

Public Document Pack

Planning and Highways Committee

Thursday, 18th April, 2024

6.30 pm

Council Chambers, Blackburn Town Hall

AGENDA

1. **Welcome and Apologies**
2. **Minutes of the Previous Meeting**
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3. **Declaration of Interest**
Material Consideration 7 - 8
- Material Consideration** 9 - 10
4. **Planning Applications for Determination**
Agenda 11 - 12
- 4.1 **Planning Application 23/0595**
Land at Ash Street, Blackburn 13 - 50
- 4.2 **Planning Application 23/1096**
Roe Lee Park Primary School, Emerald Avenue, Blackburn 51 - 61
- 4.3 **Planning Application 24/0069**
Newlands, 61 Manor Road, Darwen 62 - 71
- 4.4 **Planning Application 24/0219**
Land at Cathedral Square, Blackburn 72 - 87
- 4.5 **Planning Application 24/0232**
The Grand Venue, Unit 2 Harrison Street Trade Parks, Blackburn 88 - 100
- 4.6 **Planning Application 24/0259 & 24/0261**

Imperial Mill, Gorse Street, Blackburn

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5. Proposed Stopping Up of part Blakey Moor o/s 11-19 to facilitate disabled access ramp provision to new building

The purpose of the report is to seek committee approval to progress an Order for the Stopping Up of a small section of highway at Blakey Moor, Blackburn which is required to facilitate disabled access ramp provision to a new building. 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.

**Report
Proposed Street Closure - 11to19 Blakey Moor.pdf**

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6. Traffic Regulation Order (TRO)

To advise the Planning and Highway Committee of the receipt of one letter of objection to the proposed Traffic Regulation Order (TRO) to support new Electric Vehicle parking bays.

**Report
Appendix 1 - Executive Member Decision for Growth and Development**

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PART 2 - THE PRESS AND PUBLIC MAY BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEMS

7. Enforcement

ENFORCEMENT – 7 Ingleby Close, Blackburn, BB1 2BG

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

PLANNING AND HIGHWAYS COMMITTEE

Thursday, 21 March 2024

PRESENT – Councillors, Councillor David Smith (Chair), Casey, Slater Jacq, Marrow, Baldwin, Imtiaz, Mahmood, McCaughran, Jackson, Patel S, Khonat and Taylor.

OFFICERS – Gavin Prescott, Saf Alam, Michael Green and Phil Llewellyn.

RESOLUTIONS

74 Welcome and Apologies

The Chair welcomed everyone to the meeting.

Apologies were received from Councillor Zamir Khan and Councillor Jim Shorrock was substituted by Councillor Brian Taylor.

75 Minutes of the Previous Meeting

RESOLVED - The Minutes of the Meeting held on 15th February 2024 were agreed as a correct record.

76 Declaration of Interest

Councillor Brian Taylor declared an interest in Agenda Item 4.2 – Falcon Avenue, Darwen (had previously commented on the Planning Application – Nature of Interest – Pre-judgement).

77 Planning Applications for Determination

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

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

77.1 Planning Application 10-23-0769

Applicant – Vali Investment Ltd.

Location and Proposed Development- Land at the junction of Harrison Street / Sumner Street Blackburn.

Full Planning Application for change of use of former builders’ yard to a car park to serve the Grand Venue, including land level alterations (part retrospective). Site Address: Land at the junction of Harrison Street / Sumner Street Blackburn.

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Directors report and the amended wording of the following conditions in the Update report:

Prior to commencement of any further works hereby approved, details of ground levels, earthworks and excavations to be carried out in proximity to the railway shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in strict accordance with the approved detail.

REASON: In the interests of protecting the railway and its users from construction activities, in accordance with Policy DM02 of the Blackburn with Darwen Borough Local Plan 2021 - 2037.

77.2 **Planning Application 10-23-1161**

Speaker – James Berggren (Agent)

Applicant – Thistlewood Properties Ltd.

Location and Proposed Development - Former Hollins Grove Liberal Club Falcon Avenue Darwen BB3 1QX.

Variation of Condition No.2 "approved drawings" pursuant to planning application 10/21/0148 "Erection of Use Class E Convenience Store with Staff/Storage at First Floor and 16 Customer Parking Spaces and Delivery Area" - revisions to the boundary treatment from low brick wall to the western boundary to a 0.75m high timber knee rail fence; a new 1m high wall (white render with coping stones on top) to replace the former red brick wall along small section of Falcon Avenue boundary frontage (drawing reference: 0175(P)103 rev C (retrospective)).

