

# Public Document Pack

## Planning and Highways Committee

Thursday, 18th January, 2024

6.30 pm

Meeting Room A, Blackburn Town Hall

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### AGENDA

- |     |   |                |
|-----|---|----------------|
| 1.  | <b>Welcome and Apologies</b>                      |                |
| 2.  | <b>Minutes of the Previous Meeting</b>            |                |
|     | <b>Minutes of Previous Meeting</b>                | <b>2 - 10</b>  |
| 3.  | <b>Declaration of Interest</b>                    |                |
|     | <b>Declaration of Interest Form</b>               | <b>11</b>      |
|     | <b>Material Considerations</b>                    | <b>12 - 13</b> |
| 4.  | <b>Committee Agenda</b>                           |                |
|     | <b>Committee Agenda 18.01.24</b>                  | <b>14</b>      |
| 4.1 | <b>Planning Application 10/23/0904</b>            |                |
|     | <b>Olde England Kiosk, Earnsdale Road, Darwen</b> | <b>15 - 22</b> |
| 4.2 | <b>Planning Application 10/23/1053</b>            |                |
|     | <b>Longshaw Nursery, Crosby Road, Blackburn</b>   | <b>23 - 34</b> |
| 5.  | <b>Enforcement</b>                                |                |
|     | <b>Enforcement Report</b>                         | <b>35 - 42</b> |

Date Published: Wednesday, 10 January 2024  
Denise Park, Chief Executive

## PLANNING AND HIGHWAYS COMMITTEE

**Thursday, 14 December 2023**

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

**OFFICERS** – Gavin Prescott, Saf Alam, Rabia Sagir & Shannon Gardiner

### RESOLUTIONS

**47     Welcome and Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Cllr Suleman Khonat and was substituted by Cllr Mustafa Desai and Cllr Jacquie Slater who was substituted by Cllr Derek Hardman.

**48     Minutes of the Previous Meeting**

**RESOLVED** – That the minutes of the previous meeting held on 16<sup>th</sup> November 2023 were signed and agreed as a correct record.

**49     Declaration of Interest**

**RESOLVED** – There were no Declaration of Interest received.

**50     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.

**50.1   Planning Application 22/1145**

*Speaker* – Katie Lewis-Pierpoint (Agent)

**Applicant** – Mr & Mrs Schofield

**Location and Proposed Development** – Entwisle Hall Barn, Entwistle Hall Lane, Edgworth, Bolton, BL7 0LR

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.

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

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

**50.2 Planning Application 23/0479**

**Applicant** – Bayt Muhammad Academy

**Location and Proposed Development** – Land corner of Eleanor Street and Higher Audley Street, Blackburn

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

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

**RESOLVED** – Approved subject to the conditions highlighted in the Director’s Report and the amended wording of the following recommendations:

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 Committee resolution, the Strategic Director of Growth and Development will have delegated powers to refuse the application.

(condition 5.5) An error is contained within the operating hours times prescribed within the condition. A closing time of 22:00 should have been included within the condition, as per the comments provided by BwD Public Protection. Therefore, it is recommended that the wording of the condition is amended to the following;

The development hereby approved shall only operate between the hours of 8:00 – 22:00.

**REASON:** 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).

(condition 5.11) Additional wording is recommended to the condition in order to increase its precision.

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. Social functions, wedding receptions and funerals are also not permitted.

**REASON:** 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).

### 50.3 **Planning Application 23/0809**

**Applicant** – Blackburn Youth Zone

**Location and Proposed Development** – Blackburn Youth Zone, Jubilee Street, Blackburn, BB1 1EP

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.

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

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

#### **Additional Condition**

(6) The development hereby approved shall be implemented and operated in strict accordance with all the mitigation measures detailed within the submitted Flood Risk Assessment, prepared by LCH Engineering and dated 24 th November 2023.

**REASON:** In order to minimise the flood vulnerability 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).

An informative note should also be added to any approvals issued raising awareness to the requirements of the Environmental Permitting (England and Wales) Regulations 2016.

#### **Additional Informative Note**

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

#### **50.4 Planning Application 23/0896**

**Applicant** – Mr Grant Mizon

**Location and Proposed Development** – BVSMNT (former Darwen Windows Ltd), The Old Co-Op Building, Borough Road, Darwen, BB3 2FT

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.

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

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

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

A report was submitted 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.

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.

**RESOLVED** – The committee authorised the proceedings to progress with the closure of the highways as set out in the report.

## **52 Appeals Monitoring Report**

Members were presented with an update of recently decided appeals since the last monitoring report in April 2023.

It was noted that 12 no appeals in total were determined during the period 7 th April 2023 to 1st December 2023, this included one enforcement appeal. 11 no appeals were dismissed, and 1 appeal was allowed.

