / local centres / parades of shops within 500m

Development close to the boundary between Blackburn and Darwen meeting the floorspace thresholds may require impact assessments on both town centres.

<p><b>L15</b></p>	<p><b>Flood Risk Assessments</b></p> <p><u>Required:</u></p> <ul style="list-style-type: none"> <li>• When requested as part of the pre-application process</li> <li>• For all developments in Flood Zones 2 and 3 (not dormer extensions)</li> <li>• For all development over 1ha in flood zone 1</li> </ul> <p>You should follow the Environment Agency's Standing Advice if you're carrying out a flood risk assessment of a development classed as:</p> <ul style="list-style-type: none"> <li>– a minor extension (household extensions or non-domestic extensions less than 250 square metres) in flood zone 2 or 3</li> <li>– 'more vulnerable' in flood zone 2 (except for landfill or waste facility sites, caravan or camping sites)</li> <li>– 'less vulnerable' in flood zone 2 (except for agriculture and forestry, waste treatment, mineral processing, and water and sewage treatment)</li> <li>– 'water compatible' in flood zone 2</li> </ul> <p>Where development is proposed within 8m of a designated main river, a Site Plan is required that clearly shows the 8m easement.</p>
<p><b>L16</b></p>	<p><b>Drainage Scheme</b></p> <p><u>Required:</u></p> <ul style="list-style-type: none"> <li>• When requested as part of the pre-application process</li> <li>• Residential schemes of 10+ or, where the number of dwellings is not specified, a site area of Over 0.5 Hectares</li> <li>• Retail, commercial &amp; industrial schemes with a floor space of over 1000sqm or sites of over 1 hectare</li> <li>• Educational, hospital leisure and recreation schemes on sites of over 1 hectare</li> <li>• Schemes with 2 or more land uses on sites of over 1 hectare</li> <li>• Changes of use of building(s) with a gross floor area of over 1,000sq m</li> <li>• Where building is within the Canal &amp; River Trust consultation zone – <a href="#">consent from Canal &amp; River Trust</a> is required to discharge to the Canal</li> </ul>
<p><b>L17</b></p>	<p><b>Archaeological Assessment</b></p> <p><u>Required:</u></p> <ul style="list-style-type: none"> <li>• When requested as part of the pre-application process</li> <li>• For all development affecting a known archaeological site (including Change of Use)</li> </ul> <p>For reference: A known archaeological site is: a place (or group of physical sites) in which evidence of past activity is preserved (either prehistoric or historic or contemporary), and which has been, or may be, investigated using the discipline of archaeology and represents a part of the archaeological record. Sites may range from those with few or no remains visible above ground, to buildings and other structures still in use. <a href="#">The Historic Environment Record (HER)</a> contains information on over 35,000 known sites across the county.</p>
<p><b>L18</b></p>	<p><b>Heritage Statement/ Heritage Impact Assessment</b></p> <p><u>Required for:</u></p> <ul style="list-style-type: none"> <li>• Alteration or demolition of a Heritage Asset</li> <li>• Alteration or demolition of any building in a Conservation Area (including householder)</li> <li>• Works to a Historic Park or Garden</li> <li>• Works affecting an area of archaeological interest</li> <li>• Works to or demolition of a non-designated heritage asset</li> <li>• Proposals affecting the setting of a Heritage Asset</li> <li>• Suitable plan details, including cross sections and a Method Statement – which involve any demolition, replacement or renovation of any historic fabric including works to walls/elevations, roof, windows and doors and specification of any joinery/masonry</li> </ul>

L19	<p><b>Refuse Storage Facilities / Recycling details</b></p> <p><u>Required for:</u></p> <ul style="list-style-type: none"> <li>• All new developments</li> <li>• Amendments to the above</li> <li>• Proposed extensions to non-residential property</li> <li>• Proposed extensions preventing access to the rear of a property</li> </ul> <p>This information is usually shown on the Proposed Site Plan</p>
L20	<p><b>Contaminated Land Survey</b></p> <p><u>Required:</u></p> <ul style="list-style-type: none"> <li>• If the development is on land that is known to be contaminated i.e. where the presence of contamination is already confirmed</li> <li>• Land where contamination is suspect for all or part of the site i.e. where the land has a significant industrial history or is adjacent to land that has significant industrial history or the potential to produce ground gas</li> <li>• A proposed use that would be particularly vulnerable to the presence of contamination i.e. where the development is for housing, school or residential institution</li> </ul>
L21	<p><b>Noise Impact Assessment</b></p> <p><u>Required:</u></p> <ul style="list-style-type: none"> <li>• When requested as part of the pre-application process</li> <li>• For Applications relating to Wind Turbines (See Appendix E)</li> <li>• For noise generating proposals in close proximity to residential properties</li> <li>• For residential development adjacent existing noise generating land uses</li> </ul> <p>In other cases this will be requested during the determination process if required.</p>
L22	<p><b>Air Quality Assessment</b></p> <p><u>Required:</u></p> <ul style="list-style-type: none"> <li>• When requested as part of the pre-application process</li> <li>• When required by the Council's Air Quality Planning Advisory Note, with particular attention to Section 3.1 "classify the site – a five step process" – please see the below link</li> </ul> <p><a href="#">Air quality advisory note   Blackburn with Darwen Borough Council</a></p>
L23	<p><b>Odour Assessment</b></p> <p><u>Required:</u></p> <ul style="list-style-type: none"> <li>• When requested as part of the pre-application process</li> <li>• For details of the 'Guidance note for developers – control of odour and noise from kitchen exhaust systems' please contact <a href="mailto:publicprotection@blackburn.gov.uk">publicprotection@blackburn.gov.uk</a></li> </ul> <p>In other cases this will be requested during the determination process if required.</p>
L24	<p><b>Lighting scheme / light pollution assessment</b></p> <p><u>Required:</u></p> <ul style="list-style-type: none"> <li>• When requested as part of the pre-application process</li> <li>• If biodiversity will be affected by the proposals</li> <li>• If neighbouring occupiers will be affected by the proposals</li> </ul> <p>In other cases this will be requested during the determination process if required.</p>