Decision under Town and Country Planning Acts and Regulations –

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

77.3 **Planning Application 10-23-1165 & 10-23-1166**

Speaker- Les Cade on behalf of Jemma Schofield (Objector).

Applicant – Mr S Desai

Location and Proposed Development - 432 Preston Old Road, Blackburn, BB2 5LP.

(1) Advertisement Consent (10/23/1165): Installation of new illuminated fascia sign and retention of illuminated hanging barber pole sign (part-retrospective)
(2) Section 73 (10/23/1166): Variation of Conditions 2 "approved drawings", and 7 "restrict use within Use Class E(a)" and removal of Conditions 1 "implementation period", 4 "security shutter details" and 6 "construction working hours" pursuant to planning application 10/22/0259, involving the "Change of use from a residential dwelling to a retail shop at ground and basement floor level with a first floor level apartment and installation of a

shopfront and security shutter " – to allow for the retention of the barbers (Use Class E[c]) and alterations to shop frontage design (retrospective).

Decision under Town and Country Planning Acts and Regulations -

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

77.4 Planning Application 10-24-0045

Applicant: Mr A Panchal.

Location and Proposed Development – Longworth Bank Farm Blackburn Road Edgworth Bolton BL7 0QF.

Full Planning Application for Proposed single storey rear and side extension including double storey extension to front.

Decision under Town and Country Planning Acts and Regulations –

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

77.5 Planning Application 10-24-0110

Speaker – Mrs Aisha Hussain (Agent).

Applicant – Mr Amar Abbas.

Location and Proposed Development - Unity House First Floor 49-51 Preston New Road Blackburn BB2 6AE Applicant:

Minor Material Amendment: Removal of Condition No. 6 "temporary time restriction" and Variation of Condition No. 7 "opening hours" pursuant to planning application 10/21/1312 " Change of use of first floor from E(G)(i) Offices to F1(a) Educational Class Rooms (retrospective)" to remove temporary permission limitation and allow permanent opening hours of 09:00 - 21:00.

Decision under Town and Country Planning Acts and Regulations –

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

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed

Material Consideration

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

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

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

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

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

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

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

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

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

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

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

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

Reasons for Decision

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

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

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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: 18/04/2024

Application No	Applicant	Site Address	Ward
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10/23/0595	KMWS Kokni Muslim Welfare Society Mr Mohamed Bandarkar Masjid-Al-Momineen Ash St Blackburn BB1 6LX	Land at Ash St Blackburn BB1 6LX	Bastwell & Daisyfield
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Full Planning Application for Erection of new community and funeral centre comprising community hall, mortuary, and ancillary facilities (Use Class F2, (b))

RECOMMENDATION: Permits

10/23/1096	Blackburn With Darwen Borough Council Mrs Rebecca Nicholson One Cathedral Square Blackburn BB1 1FB	Roe Lee Park Primary School Emerald Avenue Blackburn BB1 9RP	Roe Lee
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Full Planning Application (Regulation 3) for Replacement of existing 1m high wrought iron fence with a 1.8m mesh panel fencing including 1 No. singular pedestrian gate and 1 No double pedestrian gate

RECOMMENDATION: Permits

10/24/0069	Mr Sergio Arnone Newlands 61 Manor Road Darwen BB3 2SN	Newlands 61 Manor Road Darwen BB3 2SN	Darwen West
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Full Planning Application (Retrospective) for Change of use of land to residential garden (C3) (retrospective)

RECOMMENDATION: Permits

Application No	Applicant	Site Address	Ward
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Application Type

10/24/0219

Blackburn with Darwen Council
10 Duke Street
Blackburn
BB2 1DM

Land at Cathedral Square
Blackburn
BB1 1FB

Blackburn Central

Full Planning Application (Regulation 3) for Relocation of free standing bronze statue of Barbara Castle from Jubilee Square to the land on Cathedral Square

RECOMMENDATION: Permits

10/24/0232

Mr Sajid Patel
2 Cambay Villas
Billinge End Road
Blackburn
BB2 6PT

The Grand Venue
Unit 2 Harrison Street Trade Parks
Harrison Street
Blackburn
BB2 2JE