With regards to the National performance benchmarking in terms of appeals allowed against the number of applications determined, Blackburn With Darwen Borough Council were 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 18th place out of 330 local planning authorities.

**RESOLVED** – That the report be noted and the officers be thanked for their continuous good work

## **53 Infrastructure Funding Statement 2022/23**

Members were presented with an updated 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 7th December 2023, for approval to publish the statement.

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.

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.

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

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.

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.

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.

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.

**RESOLVED** – That the report be noted.

#### **54 National Planning Application Fee Increase**

Members were informed 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 th November, and that came into force on the 6th December 2023.

At the Planning and Highways Committee on 20th April 2023 it was discussed that the Government’s consultation on the 28th February 2023, which focussed on increasing the national planning application fees. The consultation ended on the 25th 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.

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 8th November 2023, which means the fee increase, will come into force on Wednesday 6th December 2023.

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 1st 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 5th 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

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 1st April 2025 based on the Consumer Prices Index (CPI) from the previous September, with any annual fee increases capped at 10%.



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.

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 25th July 2023].

**RESOLVED** – That the report be noted.

## **55 Revised Validation Checklist for Planning Application Submissions**

A report was submitted 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.

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.

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.

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.

**RESOLVED –**

- I. That the consultation responses be noted
- II. That the committee noted the content and issues outlined in the report
- 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.

**56 Enforcement Update**

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

**RESOLVED –** That the report be noted.

Signed: .....

Date: .....

Chair of the meeting  
at which the minutes were confirmed

## DECLARATIONS OF INTEREST IN ITEMS ON THIS AGENDA

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

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

MEETING: **PLANNING AND HIGHWAYS COMMITTEE**

DATE:

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

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

## Material Consideration

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

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

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

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

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

<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: 18/01/2024

Application No	Site Address	Ward
Applicant		
Application Type		

10/23/0904		
Blackburn With Darwen Borough Council Mr Christopher Atkinson The Bungalow Davyfield Road Blackburn BB1 2LX	Olde England Kiosk Earnsdale Road Darwen BB3 0LA	Darwen West

Listed Building Application (Regulation 3) for Installation of secondary glazing to the first floor hallway, bedroom single windows and living room bay window and implementation of various refurbishment works including plastering, electrical works and internal carpentry

**RECOMMENDATION: Consent**

10/23/1053		
Blackburn With Darwen Borough Council Mr Subhan Ali 5th Floor 10 Duke Street Blackburn BB2 1DH	Longshaw Nursery Crosby Road Blackburn BB2 3NF	Blackburn South East

Prior Approval - Demolition (Regulation 4) for Demolition of single storey building with access to basement