<p><b>L25</b></p>	<p><b>Crime Impact Statement</b>  <u>Required:</u></p> <ul style="list-style-type: none"> <li>• When requested as part of the pre-application process</li> <li>• If it meets any of the criteria on the list below</li> </ul> <p>In other cases this will be requested during the determination process if required.</p> <p>Crime Impact Statements</p> <p>A Crime Impact Statement addresses crime risks and ways to remove/reduce them from the design of the proposed development. Applicants should be signposted to the Designing Out Crime Team at Lancashire Constabulary Headquarters in order to obtain a Crime Impact Statement - <a href="mailto:ALO@lancashire.pnn.police.uk">ALO@lancashire.pnn.police.uk</a>.</p> <p>In order to encourage Crime Prevention through Environmental Design into commercial and domestic developments, to reduce crime and increase public safety, a Crime Impact Statement should accompany an application if it meets any of the following points:-</p> <p>If the development is;</p> <ul style="list-style-type: none"> <li>• Residential developments (25 or more dwellings),</li> <li>• Retail schemes (100sqm or more/more than 3 units,</li> <li>• Office and Commercial developments,</li> <li>• Educational Premises,</li> <li>• Hotels,</li> <li>• Nursing/care homes,</li> <li>• Religious buildings,</li> <li>• Hospitals and other medicinal premises (including veterinary buildings and chemists),</li> <li>• Banks and other financial premises,</li> <li>• Licensed premises (alcohol &amp; Registered Firearm Dealers),</li> <li>• Student accommodation (NB: 20 units or more for conversion),</li> <li>• ATM's (new, replacement and retrospective),</li> <li>• Events and Leisure premises likely to attract large groups of people; with a particularly focus on counter terrorism measures.</li> <li>• Houses in Multiple Occupation.</li> <li>• Developers should consider applying for Secured By Design accreditation. Secured By Design focuses on crime prevention at the design, layout and construction stages of developments and promotes the use of security standards for a wide range of applications and products – <a href="#">Secured by Design - Secured by Design</a>.</li> </ul>
<p><b>L26</b></p>	<p><b>Coal Mining Risk Assessment</b>  <u>Required for:</u></p> <ul style="list-style-type: none"> <li>• Development (except Householder) which would cause ground disturbance within a high risk area</li> <li>• When requested as part of the pre-application process</li> </ul> <p>Further guidance on coal mining legacy and Coal mining Risk Assessments can be found at: <a href="https://www.gov.uk/guidance/planning-applications-coal-mining-risk-assessments">https://www.gov.uk/guidance/planning-applications-coal-mining-risk-assessments</a></p>
<p><b>L27</b></p>	<p><b>Agricultural Statement</b>  <u>Required for:</u></p> <ul style="list-style-type: none"> <li>• Proposed agricultural developments</li> <li>• Proposed horticultural developments</li> <li>• Proposed agricultural workers dwellings</li> </ul> <p>An Agricultural Statement form is appended with Annex D.</p>

L28	<p><b>Energy Statement</b></p> <p><u>Required:</u></p> <ul style="list-style-type: none"> <li>• For major development proposing enhanced emissions reduction (above Building Regulation Standards)</li> <li>• When requested as part of the pre-application process</li> </ul> <p>The Council will be supportive of exemplar developments which demonstrate how particularly high standards of environmental performance can be achieved in accordance with the adopted Local Plan.</p> <p>Further guidance on producing such a statement and demonstrating consideration of the energy hierarchy through scheme design will be provided through the Council's Climate Impact Framework (CIF) SPD.</p>
L29	<p><b>Met Office Assessment</b></p> <p>Required for all wind turbine applications that are in the 20km consultation zone from our radar at Hameldon hill or other structures that are greater than the heights specified on the consultation map. A proforma will need to be completed. Details of which are available via the following link:</p> <p><a href="http://www.metoffice.gov.uk/media/pdf/8/0/developers_proforma.pdf">http://www.metoffice.gov.uk/media/pdf/8/0/developers_proforma.pdf</a></p>
L30	<p><b>Sport England Assessment</b></p> <p>There is a consultation guidance checklist prepared by Sport England. Further information can be found on their website at: <a href="http://www.sportengland.org/playingfieldspolicy">http://www.sportengland.org/playingfieldspolicy</a></p>
L31	<p><b>Development Affecting Public Health - Health Impact Assessment</b></p> <p>Health Impact Assessments will be required for all developments which have the potential to impact on public health, with particular reference to obesity and related disorders, and illnesses associated with alcohol or smoking.</p> <p>A Health Impact Assessment will be required for residential developments of 100 or more units, non-residential developments of 10,000m<sup>2</sup> or more and for other developments where the proposal is likely to have a significant impact on health and wellbeing. Where significant impacts are identified, measures to mitigate the adverse impact of the development will be provided and/or secured by planning obligations.</p> <p>Please see the Planning for Health Supplementary Planning Document for more information.</p> <p><a href="#">Supplementary planning documents   Blackburn with Darwen Borough Council</a></p> <p>The Health SPD Health Impact Assessment Screening Toolkit is included within Appendix C.</p>
L32	<p><b>Planning Applications Affecting Playing Field Land</b></p> <p>Sport England recommends that planning applications affecting playing field land should provide sport specific information in line with the below checklist. This information will enable Sport England to provide a substantive response to applications on which it is consulted. It will also aid the LPA to assess an application in light of P.99 of the NPPF and relevant Local Plan policies.</p> <p>The checklist presents the recommended requirements for all applications. It also indicates the information that Sport England recommends should be submitted where an applicant feels their development may meet with one of the exceptions to Sport England's <a href="#">New playing fields planning guidance   Sport England</a>.</p> <p>The checklist is available within Appendix F.</p>

<p><b>L33</b></p>	<p><b>Mineral Safeguarding Areas (Sites Within)</b></p> <p>A key aspect of sustainable development is the conservation and safeguarding of non-renewable resources for future generations. As such it is important that non-minerals development does not needlessly prevent the future extraction of mineral resources. Lancashire contains a number of minerals of economic importance including limestone, sand and gravel, gritstone (sandstone), shallow coal, and brickshales. These mineral resources have been designated and protected as Mineral Safeguarding Areas (MSA) on the Policies Map through Policy M2 of the Joint Lancashire Minerals and Waste Site Allocation and Development Management Policies Local Plan (part of the Development Plan).</p> <p>Applicants should assist the LPA in determining whether their application is in accordance with Policy M2 through the submission of appropriate information. This should be in the form of a mineral resource assessment, more details of which can be found in Appendix C of the above-mentioned plan. The level of detail should be appropriate to the scale and nature of the proposed development.</p> <p>Further information on this is available to view here: <a href="#">Mineral-Safeguarding-Areas-Guidance-Note_201505.pdf (lancashire.gov.uk)</a></p>
<p><b>L34</b></p>	<p><b>Fire Statement:</b> <u>Required:</u></p> <p>Planning applications for two or more dwellings or for educational accommodation of 18 metres or more in height (ignoring roof-mounted plant or plant rooms and measured from the ground level on the lowest side of the building to the top storey upper floor surface) or seven or more storeys (ignoring any storey which is below ground level and counted from the ground level on the lowest side of the building).</p> <p>Further information: <a href="https://www.gov.uk/guidance/fire-safety-and-high-rise-residential-buildings-from-1-august-2021">https://www.gov.uk/guidance/fire-safety-and-high-rise-residential-buildings-from-1-august-2021</a></p>
<p><b>L35</b></p>	<p><b>Telecommunications Supplementary Information:</b> <u>Required:</u></p> <p>Planning applications for telecommunications equipment should be accompanied by the following:</p> <ul style="list-style-type: none"> <li>• A statement of compliance with ICNIRP guidelines</li> <li>• Evidence of assessment of alternative sites and/or mast sharing</li> <li>• A justification as to why the installation is needed</li> </ul>
<p><b>L36</b></p>	<p><b>Biodiversity Net Gain Plan:</b> <u>Required:</u></p> <ul style="list-style-type: none"> <li>• All major developments (from January 2024)</li> <li>• Other development (from April 2024)</li> <li>• Any development of a site which supports a habitat of principle importance</li> </ul> <p>Where a Net Gain Assessment is required the information must be calculated using the latest biodiversity metric published by Natural England.</p> <p>At the time of writing the main biodiversity metric can be found online at: <a href="#">The Biodiversity Metric 4.0 - JP039 (nepubprod.appspot.com)</a></p> <p><a href="#">The Small Sites Metric can be found at: The Small Sites Metric (Biodiversity Metric 4.0) - JP040 (nepubprod.appspot.com)</a></p> <p>In summary, where the Metric is required it should be submitted as follows:</p> <ul style="list-style-type: none"> <li>• Excel document</li> <li>• Are the sufficient details on start page? Date of assessment, assessor?</li> <li>• No red boxes should be present;</li> </ul>