Blackburn Central

Variation/Removal of Condition/Minor Material Amendment for Removal of condition 2 "temporary permission" pursuant to planning application 10/21/1320 to allow permanent opening between the hours of 11:00 to 23:00 (retrospective)

RECOMMENDATION: Permits

10/24/0259

Blackburn with Darwen Borough Council
King William Street
Town Hall
Blackburn
BB1 7DY

Imperial Mill
Gorse Street
Blackburn
BB1 3EU

Little Harwood & Whitebirk

Full Planning Application (Regulation 3) for Works to Imperial Mill to solely consist of the demolition of the boiler house, engine room extension, masonry annex and steel structure

RECOMMENDATION: Permits

10/24/0261

Blackburn with Darwen Borough Council
King William Street
Town Hall
Blackburn
BB1 7DY

Imperial Mill
Gorse Street
Blackburn
BB1 3EU

Little Harwood & Whitebirk

Listed Building Application (Regulation 3) for Works to Imperial Mill to solely consist of the demolition of the boiler house, engine room extension, masonry annex and steel structure

RECOMMENDATION: Consent

Proposed development: Full Planning Application for Erection of new community and funeral centre comprising community hall, mortuary, and ancillary facilities (Use Class F2, (b))

**Site Address:
Land at Ash St
Blackburn
BB1 6LX**

Applicant: KMWS Kokni Muslim Welfare Society

Ward: Bastwell & Daisyfield

**Councillor Parvaiz Akhtar,
Councillor Iftakhar Hussain,
Councillor Shaukat Hussain.**



1.0 SUMMARY OF RECOMMENDATION

- 1.1 **APPROVE** – The proposed development is recommended to be granted planning permission, subject to the conditions detailed in Section 5 of this report.

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 given the named applicant of the application (declared on the submitted application form) is an employee of Blackburn with Darwen Borough Council.
- 2.2 The proposal is in the form a full planning application for a minor development to provide a new community and funeral centre (Use Class F.2, b)). The proposed building will be used in association and ownership with Masjid-al-Momineen Mosque, which is located immediately adjacent to the south of the proposal site. The proposed development will also include car parking, hard and soft landscaping to the external areas.
- 2.3 The proposal, in redeveloping a redundant brownfield site for the purpose of a community use, represents a viable and sustainable form of development. It will deliver a number of social, economic and environmental benefits which aligns with a number of relevant Policies set out in the Blackburn with Darwen Borough Council Local Plan 2021-2037 and National Planning Policy Framework.
- 2.4 In summary, assessment of the application finds that the proposal is acceptable, with all material planning considerations and issues having been addressed throughout section 4 of this report. A number of planning conditions are recommended to control the development and allow adequate mitigation of any concerns established.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site relates to a parcel of vacant, previously developed land accessed from Ash Street to the south and bounded by Plane Street to the north and Beech Street to the east. It formerly comprised of terraced housing which were demolished in the 1980s. To the west is vacant land within the same ownership. Ownership also includes the Place of Worship to the immediate south, also accessed from Ash Street.
- 3.1.2 Land levels on the site are relatively consistent, albeit there is a gradual slope towards the southern boundary which drops down to Ash Street. It currently comprises of partly grassed areas and hard surfaced which appears to have

been used temporarily as an overflow car park to support the adjacent Mosque use.