**RECOMMENDATION: Prior Approval is Given**

## REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/23/0904

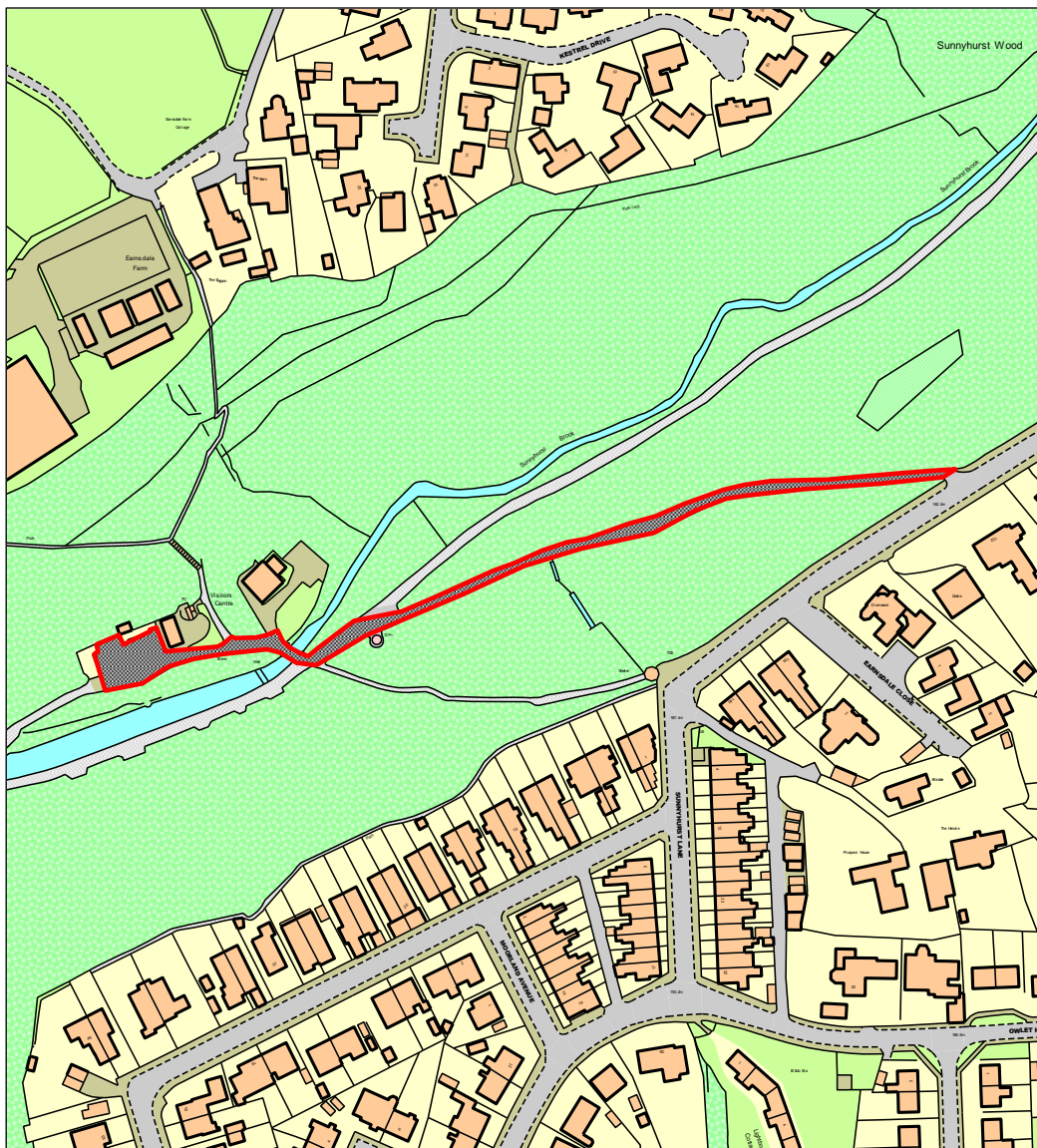
**Proposed Development: Listed Building Consent: Installation of secondary glazing to the first-floor hallway, bedroom single windows and living room bay window and implementation of various refurbishment works including plastering, electrical works and internal carpentry.**

**Site Address: Olde England Kiosk, Earnsdale Road, Darwen, BB3 0LA**

**Applicant: Blackburn with Darwen Borough Council**

**Ward: Darwen West**

**Councillor Dave Smith  
Councillor Brian Taylor  
Councillor Stephanie Brookfield**



## **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 The proposed development is recommended to be granted listed building consent, subject to the conditions detailed in Section 5.

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

- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Council's Constitution, and given that the application has been made on behalf of the Council (Regulation 3).
- 2.2 The proposed development has been publicised through displaying a site notice on 10<sup>th</sup> November 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 heritage 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 the installation of secondary glazing to the first-floor hallway, bedroom single windows and living room bay window. Various internal refurbishment works are also proposed, which include internal plastering, electrical works and internal carpentry. The works are required to improve the habitability of the ancillary first floor apartment, which is permanently occupied by the centre manager.
- 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 limited to impacts on heritage assets given the nature of the submission.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

- 3.1.1 The application site is a Grade II listed building that is located to the west of the settlement of Darwen and within Sunnyhurst Woods, which is a Grade II listed park. Mature woodland and parkland surround to all four sides and vehicle access is gained to the south from Earnsdale Road. The listing covers two pairs of gate piers that are positioned to the south of the building. The Grade II listed Sunnyhurst Cottage is also positioned to the east.
- 3.1.2 The building was constructed in 1911-12 and was originally used as a tea house for the gentry. A function room and café are located on the ground floor with an ancillary apartment above. The building is constructed from coursed sandstone, with stone slate roof coverings. It was built in the 'old mansion' style. The main



(south) elevation has five bays and two-storeys. The narrow central bay has a main entrance with a canopied head and a lean-to roof over, the entrance is fitted with an original five-panelled door with glazed upper parts.

- 3.1.3 The building contains a mix of windows, including three-light timber mullioned windows with lozenge-shaped leaded panes, full-height canted bay windows that rise through the eaves to dormer level, windows of six lights separated by panels of mock pargetting incorporating a lozenge design and timber mullioned window with lozenge-shaped leaded panes. Glass to all of the canted bays is leaded and the central pair of lights to the central tier has stained glass. The interior has extensive mock timbering.