	<p>DLUHC intends to amend the national validation requirements in the DMPO so that applications for BNG-eligible development proposals are accompanied by a certain level of BNG information (e.g. the pre-development biodiversity value). The precise form and contents of this information is to be decided, though is likely to be broadly in line with what was set out in the consultation.</p>
<b>L37</b>	<p><b>Climate Impact Framework (CIF):</b> (once the <a href="#">SPD is adopted, and CIF form is available</a>)</p> <p><u>Required:</u></p> <ul style="list-style-type: none"> <li>• Major residential developments</li> <li>• Major commercial developments</li> <li>• Minor residential developments (subject to the outcome of consultation on the draft CIF)</li> </ul> <p>The Council is consulting on a <a href="#">draft SPD</a> in the autumn of 2023, and is expecting to have a final CIF SPD available following adoption of the new Local Plan (2021-2037), expected in early 2024. Some requirements of the CID remain subject to the outcome of that consultation, including whether minor residential developments should be required to complete and submit a CIF, and any applicable transitional periods which should apply. These requirements will be confirmed through the final CIF SPD. .</p> <p>A link to the online CIF form will be provided below when available.</p>
<b>L38</b>	<p><b>Self-build and Custom House Building</b></p> <p>Planning applications for self-build and custom housing must complete the registration form below;</p> <p><a href="#">Self-Build-Register-Form.pdf (blackburn.gov.uk)</a></p>
<b>L39</b>	<p><b>Natural Capital Assessment</b></p> <p><u>Required:</u></p> <ul style="list-style-type: none"> <li>• When requested as part of the pre-application process</li> <li>• Where the nature or scale of a proposal merits</li> </ul> <p>Further information and detail will be provided through the Council's Natural Environment SPD that will support the new Local Plan (2021-2037) Core Policy 6 (CP6) and be prepared in 2024.</p>
<b>L40</b>	<p><b>Public Water Supply Risk Assessment</b></p> <p><u>Required:</u></p> <ul style="list-style-type: none"> <li>• When requested as part of the pre-application process</li> <li>• Where proposals for development are located on catchment land use for public water supply</li> </ul> <p>Local Plan (2021 – 2037) Policy DM12</p>

# APPENDICES

Appendix A – Protected Species Proforma

Appendix B – Heads of Terms Proforma

Appendix C – Health SPD Health Impact Assessment Screening Toolkit

Appendix D – Agricultural Development Proforma

Appendix E – Wind Turbines application requirements

Appendix F - Planning applications affecting playing field land – validation requirements

Appendix G – North West SuDs Pro Forma



**PROTECTED SPECIES STATEMENT: BATS, BARN OWLS AND NESTING BIRDS**

The presence of protected species is a material consideration in the determination of planning applications and the Council must assess, prior to making a decision on your planning application, whether any protected species are likely to be affected by development and if a full ecological survey is required.

Please complete and return this statement which forms part of that assessment.

**Please note that if this information is not provided it may delay the application or lead to the refusal of planning permission.**

Application number ...../...../ ..... (If known)

Applicant Name & Address	
Agents Name & Address	
Site address of Proposed Development	
Name:	Signed: <span style="float: right;">Date:</span>

Does the proposal affect an agricultural building? (farmhouse, barn or outbuilding)	Yes / No
Is the development site a pre 1960's building within 200m of woodland & or water?	Yes / No
Is the development site constructed with weather boarding & / or hanging tiles within 200m of woodland &/or water?	Yes / No
Is the development site a pre 1914 building within 400m of woodland/water?	Yes / No
Is the development site a pre 1914 building with a gable end or slate roof?	Yes / No
Is the development site adjacent to woodland or water?	Yes / No
Does the development affect any chimney, bridge or underground structure?	Yes / No
Does the proposal involve floodlighting of any church, listed building or green space within 50m of woodland, field or hedgerow?	Yes / No
Does the proposal involve felling or lopping woodland / hedgerows?	Yes / No
Is the proposal within 200m of a river, stream, canal or other waterway?	Yes / No
Have any bats, barn owls, or nesting birds been seen on or close to site?	Yes / No
Have any bats, barn owls or nesting birds been seen within the affected property.	Yes / No



## PLANNING OBLIGATIONS / SECTION 106 STATEMENT

All applicants should complete Section 1.

If the Section 106 requirements are accepted in full, please complete Section 2.

If a reduction in Section 106 contributions is being sought, on grounds of financial viability or otherwise, please complete Section 3.

### SECTION 1

Application Number (if known)	
Applicant Name and Address	
Agents Name and Address	
Development Address	
Development Description	
Name and Address of Land Owner	
Name and Address of Land Owners Agent	

## SECTION 2

If the Section 106 requirements are accepted in full:

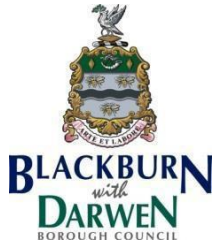
Confirmation of whom to send the draft Section 106 agreement documentation for initial approval.	
Name and Address of Applicant's Solicitor	

## SECTION 3

If a reduction in Section 106 contributions is being sought, on the grounds of financial viability or otherwise, please submit a **Viability Appraisal** with your planning application.

The Council will issue an invoice to cover the costs of reviewing the Viability Appraisal, at the rate published on the Blackburn with Darwen website. Please provide a name, postal address and email address for the invoice.	
If applicable, please briefly confirm the reduction in contributions requested, and the reasons why.	





# Health Impact Assessment Screening Tool

Project, programme of policy ("development/activity") to be assessed:

What is the development for? What is the context, history and/or background?

Does this development have the potential to impact on health? Explain

***\*If no health impacts are identified then the screening does not need to continue, but please ensure that this has been discussed with the appropriate Planning/Public Health colleague prior to discontinuation\****

Does the activity concern any of the following determinants?

Lifestyle	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Physical environment	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Social / economic environment	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Other, please specify		

What are the potential positive impacts?

**What are the potential negative impacts?**

**What are the assumptions/risks embedded in or underpinning the development?**

**Are there any external factors which identify the nature and extent of the impacts on health for this type of development (e.g. research; policy changes etc.)**

**List the groups most likely to be affected by this proposal**

**What are some of the potential equity issues?**

**What (if any) are the mitigation measures proposed?**

## CHECKLIST

Answers favouring doing an HIA	To your knowledge	Answers favouring not doing a HIA
<b>Health impacts</b>		
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>Not sure</b>	Does the development affect health directly?	<input type="checkbox"/> <b>No</b>
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>Not sure</b>	Does the development affect health indirectly?	<input type="checkbox"/> <b>No</b>
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>Not sure</b>	Are there any potential serious negative health impacts that you currently know of?	<input type="checkbox"/> <b>No</b>
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>Not sure</b>	Is further investigation necessary because more information is required on the potential health impacts?	<input type="checkbox"/> <b>No</b>
<input type="checkbox"/> <b>No</b>	Are the potential health impacts well known and is it straightforward to identify effective ways in which beneficial effects can be maximised and harmful effects minimised?	<input type="checkbox"/> <b>Yes</b>
<b>Community</b>		
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>Not sure</b>	Is a large proportion of the population likely to be affected by the development ( <i>over 25% of the resident population</i> )?	<input type="checkbox"/> <b>No</b>
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>Not sure</b>	Are there any socially excluded, vulnerable, disadvantaged groups likely to be affected?	<input type="checkbox"/> <b>No</b>
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>Not sure</b>	Are there any community concerns about any potential health impacts?	<input type="checkbox"/> <b>No</b>
<b>Initiative</b>		
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>Maybe</b>	Is there some reason to suspect that health issues not considered in the planning process of this initiative might become more visible by doing an HIA?	<input type="checkbox"/> <b>No</b>
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>Maybe</b>	Is the cost of the development high ( <i>over £100,000</i> )?	<input type="checkbox"/> <b>No</b>
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>Maybe</b>	Is the nature and extent of the disruption to the affected population likely to be major?	<input type="checkbox"/> <b>No</b>
<b>Organisation</b>		
<input type="checkbox"/> <b>Yes</b>	Is the development a high priority/important for the organisation/partnership?	<input type="checkbox"/> <b>No</b>
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>Maybe</b>	Are the individuals and organisations with a stake in this development likely to buy into the HIA process?	<input type="checkbox"/> <b>No</b>
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>Maybe</b>	Is there potential to change the proposal? Will there be any other similar proposals in the future?	<input type="checkbox"/> <b>No</b>
<b>FOR =</b>	<b>TOTAL</b>	<b>AGAINST =</b>