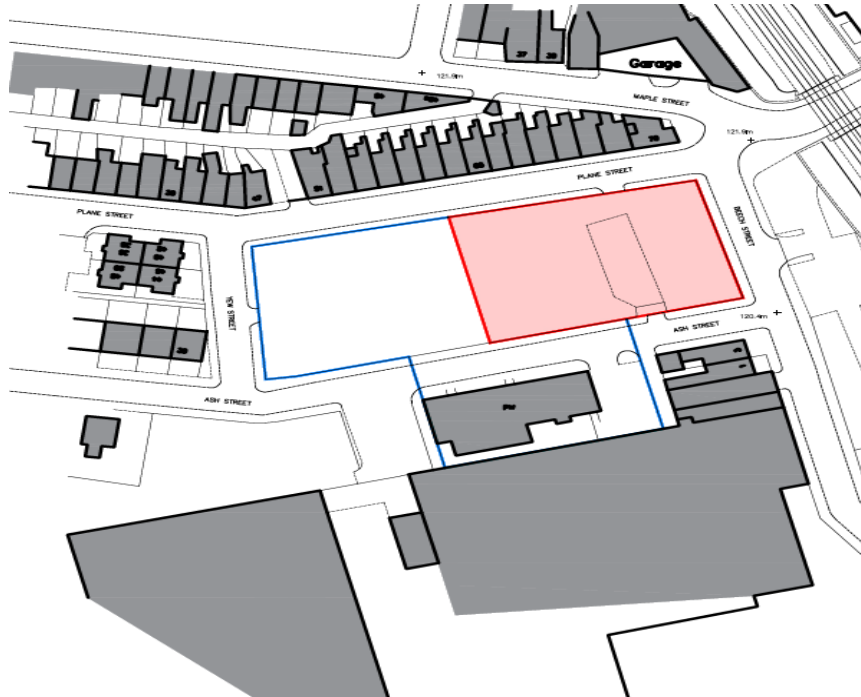


Figure 1: Location Plan showing extent of the site

3.1.3 The site is not allocated for any specific purpose, in accordance with the Adopted Policies Map of the Local Plan. The surrounding area is predominately residential in nature, with several commercial uses intervening. Bastwell District Centre is positioned a short distance away to the west. There is a relatively large car park situated to the east of the site which serves Little Harwood Health Centre, and just beyond this is the railway line.



Figure 2: Google aerial view of the application site

3.2 Proposed Development

3.2.1 Full planning permission is sought for the for the erection of a new community and funeral centre building (Use Class F2, (b)) comprising of a large hall area, a mortuary and ancillary facilities (i.e. reception, w/c's) together with associated off-street parking and soft landscaping.



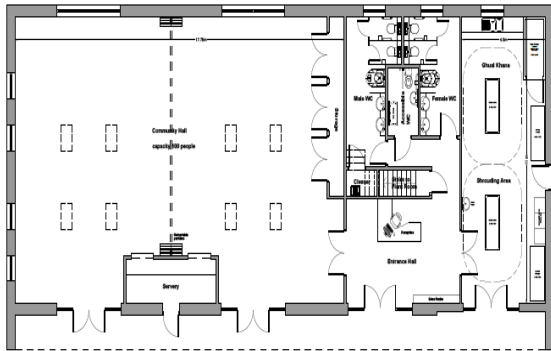
Figure 3: Proposed Site Layout

3.2.2 The submitted Design and Access Statement states ‘the intention is to create a facility that is purpose built with a dedicated Ghusl Khana, for washing and shrouding the body, in accordance with Islamic funeral practices. The building is to provide facilities for the immediate family of the deceased for the 3 days prior to burial’. It also sets out that the community hall would support around 100 people and is to be used in association with the funeral facilities and other community uses / events. It is recognised that the proposal building would not be used for the purposes of weddings, funerals (except funeral prayers) or other similar functions.

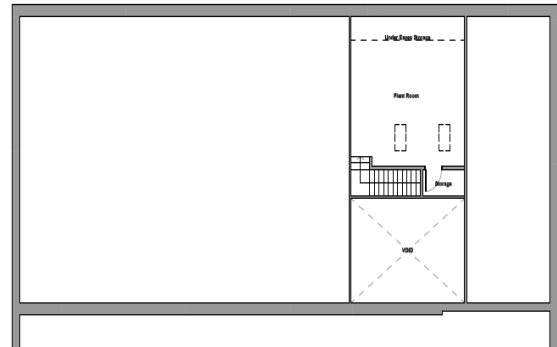
3.2.3 The proposed building is positioned towards the eastern boundary and will be in a rectangular form measuring approximately by 13.2m in width by 29.5m in length resulting in overall external floor space of 389.4sqm. It will be single storey with a small plant room / storage area in the roof space and comprises of a dual pitched roof with a ridge height at 7.45m.

3.2.4 External materials to be used in the construction of the building will be brickwork and composite panels to the walls and a profiled metal composite

panelled roofing. A solar roof array is also proposed to a section on the western slope.