Figure One – Location Plan and Satellite Image



### 3.2 Proposed Development

- 3.2.1 As detailed above, the proposed development involves the installation of secondary glazing to a number of first-floor windows. Various internal refurbishment works are also proposed, which include internal plastering, electrical works and internal carpentry. The works are required to improve the thermal efficiency and habitability of the ancillary first floor apartment, thereby improving the living standards of the centre manager and their family.
- 3.2.2 The proposed secondary glazing would be installed within three windows to the front (south) and side (east) elevations, which serve the first-floor private quarters (the first-floor hallway and bedroom single windows, the living room bay window). The secondary glazing would be openable units and their shape would match the glazing bar arrangement of the existing windows.

Figure Two – Proposed Front and Side Elevations



3.2.3 The removal of existing plaster finishes within the appartement are proposed. The fitting of insulated plasterboard to the bedroom walls is proposed as replacement with a non-insulated board proposed to the bedroom ceiling. Any internal plaster works would be of a lime mix. A number of wider improvement works are proposed, which include the installation of sockets, a light switch and light pendant. New skirting boards and architraves to match the existing fixtures would be installed. All new plaster and timber work would be appropriately decorated once complete.

3.3 Case Officer Site Photos



3.4 Development Plan

3.4.1 Local Plan Part 2 (2015):

- Policy 39: Heritage

3.4.2 Local Plan (Emerging) 2021-2037

- Policy CP7: The Historic Environment
- Policy DM26: Heritage Assets

**4.0 ASSESSMENT**

4.1 Impact on Heritage Assets

4.1.1 The site is a historic building that has retained the majority of its original character. 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 and DM26.

- 4.1.2 An initial review of the proposals was undertaken by the BwD Heritage Advisor and a number of shortcomings were identified with regards to the submitted information. The Agent has subsequently submitted additional information to address those concerns. Manufacturers details have been provided clarifying the shape and dimensions of the proposed secondary glazing. It has also been clarified that the proposed secondary glazing would not be visible externally once installed. A condition is recommended to ensure that outcome is achieved in order to safeguard the character of the listed building.
- 4.1.3 Regarding the wider works proposed, the BwD Heritage Advisor has acknowledged the limited level of impact from those works. A clear need for those works has also been acknowledged in the form of improving the habitability of the ancillary apartment. A further condition is recommended to ensure those works are implemented in strict accordance with the submitted details. Subject to compliance with those conditions, the proposed development would be acceptable with reference to impacts on heritage assets, in accordance with Policies 39, CP7 and DM26.

## 4.2 Summary

- 4.2.1 This application seeks listed building consent for the installation of secondary glazing and the implementation of internal refurbishment works. Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies detailed in Section 3.4.
- 4.2.2 Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Subject to appropriate conditions, the proposals would be acceptable in terms of impact on heritage assets. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

## 5.0 **RECOMMENDATION:**

**Delegated authority is given to the Strategic Director of Growth and Development and Deputy Chief Executive to approve listed building consent, subject to the following conditions.**

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

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

- 5.2 Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings and documents: Location Plan (M00EK4P), M00EK1P, M00EK2P, M00EK3P, M00EK5P, M00EK0T, GSG 004-1005, GSG 004-1005 (2), Secondary Glazing Dimensions Sheet (1 of 2) and Secondary Glazing Dimensions Sheet (2 of 2).

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

- 5.3 The frames of the secondary glazing hereby approved must be precisely aligned with existing frames/mullions and they must not be visible from the exterior of the building whatsoever.

REASON: In order to ensure the secondary glazing is not visible externally, in the interests of safeguarding the character of the listed building, and to comply with the requirements of Policy 39 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.4 The internal plastering works hereby approved shall be implemented in strict accordance with the details and materials shown on the submitted documents 'Woodfibre Internal Wall Insulation – Quick Application Guide' and 'EcoMortar Premixed Repair Mortars R100 and R50 (BS EN 998.1 Class CS III)'.

REASON: In order to ensure those works are implemented to an acceptable standard, in the interests of safeguarding the character of the listed building, and to comply with the requirements of Policy 39 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

## **6.0 PLANNING HISTORY**

- 6.1 No relevant planning history.

## **7.0 CONSULTATIONS**

- 7.1 BwD Heritage Advisor – I have reviewed the supporting documents, which include existing elevations and proposed plans and elevations, a Design, Access Statement and Heritage Statement. Whilst the submission documents provide a Heritage Statement, it is limited in its information and fails to provide an assessment of the heritage assets or a Heritage Impact Assessment, this is a requirement of P.194 of the NPPF. The key heritage issue for the LPA to consider is whether the proposed development will harm the significance of the Grade II listed building.

The significance of the Olde English Kiosk lies in its aesthetic and historic context; primarily evidenced in the building's fabric and architectural form/appearance. In this regard, as a listed building it is my view that it can be attributed as having a high significance. In regard to the window proposals, the existing windows form part of the buildings historic and aesthetic significance that contribute to the value and significance of the Listed Building. Consequently, the treatment of the existing windows needs to be done sensitively so as not to diminish the buildings significance. The submission documents note that the existing windows will remain unaltered.