## Choosing which HIA to do

Health Impact Statement	Type of HIA	Comprehensive
<input type="checkbox"/> Yes	Is there only limited time in which to conduct the HIA?	<input type="checkbox"/> No
<input type="checkbox"/> Yes	Is there only limited opportunity to influence the decision?	<input type="checkbox"/> No
<input type="checkbox"/> Yes	Is the timeframe for the decision-making process set by external factors beyond your control?	<input type="checkbox"/> No
<input type="checkbox"/> Yes	Are there only very limited resources available to conduct the HIA?	<input type="checkbox"/> No

Is a HIA appropriate?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Why or why not?</b>		
<b>If yes, what type and how?</b>		
<b>Recommendations / comments</b>		

Completed by:

Date:



Application No: .....  
Agricultural /Countryside Planning Application

**AGRICULTURAL STATEMENT**

TO BE USED FOR:

- Proposed agricultural developments
- Proposed horticultural developments
- Proposed agricultural workers dwellings

Applicant Name: .....

Application site .....

Proposed Development .....

Previous Applications .....

**1. Land Owned**

.....

.....

.....

**Rented**

.....

.....

.....

**Short-term**

.....

Land use: Pasture ..... Meadow ..... Crop .....Crop .....

**Land Quality (DA/SDA/NVZ)**

.....

**2. Enterprise**

**Dairy:** Pedigree/commercial. Dairy Cows

.....  
.....  
.....

In-calf heifers ..... Bulling heifers ..... Calving

.....

Young stock ..... Milk Quota .....

**Beef Breeding:** Suckler Cows

.....

Calving ..... Heifers ..... Calves .....

**Beef Rearing:** Store Cattle (ages)

.....

.....

.....

Calves ..... Age at purchase ..... Age at sale .....

Bulls-.....

**Sheep:** Pedigree/commercial.

Breeding ewes ..... Lambs ..... Store sheep..... Store Lambs.....

Lambing period ..... Lambing Location.....

**Other**

.....

.....

.....

.....

**ADDITIONAL INFORMATION REQUIRED FOR NEW AGRICULTURAL-BUILDINGS AND FARMHOUSES**

**3. Labour & Accommodation**

Name	Age	Basis (F/T, P/T, Casual)	Hours of Work	Main Duties	Address and years

--	--	--	--	--	--

Misc.....  
.....

Existing Dwellings  
.....

Other Properties (incl. occupiers) .....

Previously owned properties .....

Available properties in locality  
.....

**4. Proposed Development/Applicant'(s) Comments**

Need  
.....  
.....  
.....

Siting  
.....  
.....  
.....

Design  
.....  
.....  
.....

Future Plans  
.....  
.....  
.....

**5. Financial Details**

.....

.....

.....

.....

**7. Farm Buildings**  
(Please give details of existing farm buildings and their uses)

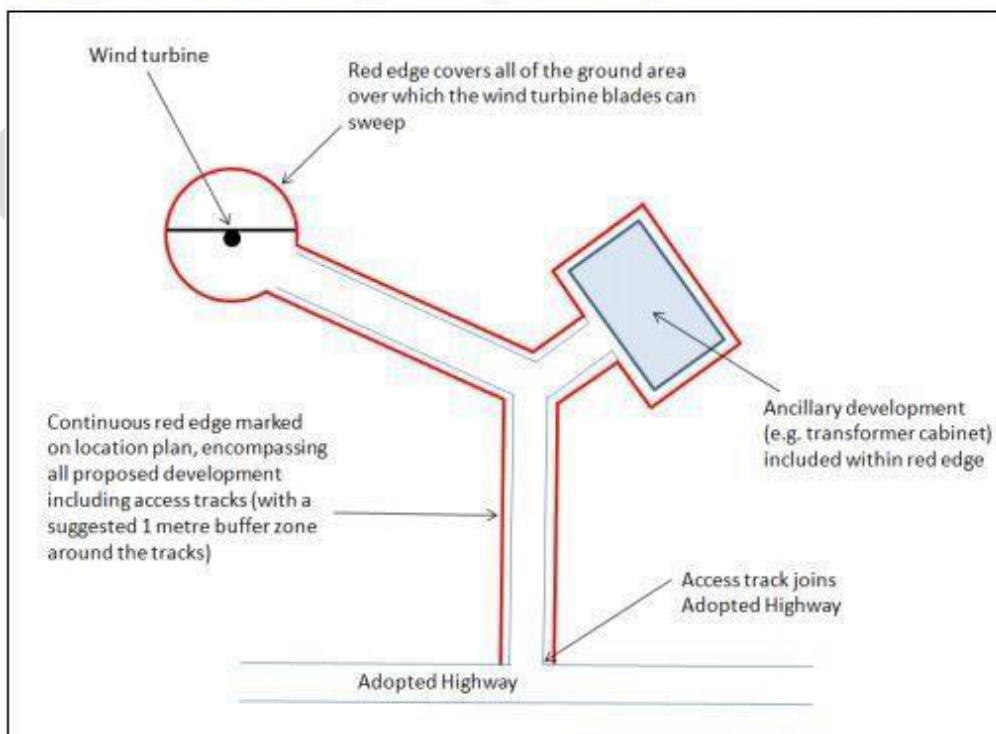
*DRAFT*




Applicants should ensure that applications include each of the items contained in the following list:

1. A completed application form and the correct certificates
2. The correct planning application fee
3. Location Plan at 1:1250 or 1:2500 scale
4. Site / Block Plan at 1:250 or 1:500 scale
5. Elevation Plans of Turbines and Ancillary Equipment at 1:50 or 1:100 scale
6. Transport Statement
7. Landscape and Visual Impact Assessment
8. Planning Statement/ Heritage Statement
9. Photomontage and/or Wireframe Diagrams
10. Zone of Theoretical Visibility (ZTV) Maps
11. Public Rights of Way Map
12. Ecological Assessment
13. Noise & Shadow Flicker Assessment
14. Pre-application Community Consultation (IF REQUIRED)
15. Coal Mining Risk Assessment (IF REQUIRED)
16. Details of Decommissioning Bond / Arrangements (IF REQUIRED)
17. Details of proposed Community Benefits (IF REQUIRED)
18. Environmental Statement / Environmental Impact Assessment (IF REQUIRED)
19. Details of impacts on communications