GROUND FLOOR PLAN

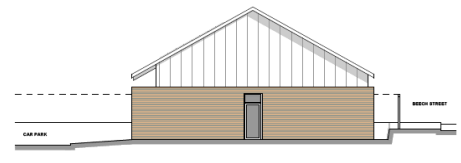


FIRST FLOOR PLAN

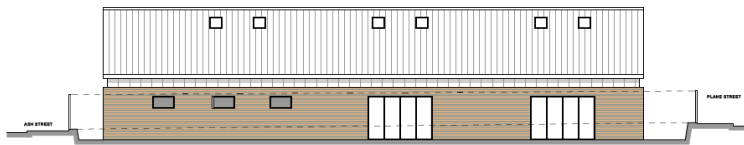
Figure 4: Proposed Floor Plans



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION

Figure 5: Proposed Elevations

3.3.5 The following CGI image of the proposal is taken from the perspective of Plan Street looking in south-eastern direction.



Figure 6: Proposed CGI Image

3.3 Case Officer Photos



3.4 Development Plan

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

3.4.2 The 'Development Plan' comprises the Blackburn with Darwen Borough Council Local Plan 2021 – 2037 which was adopted on 25th January 2024. The following policies are considered most relevant in assessment of the proposed development:

3.4.3 Blackburn with Darwen Borough Local Plan 2021 – 2037

- Policy CP1: A Balanced Growth Strategy
- Policy CP2: The Spatial Approach
- Policy CP5: Climate Change
- Policy CP6: The Natural Environment
- Policy CP8: Securing High Quality and Inclusive Design

- Policy CP9: Transport and Accessibility
- Policy CP12: Infrastructure and Delivery
- Policy DM02: Protecting Living and Working Environments
- Policy DM12: Clean and Green Energy
- Policy DM13: Flooding/SuDS
- Policy DM14: Environmental Opportunity Areas
- Policy DM15: Protection and Enhancement of Wildlife Habitats
- Policy DM16: Green and Blue Infrastructure
- Policy DM17: Trees and Woodland
- Policy DM22: The Borough's Landscapes
- Policy DM27: Design in New Developments
- Policy DM29: Transport and Accessibility

3.5 Other Material Planning Considerations

3.5.1 National Planning Policy Framework (The Framework) (December 2023)

3.5.2 Residential Design Guide Supplementary Planning Document

3.5.3 BwD Parking Standards

3.5.4 Green Infrastructure & Ecological Networks SPD (2015)

4.0 ASSESSMENT

4.0.1 In assessing this full application there are a wide range of important material considerations that need to be taken into account, which include the following:

- Principle of the Development
- Amenity
- Design / Visual Amenity
- Highways / Accessibility and Transportation
- Flood Risk and Drainage
- Ecology and Biodiversity Net Gains
- Environment
- Contamination and Coal Mining
- Climate Change and Air Quality

4.1 Principle of the Development

4.1.1 As already detailed, the site is not allocated for any specific land use purpose and is located within the Blackburn urban boundary, which is the preferred local for new development, as defined by Policy CP2.

4.1.2 Policy CP1 confirms that the Council will pursue a 'Balanced Growth' strategy over the plan period, with an aspiration to help ensure a better quality of life

for everyone, including both now and for future generations. The proposal is consistent with these policy requirements, in achieving social, environmental and economic net gains through new development within the urban boundary.

4.1.3 At paragraph 97 of the NPPF it states:

To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

4.1.4 This is reiterated at Policy CS12 of the Local Plan which requires development to contribute to the provision of new infrastructure that includes community facilities at point 2, vi. The proposal will deliver a community and funeral centre on the site in an accessible location. The provision of such space where families and friends can pay their respects to those deceased is considered be a welcome addition to the local area, for which it is pointed out that this activity has commonly taken in place in people's homes. The proposal is therefore in accordance with P.97 of the NPPF and Policy CS12.

4.1.5 Finally, The Framework, at section 11, explains that decisions should promote an effective use of land, including meeting the need for uses other than housing, and that they should give substantial weight to the value of using suitable brownfield land within settlements for identified need. As such, the redevelopment of this previously developed site to provide a needed community facility also weighs heavily in favour of the proposal.

4.1.6 The principle of the development is therefore acceptable, in accordance with the presumption in favour of sustainable development detailed in the NPPF, as well as compliance with above-mentioned policies of the Development Plan and The Framework.

4.2 Amenity

4.2.1 Policy DM02 of the Local Plan requires successful proposals to make a positive contribution to the area. It also supports development that secures a satisfactory level of amenity and safety for surrounding uses and for existing and future occupants or users of the development itself, with reference to issues including: noise, loss of light, privacy/overlooking and the relationship between buildings.