In respect of the proposed secondary glazing, 'in principle' I have no objections to its installation; however, the details provided are limited to a specification brochure, with a variety of types and profiles, the specific details (type, frame, profile and fixing details) would be required to enable an assessment of suitability. Secondary glazing, when designed appropriately and in a way that respects the character and appearance of a historic building, is beneficial for achieving an energy-efficient building. In order to not cause any harm to the significance of the building, secondary glazing should be plain, and if with subdivisions, these should follow existing lines. Subject to further details, I have no objections to this intervention.

It is proposed that an insulated Ty Mawr board system will be used to all walls, skimmed with a lime-based plaster finish. However, the details are very limited, and I would prefer to see the full details of the intended system. Nevertheless, I acknowledge that internally the living quarters have been heavily modernised, and it is unlikely to result in any additional harm. Furthermore, I accept that the plaster needs replacing due to the damage created by water ingress.

Similarly, I do not object to the proposed electrical and joinery works, these are reasonable for modern living, within in the already modernised living quarters. As such, given the appearance of the building will remain largely unchanged, subject to further details (secondary glazing details and insulated Ty Mawr board system details) I do not think the proposed work could be said to result in any additional harm significance of the listed building.

As I am required to do so, I have given the duty's imposed by s.16(2) of the P(LBCA) Act 1990 considerable weight in my comments. Subject to further details, I consider the proposal would meet the statutory test 'to preserve' and would cause no discernible harm to the significance of the Listed Building/ 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.

(Update) I have reviewed the additional details provided, which include a Schedule of Works, Ty Mawr board system details and Secondary Glazing Details and address the issues relating to further information as stated in my original comments dated 10 November 2023. In respect of the proposed secondary glazing, as noted in my original comments in principle' I have no objections to its installation.

The additional details provided go some way to providing further information, the brochure/specification details of the range (as provided initially) and a visual of the frame type, which will be a horizontal slider subframe. It is also noted that the secondary glazing will 'either be reveal fix or face fixed to the window, usually it's reveal fixed and gives a better cavity from the existing window frame'. I agree that a reveal fix will be the better option. However, other than a statement relaying that 'the secondary glazing is not seen from the exterior of the property' there are no drawings or confirmation that the frames for the secondary glazing will be in line with the existing window frames to ensure they do not obstruct/impede the views of the existing windows or detract from their significance; this is paramount. I note that this can be secured via a suitably worded Condition.

Further details of the proposed insulated Ty Mawr board system have been provided, which will be used to all walls, skimmed with a lime-based plaster finish. For the external/internal walls the system includes a lime plaster parge coat to level the surface (NHL based plaster), 8-10mm Isovit adhesive, 40mm cork insulation board and 12mm lime hemp plaster. For the internal walls, a 15mm Celenit wood wool board finished with fine hemp plaster at 6mm thickness in preparation for decorations. These are a flexible and breathable option, and I am satisfied with this approach.

7.2 BwD Property Services – No objections.

7.3 Darwen Town Council

7.4 Ward Cllrs

7.5 No public responses received.

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

**9.0 DATE PREPARED:** 3<sup>rd</sup> January 2024

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

**Proposed development: Prior Approval - Demolition (Regulation 4) for Demolition of single storey building with access to basement.**

**Site Address:  
Longshaw Nursery  
Crosby Road  
Blackburn  
BB2 3NF**

**Applicant: Blackburn With Darwen Borough Council**

**Ward: Blackburn South East      Councillors: Tony Humphrys  
Vicky McGurk  
Jim Shorrocks**





## **1.0 SUMMARY OF RECOMMENDATION**

1.1 **PRIOR APPROVAL IS GIVEN;** subject to the conditions as set out in section 5 of this report.

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

2.1 The application is in the form of a prior notification submission for the proposed demolition of a vacant nursery building. The application is presented to the Planning and Highways Committee for determination given the Local Authority are both applicant and landowner; in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992.

2.2 The prior approval application is submitted under Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). The proposed works involve the entire demolition of the building and subsequent land restoration of the site. The reasons for demolition are due to the dilapidated state of the building and given the re-location of the nursery within the Longshaw Community Infant School grounds it is no longer required for active use.

2.3 The only planning matters that the Authority are to consider in the determination as to whether prior approval is required is to the method of demolition and any proposed restoration of the site. Ecological and tree considerations have also been taken into account as part of this application for prior approval.