### Example of a Correctly Drawn Red Edge on Location Plan



The radius of the ZTV maps required depends on the proposed height of the turbine(s) in the application and other factors. The following table sets out the Council's general requirements:

<b>Turbine Height (to blade tip)</b>	<b>Number of Turbines</b>	<b>Is the site within 1km of any other operational or permitted turbines, or turbines currently subject to a planning application?</b>	<b>Required Radius of ZTV Maps</b>
0-25m	1	No	Not required
0-25m	1	Yes	2km
0-25m	2-5	No	10km
0-25m	2-5	Yes	15km
0-25m	6-10	No	20km
0-25m	6-10	Yes	20km
0-25m	10+	No	20km
0-25m	10+	Yes	30km
26-60m	1	No	20km
26-60m	1	Yes	30km
26-60m	2+	No	30km
26-60m	2+	Yes	30km
Over 60m	1	No	30km
Over 60m	1	Yes	30km
Over 60m	2+	No	30km
Over 60m	2+	Yes	30km



### **Checklist of Recommended Information Requirements for planning applications affecting playing field land**

In addition to the national validation requirements set out within the Government's Planning Practice Guidance, Sport England recommends that planning applications affecting playing field land should provide sport specific information in line with the below checklist. This information will enable Sport England to provide a substantive response to applications on which it is consulted. It will also aid the LPA to assess an application in light of P.99 of the NPPF and relevant Local Plan policies.

The checklist presents the recommended requirements for all applications. It also indicates the information that Sport England recommends should be submitted where an applicant feels their development may meet with one of the exceptions to [Sport England's Playing Fields Policy](#).

Document	Presenting details on.....	
<b>Required for all applications</b>		
<b>Consultation Notice</b>	1. The development proposed (description), timescales, case officer contact details and how information can be viewed.	
<b>Existing site plan</b>	2. Extent of the playing field as defined by <a href="#">The Town and Country Planning (Development Management Procedure) (England) Order 2015</a>	
	3. Location and nature of existing buildings.	
	4. Location and nature of existing sports facilities (including the layout of summer and winter playing pitches).	
	5. Significant features (e.g. trees, slopes, paths, fences, sewers) <sup>1</sup> .	
	6. Existing levels across the site <sup>1</sup> .	
<b>Proposed site plan</b>	7. Location and nature of the proposed development.	
	8. Extent of playing field area to be lost (including the area covered by the proposed development and any associated works e.g. landscaping).	
	9. Location and nature of all existing sports facilities (clearly showing any revised locations from the existing plan).	
	10. Any changes to existing features and levels <sup>1</sup> .	
<b>Supporting Statements</b>	11. Extent of playing field area to be lost (area in hectares and see point 8 above).	
	12. Reason for the chosen location and alternatives considered.	
	13. Any proposed changes in the provision of indoor and outdoor sports facilities on the site (including ancillary facilities).	
<b>Required in relation to specific policy exceptions</b>		<b>Exceptions</b>
<b>Drawings</b>	14. Internal layouts and elevations for proposed new, extended or enhanced sports facilities (including relevant ancillary facilities) <sup>1</sup> .	2, 4 & 5
<b>Supporting Statements</b>	15. Current and recent users of the playing field and the nature and extent of their use.	1,4 & 5
	16. How the development fits with the findings of any relevant assessment of need and/or sports related strategy (a copy of, or a web link to, the assessment or strategy should be provided) <sup>1 2</sup> .	1, 4 & 5
	17. How the development will be of benefit to sport (including benefit to existing and potential users) <sup>2</sup> .	2, 4 & 5
	18. The specification of any ancillary facilities e.g. floodlights <sup>1</sup> .	2, 4 & 5
	19. The specification of any Artificial Grass Pitch and reason for the chosen surface type <sup>2</sup> .	4 & 5
	20. How any replacement area of playing field and ancillary facilities will be delivered (including to what timescale).	4
	21. How, for any replacement area of playing field, equivalent or better quality will be achieved and maintained, including <sup>3</sup> : a. An assessment of the performance of the existing area; b. The programme of works (including pitch construction) for the creation of the proposed replacement area; c. A management and monitoring plan for the replacement area.	4

<sup>1</sup>. Level of detail to be proportionate to the nature of the development and its impact on the playing field.

<sup>2</sup>. Relevant for Exception 4 where the loss of an area of playing field with a natural grass surface is proposed to be replaced elsewhere by a new area of playing field with an artificial surface.

<sup>3</sup>. All details should be undertaken and developed by a suitably qualified and experienced sports turf consultant, satisfy appropriate Sport England and NGB design guidance, and have regard to Sport England's 'Equivalent Quality Assessment of Natural Turf Playing Fields' briefing note.

Note: As set out within the Government's Planning Practice Guidance any plans or drawings must be drawn to an identified scale, and in the case of plans, must show the direction of north. Although not a requirement of legislation, the inclusion of a linear scale bar is also useful, particularly in the case of electronic submission.



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# BLACKBURN WITH DARWEN BOROUGH COUNCIL SuDS PRO-FORMA

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This Pro-forma is endorsed by the North West Regional Flood and Coastal Committee, including representatives from Lead Local Flood Authorities, Highway Authorities, United Utilities and the Environment Agency

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# NORTH WEST SuDS PRO-FORMA

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This pro-forma is a requirement for any planning application for major development<sup>1</sup>.

It supports applicants in summarising and confirming how surface water from a development will be managed sustainably under current and future conditions.

Your sustainable drainage system should be designed in accordance with [CIRIA The SuDS Manual C753](#) and any necessary adoption standards.

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## HOW TO COMPLETE

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Blue Box	Instruction/ Question
Orange Box	Evidence Required
White Box	To be completed by Developer / Consultant

1. Complete ALL white boxes
2. Submit this pro-forma to the Local Planning Authority, along with:
  - Sustainable Drainage Strategy
  - Site Specific Flood Risk Assessment (if required)
  - Minimum supporting evidence, as indicated in orange boxes of this pro-forma.

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## GUIDANCE TO SUPPORT YOU

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The pro-forma should be completed in conjunction with 'Completing your SuDS Pro Forma Guide.'

The pro-forma can be completed using freely available tools such as [Tools for Sustainable Drainage Systems](#) or appropriate industry standard surface water management design software.

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<sup>1</sup> as defined in Section 2 of [Statutory Instrument 2015 No. 595](#) or on sites in Critical Drainage Areas.