4.2.2 Firstly, in respect to impacts upon the neighbouring buildings, the northerly side elevation of proposed building would directly face No. 79 Plane Street, at

a distance of circa 13.3m. No. 79 appears to be a shop at ground floor, albeit is currently vacant with ancillary living accommodation. As the proposed building is single storey, despite its overall height of 7.4m, the proposal would be a very minor shortfall when applied against the Council's minimum separation standard of 13.5m between habitable room windows and non-habitable room windows / blank elevations, as set out in the Residential Design Guide SPD. On that basis, the proposed building is not considered to result in an overbearing form of development that would cause unduly harmful impacts in terms of loss of light and outlook to the ground floor habitable room windows at No.77 and 79 Plane Street. A satisfactory relationship is also maintained between the proposed development and nearest property to the south, No.3 Beech Street which also appears to have been previously used for commercial functions but now lies empty.

4.2.3 With regards to privacy impacts, there are several floor-to-ceiling windows which serve the community hall area in the side (northern) elevation facing towards the terraced properties on Plane Street. Given the slight land level drop on-site together with the proposed boundary treatment along the perimeter of Plane Street views towards the ground floor windows from the proposed building and vice versa will largely be screened. Whilst acknowledged, opportunities will exist to upper floor windows no detrimental impacts will arise by virtue of the notable floor level difference which will restrict any direct views into the affected rooms.

4.2.4 A noise report accompanies the application which assess impacts upon residential amenity arising from late evening and night-time use. The report concludes that no adverse impacts will be experienced to the nearby noise sensitive properties. A review of the proposals and supporting noise assessment has been undertaken by BwD Public Protection (PP), in which no objections are offered subject to the control of various aspects during the construction phase and when the development is brought into use. The recommendations that will be secured by appropriately worded conditions to safeguard residential amenity are as follows:

- Construction method statement
- Scheme for pile driving, vibro works, if necessary
- Hours of site work
- Hours of use for premises (8am-10pm, Monday to Sunday)
- Outdoor floodlighting scheme and lux restriction

4.2.5 In addition, PP have also stated that no cooking of food at the premises should occur to prevent any affects upon the living conditions of nearby residential occupiers in terms of odour. A condition is to be attached to therefore restrict such cooking activities.

4.2.6 Subject to compliance with those listed conditions, the proposed development will not be harmful upon amenity, in accordance with the requirements of Policy DM02 supplemented by the Design Guide SPD.

4.3 Design / Visual Amenity

4.3.1 Policy CP8 requires new development to be of a high standard of design, and to respect and reinforce local character. Policy DM27 reflects a similar position relating to design demonstrating an understanding of a number of characteristics, including but not limited to context, identity, built form and nature.

4.3.2 Firstly, owing to the positioning of the site and proposed building it ensures a consistent build line is maintained when read in context with the existing built-up environment on Beech Street and Plane Street. The buildings scale i.e. footprint is considered to be relatively modest in relation to the plot size. The surrounding area comprises of buildings at various heights but most predominately of a two-storey nature. The proposal building, although single storey would not disrupt the character of the streetscape and it is noted part of the adjacent mosque building features a similar building height, albeit at a lower land level.

4.3.3 The design and appearance of the proposed building appropriately includes architectural influences that demonstrate an understanding of the wider context, specifically a gable profile roof and proportionate fenestration. In addition, the predominant use of brickwork to the external walls also ensures the proposed development integrates well in this setting. Composite panels to other sections of the wall will be merely a feature and will help to achieve a modern outlook. The composite metal roofing in this context is also deemed to be acceptable.

4.3.4 A dense soft landscaping area is to be introduced on-site which would provide visual improvements. This is discussed in more detail at section 4.7 of this report. As such, the proposed development would be an enhancement to the sites overall appearance whilst making use of a previously developed and underutilised parcel of land. A further condition is recommended to agree the scope and design of any required boundary treatments.

4.3.5 Subject to compliance with those conditions, the proposed development would be acceptable with reference to design and visual amenity, in accordance with the relevant requirements of Policies CP8 and DM27.