2.4 The assessment of this application within section 4.0 of this report concludes the proposal is permitted development, and the accompanying information is sufficient to ensure no further information was required under the prior approval procedure and the proposal is therefore deemed to be satisfactory from a technical point of view.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

3.1.1 The application site relates to a single storey building formerly used as Longshaw Nursery which is positioned to the west and accessed from Crosby Road with the southern boundary fronting onto Peel Close. The host property is largely a red brick construction with varying hipped roof forms with a conservatory addition and roof canopy fixed to the southern elevation.

3.1.2 Within its grounds is a small off-street parking / turning area with copious amounts of space designated for play to three of its sides. The surrounding



area is predominately residential in nature, albeit there are several commercial uses in near proximity on Crosby Road and Manxman Road. Longshaw Community Infant School also lies a short distance away to the south with a new nursery building recently constructed and operating within the school's compounds. On the opposite parcel of land to the south Longshaw House Care Home previously occupied the site but the facility was demolished circa 2015 / 2016.



Figure 1 and 2: Submitted Location Plan (left) and Google aerial view of the application site (right)

### 3.2 Proposed Development

3.2.1 As detailed above, this application is submitted under Schedule 2, Part 11, Class B of the General Permitted Development Order (GPDO) 2015 (as amended) for the demolition the nursery building alongside the implementation of various site restoration works. Prior notification will determine whether the method of demolition and land restoration requires the prior approval of the Local Planning Authority.

3.2.2 The application is accompanied by various supporting documents and plans such as a demolition method statement, a demolition plan and swept analysis. The submitted design and access statement outlines the proposed works involves pulling down of the main building using hand stripping techniques, as well as machinery methods. The existing green mesh fencing and access gates around the perimeter of the site are to remain in-situ as a means of security post demolition. The agent has confirmed that timescale for the works to be completed is expected to be around 4-5 weeks.

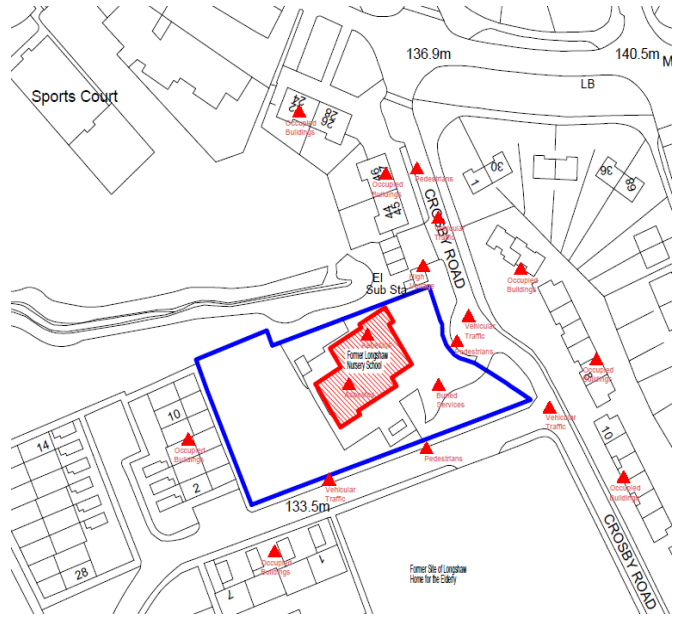


Figure 3: Demolition Site Hazards Plan

### 3.3 Case Officer Site Photos



### **3.4 Material Planning Considerations**

3.4.1 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) - Schedule 2, Part 11, Class B – demolition of buildings

3.4.2 The Conservation of Habitats and Species Regulations 2010 (as amended)

3.4.3 Wildlife and Countryside Act 1981, as amended

### **3.5 Development Plan**

3.5.1 Local Plan Part 2 (2015):

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

## **4.0 ASSESSMENT**

### **4.1 The GPDO requirements**

4.1.1 Schedule 2, Part 11, Class B of the General Permitted Development Order (2015) (as amended) allows for any building operation consisting of the demolition of a building is permitted development unless;

- (a) the building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support;
- (b) the demolition is “relevant demolition” for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area)
- (c) the building is used, or was last used, for a purpose falling within—
  - (i) article 3(6)(p) (drinking establishments etc.) of the Use Classes Order; or
  - (ii) article 3(6)(q) (drinking establishments with expanded food provision) of that Order;
- (d) the building is used, or was last used, for the purpose of—
  - (i) a concert hall;
  - (ii) a venue for live music performance; or

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

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

4.1.2 The proposed development does not conflict with any of the above limitations, and is, therefore, accepted as permitted development, subject to consideration of the method of demolition and land restoration, as per condition B.2, (b), (i). In this case it is deemed that prior approval is required, particularly given the location of the building near to residential properties, and its close proximity to the public highway and an existing school / nursery building at the end of Crosby Road.