## SECTION 1 . APPLICATION & DEVELOPMENT DETAILS

<b>Planning Application Reference</b> <i>(if available)</i>		
<b>State type of planning application</b> <i>i.e. Pre-application, Outline, Full, Hybrid, Reserved Matters*</i> <i>*Information only required if drainage is to be considered as part of reserved matters application</i>		
<b>Developer(s) Name:</b>		
<b>Consultant(s) Name:</b>		
<b>Development Address</b> <i>(including postcode)</i>		
<b>Development Grid Reference</b> <i>(Eastings/Northings)</i>		
<b>Total Development Site Area (Ha)</b>		
<b>Drained Area (Ha)* of Development</b>		
<b>Please indicate the flood zone that your development is in. Tick all that apply.</b> <i>Based on the Environment Agency Flood Map for Planning and the relevant Local Authority Strategic Flood Risk Assessment (to identify Flood Zones 3a/3b).</i>		Flood Zone 1 <input type="checkbox"/> Flood Zone 2 <input type="checkbox"/> Flood Zone 3a <input type="checkbox"/> Flood Zone 3b <input type="checkbox"/>
<b>What is the surface water risk of the site? Tick all that apply.</b> <i>Based on the Environment Agency Surface Water Flood Map.</i>		High <input type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/>
<b>Have you submitted a Site Specific Flood Risk Assessment (FRA)?</b> <i>See separate guidance notes for clarification on when a FRA is required</i>		Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Have you submitted a Sustainable Drainage Strategy?</b>		Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Does your drainage proposal provide multi-functional benefits via SuDS?</b>		Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Expected Lifetime of Development (years)</b> <i>Refer to Planning Practice Guidance "Flood Risk and Coastal Change" Paragraph 026</i>		
<b>Development Type:</b>		<b>State Proposed Number of Units</b>
<b>Greenfield Site</b> <ul style="list-style-type: none"> <li>Site is wholly undeveloped, and a new drainage system will be installed</li> </ul>		<input type="checkbox"/>
<b>Previously Developed/ Brownfield Site</b> <ul style="list-style-type: none"> <li>Site is already developed, and the <u>entirety</u> of the existing surface water drainage system will be used to serve the new development (evidence must be provided to prove existing surface water drainage system is reusable); <b>OR</b></li> <li>Where records of the previously developed system are not available so that the hydraulic characteristics of the system cannot be determined or where the drainage system is not in reasonable working order i.e. broken, blocked or no longer operational for other reasons.</li> </ul>		<input type="checkbox"/>
<b>Please list any relevant document and or drawing numbers (including revision reference) to support your answers to Section 1.</b>		

## SECTION 2 : IMPERMEABLE AREA AND EXISTING DRAINAGE

	Existing (E)	Proposed (P)	Change (P – E)
<b>State Impermeable Area (Ha)</b>			
<b>Evidence Required:</b> Plans showing development layout of site with existing and proposed impermeable areas.			<input type="checkbox"/>

<b>Are there existing sewers, watercourses, water bodies, highway drains, soakaways or filter drains on the site?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/> Don't Know <input type="checkbox"/>
<b>Evidence Required:</b> Plan(s) showing existing layout to include all: <ul style="list-style-type: none"> <li>• Watercourses, open and culverted</li> <li>• Water bodies – ponds, swales etc.</li> <li>• Sewers, including manholes</li> <li>• Highway drains, include manholes, gullies etc.</li> <li>• Infiltration features - soakaways, filter drains etc.</li> </ul>	<input type="checkbox"/>

<b>Drainage Design</b> <i>Outline planning applications should be able to demonstrate that a suitable drainage system is achievable.</i> <i>All other type of planning application should provide full details or reference to previous planning application where drainage details have been submitted or approved.</i>		
<b>Select which design approach you are taking to manage water quantity (refer to Section 3.3 SuDS Manual)</b>		
<b>Approach 1 – Volume control / Long Term Storage (Technical Standards S2/3, S4/5)</b> <ul style="list-style-type: none"> <li>• The attenuated runoff volume for the 1 in 100 year 6 hour event (plus climate change allowance) is limited to the greenfield runoff volume for the 1 in 100 year 6 hour event, with any additional runoff volume utilising long term storage and either infiltrated or released at 2 l/s/ha</li> <li>• The discharge rate for the critical duration 1 in 1 year event is restricted to the 1 in 1 year greenfield runoff rate</li> <li>• The discharge rate for the critical duration 1 in 100 year event (plus climate change allowance) is restricted to the 1 in 100 year greenfield runoff rate</li> </ul>	<input type="checkbox"/>	
<b>Approach 2 – Qbar (Technical Standards S6)</b> <ul style="list-style-type: none"> <li>• Justification has been provided that the provision of volume control/long term storage is not appropriate and an attenuation only approach is proposed. All events up to the critical duration 1 in 100 year event (plus climate change allowance) are limited to Qbar (1 in 2 year greenfield rate) or 2 l/s/ha, whichever is greater.</li> </ul>	<input type="checkbox"/>	
<b>Evidence Required:</b> Plans showing: <ul style="list-style-type: none"> <li>• Existing flow routes and flood risks</li> <li>• Modified flow routes</li> <li>• Contributing and impermeable areas</li> <li>• Current (if any) and proposed 'source control' and 'management train' locations of sustainable drainage components (C753 Chapter 7)</li> <li>• Details of drainage ownership</li> <li>• Details of exceedance routes (Technical Standards S9)</li> <li>• Topographic survey</li> <li>• Locations and number of existing and proposed discharge points</li> </ul>		<input type="checkbox"/>



Note consideration should be given to manage surface water from both impermeable and permeable surfaces (including gardens and verges) likely to enter the drainage system.

Please list any relevant document and or drawing numbers (including revision reference) to support your answers to Section 2.

### SECTION 3 : PEAK RUNOFF RATES – TECHNICAL STANDARD S S 2, S 3 AND S 6 ( UNLESS S 1 APPLIES)

Rainfall Event	Existing Rate (l/s)	Greenfield Rate (l/s)	Proposed Rate (l/s) <i>Previously developed sites - In line with S3 should be equivalent to Greenfield runoff rates – discuss with LLFA if this is not achievable pre-application</i>
<b>Qbar</b> <i>(Approach 2)</i>			
<b>1 in 1 Year Event</b> <i>(Approach 1)</i>			
<b>1 in 30 Year Event</b>			
<b>1 in 100 Year Event*</b> <i>(Approach 1)</i>			
<p>* Total discharge at the 1 in 100 year rate should be restricted to the greenfield runoff volume for the 1 in 100 Year 6 hour event with additional volumes (long-term storage volume) released at a rate no greater than 2 l/s/ha where infiltration is not possible. The climate change allowance should only be applied to the proposed rate and not the existing or greenfield rate.</p>			
<p><b>Evidence Required:</b> Methodology used to calculate peak runoff rate clearly stated and justified. Impermeable areas plan, supported by topographical survey confirming positive drainage. Hydraulic calculations and details of software used.</p>			<input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>

State the hydraulic method used in your calculations  
*(Refer to Table 24.1 of The SuDS Manual)*

Please list any relevant document and or drawing numbers (including revision reference) to support your answers to Section 3.

**SECTION 4 : DISCHARGE VOLUME – TECHNICAL STANDARDS S 4, S 5 AND S 6  
( UNLESS S 1 APPLIES)**

Rainfall Event	Existing Volume (m <sup>3</sup> )	Greenfield Volume (m <sup>3</sup> )	Proposed Volume (m <sup>3</sup> )
<b>1 in 100 Year 6 Hour Event</b> <i>(Approach 1)</i>			
<b>Does the below statement apply to your development proposal?</b> Long term storage is not achievable on this site and, in accordance with S6 of the Non Statutory Technical Standards for SuDS, the surface water discharge rates for events up to and including the 1 in 100 year critical event are limited to Qbar (Approach 2)			Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Evidence Required:</b> Approach to managing the quantity of surface water leaving the site clearly stated and justified  Methodology used to calculate discharge volume clearly stated and justified.  Hydraulic calculations and details of software used.			<input type="checkbox"/>   <input type="checkbox"/>   <input type="checkbox"/>
<b>Please list any relevant document and or drawing numbers (including revision reference) to support your answers to Section 4.</b>			

## SECTION 5 : STORAGE – TECHNICAL STANDARDS S 7 AND S 8

<b>State climate change allowance used (%)</b>	
<b>State housing density (houses per ha)</b>	
<b>State urban creep allowance used (%)</b>	
<b>Evidence Required:</b> State / used in appropriate industry standard surface water management design software.	<input type="checkbox"/>
<b>State storage volume required (m<sup>3</sup>)</b> <i>(excluding non-void spaces)</i> <i>Must include an allowance for climate change and urban creep</i>	
<b>Have you incorporated interception into your design?</b> <i>(Refer to Chapter 24 of The SuDS Manual C753)</i> <i>Where possible, infiltration or other techniques are to be used to try and achieve zero discharge to receiving waters for rainfall depths up to 5mm.</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Evidence Required:</b> Drainage plans showing location of attenuation and all flow control devices and supporting calculations.	<input type="checkbox"/>
<b>Summarise how storage will be provided for 1 in 30 year event on site.</b> <i>Storage must be designed to ensure that at no flooding occurs onsite in a 1 in 30 year event except in designated areas <b>and</b> no flooding occurs offsite in a 1 in 100 year (plus climate change allowance) event.</i>	
<b>Summarise how storage will be provided for 1 in 100 year (plus climate change) event on site.</b> <i>Where storage above the 1 in 30 year rainfall event is provided in designated areas designed to accommodate excess surface water volumes, plans showing storage locations and surface water depths and supported by calculations used in appropriate industry standard surface water management design software. It is important to run a range of duration events to ensure the worst case condition is found for each drainage element on the site</i>	
<b>Evidence Required:</b> Plans showing size and location of storage and supporting calculations. Where there is controlled flooding, extents and depths must be indicated.	<input type="checkbox"/>
<b>Please list any relevant document and or drawing numbers (including revision reference) to support your answers to Section 5.</b>	

## SECTION 6 : WATER QUALITY PROTECTION

*Contaminated surface water run-off can have negative impacts on the quality of receiving water bodies. The potential level of contamination will influence final the design of an appropriate treatment train as part of your sustainable drainage system.*

<b>Is the proposal site known to be or potentially contaminated?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> <li>If the site is contaminated, it should be demonstrated that the sustainable drainage system will not increase the risk of pollution to controlled waters through the mobilisation of contaminants and/or creation of new pollution pathways.</li> </ul>	

<b>Confirm the <i>Pollution Hazard Level</i> of the proposed development - Tick <u>ALL</u> that apply</b>		
<i>Refer to Pollution Hazard Indices for different Land Use Classifications in Table 26.2 of The SuDS Manual C753 for further guidance.</i>		
<b>Pollution Hazard Level</b> <i>Tick <u>ALL</u> that apply</i>	<b>Surface water run-off from the proposed development will drain from:</b>	
<b>VERY LOW</b>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>Residential roofs</li> </ul>
<b>LOW</b>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>Other roofs (typically commercial/industrial roofs)</li> <li>Individual property driveways, residential car parks, low traffic roads (e.g. cul des sacs, home-zones and general access roads)</li> <li>Non-residential car parking with infrequent change (e.g. schools, offices) i.e. &lt; 300 traffic movements/day</li> </ul>
<b>MEDIUM</b>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>Commercial yard and delivery areas</li> <li>Non-residential car parking with frequent change (e.g. hospitals, retail)</li> <li>All roads except low traffic roads and trunk roads/motorways<sup>2</sup></li> </ul>
<b>HIGH</b>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>Sites with heavy pollution (e.g. haulage yards, lorry parks, highly frequented lorry approaches to industrial estates, waste sites)</li> <li>Sites where chemicals and fuels (other than domestic fuel oil) are to be delivered, handled, stored, used or manufactured</li> <li>Industrial sites</li> <li>Trunk roads and motorways<sup>1</sup></li> </ul>

<b>If the development's Pollution Hazard Level is 'Very Low' or 'Low', has the sustainable drainage design been risk assessed and appropriate mitigation measures included?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> <li>If the proposed development has a very low or low polluting potential, you should design your sustainable drainage system to include an appropriate treatment train in accordance with The SuDS Manual (C753).</li> </ul>	

<b>If the development's Pollution Hazard Level is 'Medium' or 'High', is the application supported by a detailed water quality risk assessment?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> <li>If the proposed development has a high polluting potential, a detailed risk assessment <u>will</u> be required to identify an appropriate SuDS treatment train and ensure compliance with Paragraph 170 of the National Planning Policy Framework.</li> <li>If the proposed development has a medium polluting potential, a detailed risk assessment <u>may</u> be required depending on the nature, scale and location of the development.</li> </ul>	

<b>Has pre-application advice on water quality been obtained from the Environment Agency?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>If YES, provide details:</b>	

<sup>2</sup> Motorways and trunk roads should follow the guidance and risk assessment process set out in Highways Agency (2009).

Please list any relevant document and or drawing numbers (including revision reference) to support your answers to Section 6.

## SECTION 7 : DETAILS OF YOUR SUSTAINABLE DRAINAGE SYSTEM

### a) Function of your Sustainable Drainage System

<b>Do your proposals store rainwater for later use (as a resource)?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Evidence Required:</b> Please provide a brief sentence in the adjacent white box to describe how this function has been achieved.	

<b>Do your proposals promote source control to manage rainfall close to where it falls? (e.g. promoting natural losses through soakage, infiltration and evapotranspiration)</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Evidence Required:</b> Please provide a brief sentence in the adjacent white box to describe how this function has been achieved.	

Please list any relevant document and or drawing numbers (including revision reference) to support your answers to Section 7a.

### b) Hierarchy of Drainage Options – Planning Practice Guidance

The proposed method of discharge are set out within order of priority. Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable.

Proposed method of surface water discharge		Is this proposed?	
<b>Hierarchy Level 1: Into the ground (via infiltration)</b>		Yes <input type="checkbox"/> No <input type="checkbox"/>	
<b>If YES - Evidence Required</b>		<b>If NO – Evidence Required</b> <b>Tick ALL that apply</b>	
<input type="checkbox"/>	<b>A.</b> Completed Infiltration Checklist from The SuDS Manual (C753) Appendix B <i>An editable version of this form is available on <a href="#">SusDrain website</a>.</i>	<input type="checkbox"/>	<b>A.</b> Site investigation to demonstrate that the ground is not free draining. Test results to be provided in accordance with: <ul style="list-style-type: none"> <li>• The methodology within BRE 365 (2016), <b>OR</b></li> <li>• Falling head permeability tests BS EN ISO 22282-2: 2012</li> </ul>
<input type="checkbox"/>	<b>B.</b> British Geological Survey (BGS) Infiltration SuDS Map	<input type="checkbox"/>	<b>B.</b> NOTE: where an applicant is unable to access a site to undertake testing, e.g. where unable to access a site for an outline application, they can submit a <a href="#">SuDS GeoReport</a> or similar.
<input type="checkbox"/>	<b>C.</b> Infiltration testing to BRE 365 (2016) or falling head permeability tests to BS EN ISO 2228-2: 2012 ( <b>optional for outline</b> )	<input type="checkbox"/>	<b>C.</b> Evidence to confirm that infiltration to ground would result in a risk of deterioration to ground water quality.
<input type="checkbox"/>	‘Plan B’ sustainable drainage plan and statement of approach with an alternative discharge method, in case infiltration proposals are proven not feasible upon	<input type="checkbox"/>	<b>D.</b> Geotechnical advice from a competent person* which determines that infiltration of water to ground would pose an unacceptable risk of geohazards to the site and/or local area.