## **4.2 Method of Demolition**

4.2.1 A general Demolition Method Statement has been submitted in support of the application, which sets out the proposed management of the key impacts of the development. It is a thorough statement covering a range of matters including hours of operation; site access and vehicle movements; road cleaning; dust control measures; noise mitigation; water management; burning; waste management; ecology and general housekeeping. A demolition plan and swept path analysis has also been provided which contain notes to align with those indicated in the method statement.

4.2.2 As already detailed, the proposed demolition works will be undertaken through both hand stripping and machinery. Whilst accepted, surrounding residential properties are likely to be susceptible to levels of noise throughout the day from the demolition works, nevertheless reasonable steps are to be taken to reduce any adverse effects to minimise associated noise. In addition, the main noise intensive periods are not expected to last the full 4 weeks and given the working hours are to be restricted to daytime only this will avoid unnecessary nuisance at early morning, evening and night times. Therefore, the proposal will not result in unacceptable harm to residential amenity in relation to noise. Dust suppression mechanisms such as using water jet spray will be utilised to minimise disruption in this regard. Minor amounts of asbestos has been detected throughout the building, the appointed contractor will provide a detailed method statement which will include its safe removal by a licensed asbestos removal professional, and thus deemed to be acceptable.

- 4.2.3 With regards to impact on the surrounding network, the method statement indicates HGV loading / unloading will take place within the site, and no larger vehicles will park on the approaching roads thereby ensuring no detrimental impacts to highways movement by virtue of causing obstructions. In addition, a wheel wash facility will be provided, and therefore mud / debris on the roads is unlikely to arise.
- 4.2.4 The Council's Highways Officer has reviewed the application and sought clarification on the location for the wheel wash facility. The agent has confirmed that following part demolition of the building to the eastern elevation the sites compound will be set up given the increased amount of space within the curtilage. The wheel wash facility will be provided in this location and will be appropriately drained within the site. The submitted site / swept path plan indicates the location of the operative parking which will be provide up to four parking bays near the stie access which was previously utilised for staff parking in-conjunction with the nursery, and this is considered acceptable. In addition, this aforementioned plan states that part of the south-eastern banking will be removed to allow for better manoeuvrability within the site for larger vehicles accessing, and once the demolition is completed the grass verge will be re-instated. For these reasons, the proposed works are not considered to lead to any significant disruption to the surrounding highway network.
- 4.2.5 The scheme, having been reviewed by BwD Drainage as Lead Local Flood Authority, and Public Protection, is considered to appropriately mitigate against excessive impact of the development on public amenity and drainage assets, therefore no objections have been raised. Taking all of the above into account, the proposed method of demolition is considered to be satisfactory.

#### **4.3 Proposed restoration of site**

- 4.3.1 The proposed restoration works involves grubbing-up of foundations and disused services, filling of voids and former basement with compacted crushed masonry and concrete which is to be retained from the demolished structure. Following this, the site is to be left level with existing hardstanding surfaces and grassed areas preserved. In addition, the existing mesh fencing / gates which enclose the site are to be kept preventing unauthorised access from any potential trespassers.
- 4.3.1 On that basis, the details provided would be adequate to ensure that the site would be restored and maintained in a safe and secure condition until such time that it may be redeveloped.

#### **4.4 Ecology**



- 4.4.1 There remains the requirement under Prior Approval applications to consider the impact of development on protected species. A Bat and Nesting Birds Survey report has been submitted with the application given the demolition of the building featuring hipped roofs, as well as the surrounding sites characteristics close to dense woodland to the west which may provide opportunities for bats to roost, nesting birds etc. The report concludes that the building was identified as having moderate potential to support roosting bats, and no bats were observed to have emerged from the building following an emergency survey carried out. In addition, no evidence of nesting birds was recorded during the survey.
- 4.4.2 Notwithstanding the above outcome, the report outlines a number of Reasonable Avoidance Measures to be adhered to during the demolition works which will ensure any impacts on these protected species are avoided. In addition, the method statement also confirms the intention to install bat boxes adjacent the site which will have a positive biodiversity effect. Compliance with such identified measures will be secured by condition. Based on the above, it has been appropriately founded that the demolition of the building will cause no impact upon protected species, subject to complying with the recommended ecological condition.

#### **4.5 Trees**

- 4.5.1 A Tree Survey has also been completed and submitted. The report specifies the conditions of trees on site and identifies appropriate proposed management and protection measures to be introduced. The Council's Tree Officer has reviewed the proposals and submitted survey offering no objections given the majority of trees are to be retained. A condition is to be added to ensure that prior to the demolition works commencing tree protection measures as indicated in the Tree Survey Report are implemented.