	further site specific ground investigation e.g. to consider seasonal variations to groundwater.	<i>*Note: Competent person may include a Chartered Engineer, Chartered Geologists, Registered Ground Engineering Professionals (RoGEP).</i>
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<b>Proposed method of surface water discharge</b>		<b>Is this proposed?</b>	
<b>Hierarchy Level 2:</b> To a surface water body ( <i>select type</i> )		Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
<b>NOTE:</b> Consent from LLFA or Permit from Environment Agency may be required and also consent from Canal & River Trust to discharge the canal would be required – refer to guidance and <a href="#">Document Library   Canal &amp; River Trust (canalrivertrust.org.uk)</a>		<input type="checkbox"/> Main river	<input type="checkbox"/> Canal
		<input type="checkbox"/> Ordinary watercourse	<input type="checkbox"/> Other water body
<b>If YES - Evidence Required</b>		<b>If NO – Evidence Required</b> Tick <b><u>ALL</u></b> that apply	
<input type="checkbox"/>	Surface water body / watercourse survey and report	<input type="checkbox"/>	Plan showing nearby watercourses and waterbodies <b>AND</b> <input type="checkbox"/> Statement providing justification in your Sustainable Drainage Strategy  <b>Note:</b> Where discharge of any element in the hierarchy is discounted, an applicant should provide justification. If the reasoning for discounting a discharge of surface water to watercourse relates to issues associated with third party land or the securing of any other required consent, it may be necessary for the applicant to provide evidence to the local planning authority to support their proposed approach.

<b>Proposed method of surface water discharge</b>		<b>Is this proposed?</b>	
<b>Hierarchy Level 3:</b> To a surface water sewer or highway drain ( <i>select type</i> )		Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
		<input type="checkbox"/> Surface water sewer	<input type="checkbox"/> Highway drain
<b>If YES - Evidence Required</b>		<b>If NO – Evidence Required</b> Tick <b><u>ALL</u></b> that apply	
<input type="checkbox"/>	Written correspondence from Water and Sewerage Company/ Highway Authority regarding proposed connection.	<input type="checkbox"/>	Plan showing nearby sewers and highway drains <b>AND</b> <input type="checkbox"/> Statement providing justification in your Sustainable Drainage Strategy

<b>Proposed method of surface water discharge</b>		<b>Is this proposed?</b>	
<b>Hierarchy Level 4:</b> To combined sewer		Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
<b>If YES - Evidence Required</b>		<b>If NO – Evidence Required</b>	
<input type="checkbox"/>	Written correspondence from Water and Sewerage Company	N/A	

Please list any relevant document and or drawing numbers (including revision reference) to support your answers to Section 7b.

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### c) Proposed SuDS Component Types

Tick ALL that apply				
<b>Within property boundary</b>	<input type="checkbox"/> Rainwater harvesting	<input type="checkbox"/> Green/ blue roofs	<input type="checkbox"/> Pervious pavements [Type: A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/>	<input type="checkbox"/> Soakaway
	<input type="checkbox"/> Bio retention systems			

Tick ALL that apply				
<b>Within development site boundary</b> <i>(not property)</i>	<input type="checkbox"/> Infiltration system [Type: <input type="checkbox"/> Surface level <input type="checkbox"/> Below ground]		<input type="checkbox"/> Filter strips	<input type="checkbox"/> Filter drains
	<input type="checkbox"/> Bio retention system	<input type="checkbox"/> Detention basins	<input type="checkbox"/> Ponds and wetlands	<input type="checkbox"/> Swales
	<input type="checkbox"/> Attenuation tanks/ Oversized pipes			
If 'Other' please state:				

<b>Off site</b> <i>(not within the boundary of the proposed development)</i>	<b>Please state:</b>
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I confirm that the above selected components have been designed in accordance with The SuDS Manual (C753).	I confirm <input type="checkbox"/>
I confirm that the management of flows resulting from rainfall in excess of a 1 in 100 year plus climate change rainfall event, and their exceedance route(s), has been fully considered in order to minimise the risks to people, property (new and existing) and infrastructure.	I confirm <input type="checkbox"/>

Please list any relevant document and or drawing numbers (including revision reference) to support your answers to Section 7c.	
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**SECTION 8 : OPERATION AND MAINTENANCE – TECHNICAL STANDARDS 12 AND NATIONAL PLANNING POLICY FRAMEWORK**

*The applicant is responsible to ensure that ALL components selected in Section 7 can be maintained for the design life of the development. This information is required so the Local Planning Authority can ensure the maintenance and management of the sustainable drainage system. The Local Planning Authority will discuss how this will be secured (e.g. via planning condition or planning obligation).*

	Information Provided?
<b>Management Plan</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Evidence Required:</b> <b>Plan/ drawing provided to show the position of the different SuDS components with:</b> <ul style="list-style-type: none"> <li>• Key included to identify any of the adopting bodies that you will be offering your sustainable drainage components for adoption (<i>relates to maintenance and management arrangements below</i>).</li> <li>• Plan/ drawing to identify any areas where certain activities are prohibited, detailing reasons why.</li> </ul> <b>Action plan for accidental pollutant spillages.</b>	<input type="checkbox"/>   <input type="checkbox"/>

	Information Provided?
<b>Maintenance Schedule</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Evidence Required:</b> A copy of the maintenance schedule including: <ol style="list-style-type: none"> <li>1. <b>Proactive and preventative maintenance</b>                              Detailing regular, occasional and remedial maintenance activities including recommendations for inspection and monitoring. This should include recommended frequencies, advice on plant/ machinery required and an explanation of the objectives for the maintenance proposed and potential implications of not meeting them.</li> <li>2. <b>Reactive and corrective maintenance</b> (e.g. product repair and replacement).                              Including advice on excavations, or similar works, in locations that could affect the SuDS components/ adjacent structures.</li> </ol>	<input type="checkbox"/>

	Information Provided?
<b>Maintenance and Management Arrangements</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Evidence Required:</b> Evidence of formal agreement with the party responsible for undertaking maintenance. Please select any of the adopting bodies that you will be offering your sustainable drainage components for adoption. Tick all that apply. <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Water and Sewerage Company</b> Section 104 agreement (<i>Water Industry Act 1991</i>)</li> <li><input type="checkbox"/> <b>Highway Authority</b> Section 278/38 agreement (<i>Highways Act 1980</i>)</li> <li><input type="checkbox"/> <b>Local Authority Public Open Space</b> [<i>Refer to Local Authority Policy</i>]</li> </ul> Please select the arrangement(s) for all non-adopted sustainable drainage components. Tick all that apply. <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Management Company</b></li> <li><input type="checkbox"/> <b>Property Owner</b> (<i>for SuDS components within property boundary only</i>)</li> <li><input type="checkbox"/> <b>Other</b> (please state)</li> </ul>	<input type="checkbox"/>

Please list any relevant document and or drawing numbers (including revision reference) to support your answers to Section 8.

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## DECLARATION AND SUBMISSION

*This pro-forma has been completed using evidence from information which has been submitted with the planning application.*

*The information submitted in the Sustainable Drainage Strategy and site-specific Flood Risk Assessment (FRA), where submitted, is proportionate to the site conditions, flood risks and magnitude of development and I agree that this information can be used as evidence to this sustainable drainage approach.*

Submitter Details			
<b>Completed by</b>		<b>Email Address</b>	
		<b>Telephone Number(s)</b>	
<b>Signed off by</b>		<b>Accreditation(s) and/or Qualification(s) of Signatory</b>	
<b>Date</b> <i>(dd/mm/yyyy)</i>		<b>Company</b>	

Client Details			
<b>Name</b>		<b>Company</b>	

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

Document is Restricted

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