#### **4.6 Summary**

- 4.6.1 This report assesses the prior notification application for the proposed demolition of Longshaw Nursery. The proposed development complies with the relevant requirements of the GPDO, as well as those relevant to the Development Plan. In considering the proposal, all relevant issues have been taken into consideration, and therefore prior approval should be granted.

### **5.0 RECOMMENDATION**

**Delegated authority is given to the Strategic Director of Growth and Development & Deputy Chief Executive that prior approval is given, subject to the relevant conditions contained within Schedule 2, Part 11, Class B of the GPDO, and those listed below;**

- 5.1 The development must be carried out within a period of 5 years from the date on which the approval was given.

REASON: As required by the limitations of Schedule 2, Part 11, Class B of the (General Permitted Development) (England) Order 2015 (as amended).

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

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

- 5.3 Demolition shall proceed in accordance with the requirements of the submitted Mitigation and Opportunities contained in the Bat Survey Report, produced by Bowland Ecogoy, dated 14/07/2023.

REASON: All species of bat are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994

- 5.4 The hours of deliveries or for the demolition of the site buildings shall be restricted to the following times:

Monday to Friday 08:00 to 17:00hrs, Saturday 09:00 to 13.00hrs only and no works on site on Sundays/Bank Holidays.

REASON: To protect the amenity of the locality, especially for people living and/or working and in order to comply with Class B, Part 11, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

- 5.5 The demolition shall be carried out in strict accordance with the submitted Arboricultural Impact Assessment, including tree protection measures, as prepared by Bowland Tree Consultancy Ltd, dated November 2023. Specified tree protection measures shall be adhered to throughout the period of the demolition.

REASON: Trees represent a public benefit by way of visual amenity and should therefore be protected at all times, in order to comply with Class B, Part 11, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

## 6.0 PLANNING HISTORY

6.1. The following is a list of previous planning applications associated with this site;

- 10/00/0640 – Conversion of flat roof to a 15 degree pitch with profile steel sheet. Approved, 23/11/2000.
- 10/07/0492 – Replacement of boundary fencing. Approved, 28/07/2007.
- 10/08/0037 – Erection of play equipment. Approved, 14/02/2008.
- 10/08/0174 – Childrens steel embankment side. Approved, 23/04/2008.

## 7.0 CONSULTATIONS

### 7.1 Public consultation

This was carried out by display of a site notice by the applicant which has been posted for a period of 21 days; in accordance with the requirements of the Schedule 2, Part 11 of the (General permitted Development) Order 2015. No representations have been received.

### 7.2 BwD Highways

The details received have been reviewed, and a site investigation has been carried out.

The proposal is requesting Prior Notification - Demolition of single storey building with access to basement.

The information received is representative of the works being applied for. However, the plan does not annotate how the internal site would be arranged and managed for wheel wash, parking of operatives etc, this should be received for assessment and approval.

Notwithstanding the above:

- The location of the wheel wash is unknown, please provide further details. The wheel wash would need to be supported by a point where the dirty water is collected and removed from site, to ensure water does not flow onto the highway.
- We would not support any operative parking on Crosby Road, especially as this would hinder movement on what is already a restricted highway in width. Please highlight how the parking will be managed off street.



- Reference is made within the D & A Statement of some of the grass verge being used during demolition, and this would be reinstated back on completion. It is not clear, which verge they are referring to, please clarify.
- Any temporary stopping up of highway required will need to be applied for in advance of any works starting on site, please contact the Highway Authority

To conclude, subject to the above being addressed satisfactory, we would offer no objections to the application.

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

Please attach standards conditions/Informatives: Highways, 7, 10, 11, 13, 15, and 17.

### 7.3 Public Protection

No objection on environmental health grounds.

### 7.4 BwD Drainage

No objections to the proposal.

### 7.5 Tree Officer

#### **Assessment:**

The submitted Arboricultural Impact Assessment (AIA) identifies the removal of four trees and a small group of Aspen stems. These are lower value trees. Two moderate value trees identified as T10 and T11.

Source, Table 1 Cascade chart for tree quality assessment BS 5837:2012  
Trees in relation to design, Demolition and construction – Recommendations.

The removal of these trees will facilitate demolition.

The majority of the trees on the site are to be retained and are shown to be protected in the AIA.

#### **Conclusions:**

The impact on tree cover as part of the demolition will not lead to any notable loss of amenity.

## **Recommendations**

A condition to protect the trees identified in the AIA, with any approval of the application would be appropriate.

**8.0 CONTACT OFFICER: Jamie Edwards, Planning Officer**

**9.0 DATE PREPARED: 4<sup>th</sup> January 2024**

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

Document is Restricted