4.4 Highways / Accessibility and Transportation

4.4.1 Policy CP9 states new development will be located in the most sustainable locations to minimise the need to travel by car and is easily accessed by non-

car means including public transport, walking and cycling. Likewise, Policy DM29 addresses transport and accessibility issues and advises that development will be supported providing a number of criteria, including safe access, appropriate parking provision and accessibility by public transport are met.

4.4.2 A Transport Statement (TS) has been submitted with the application, which has been reviewed by the Council's Highways Officer.

4.4.3 **Parking:** The proposal is applied against the Council's adopted parking standards for a D1 Use (Public Halls / Places of Worship) which equates to 1 car space per 10sqm of floor area. The parking requirement is limited to the community hall space and is not considered to apply to the other ancillary facilities in the proposed building. This would equate to a need of 20 spaces based on a floor area of circa 196sqm. The proposed parking layout provides 33 spaces (including 2 disabled spaces and 4 designated to Ev charging points). It is acknowledged the parking provision significantly exceeds the needs of the proposed use. However, it has been confirmed within the TS that the adjacent mosque building suffers from a lack of parking. Therefore, the proposal site currently accommodates any users of the mosque to park their vehicles on the land notably at the busiest times i.e. Friday afternoon prayers. On that basis, any overflow from the mosque would benefit in making use of this extra parking provision, and therefore prevents vehicles being displaced on-street. A condition is to be attached to ensure the off-street parking is brought into use prior to first occupation of the proposed building. The parking layout received also accords with the Council's standard bay requirement and conforms to the required 6m manoeuvrability into and out of the bays.

4.4.4 There is an area marked for 'hearse parking' in front of the proposal building which has been revised slightly and is discussed in more detail at paragraph 4.4.6. Furthermore, two Sheffield hoops adjacent to the disabled parking bays to the north of the site will provide opportunities for people to cycle to the site, thus promoting sustainable modes of transport.

4.4.5 **Access:** Vehicular access / egress to and from the site will be from Ash Street via Beech Street. There is an existing access along the southern boundary of the site which is to be used for vehicle entrance and exit to the proposed facility, albeit the proposal seeks to widen it slightly to create a 4.5m opening. The Highways Officer raises no objections to this change. Amendments have been secured to ensure better pedestrian access to the proposed building. The original proposals sought steps to the south-western corner of the site which were deemed to be not accessible or convenient. As a consequence, this would have resulted in certain instances those reaching the site by foot to enter through the vehicular access in-turn posing highway safety concerns. As such, amendments have been secured to ensure better pedestrian access to the proposed building by virtue of a gated opening from the footway.

- 4.4.6 **Servicing:** As highlighted in the Highways response 'refuse collection' for the proposed development would be directly from Ash Street. General servicing requirements associated with the application scheme are anticipated to be modest in scale, being characterised by generally limited frequency, short stay 'service events'. Concerns were identified in relation to the hearse parking in terms of partially blocking the site access to other vehicles. For this reason, the parking bay for the hearse has been re-orientated so that it is parallel to the access road so there is not a risk of blocking the entrance. This also allows the hearse to turn in the hammerhead created by the 6m wide aisle of the car park layout and is therefore deemed to be acceptable.
- 4.4.7 **Traffic Impact:** It is not envisaged that the proposed use will result in any significant detrimental impact to the surrounding highway network, specifically at morning and evening weekday peaks which are of the most concern when traffic movements are intensive.
- 4.4.8 The Highways consultee has requested a financial contribution of £15,000 towards the creation of formalised uncontrolled crossing points with dropped kerbs and tactile paving at the junctions of Maple Street / Plane Tree Street / Beech Street and Whalley Old Road / Beechwood Road (double mini roundabout). The reasons for this were due to the road safety to nearby streets with notable accidents occurring. Currently there is a lack of formal crossing points at junctions in the vicinity of the application site and the proposal is likely to bring about an increase in pedestrian activity.
- 4.4.9 In response to the S106 obligation, the applicant has submitted a letter detailing the implications the contribution would have upon the viability of the scheme. A brief extract taken from this letter is as follows:

As a community-focused initiative, our financial resources are primarily derived from donations and voluntary contributions. The nature of our project is not commercial; our primary aim is to serve the community. Our current strategy involves phased construction based on available funding, and such a large contribution would critically delay, if not entirely halt, our progress.

- 4.4.10 The Framework at paragraph 57 refers to the below:

Planning obligations must only be sought where they meet all of the following tests:

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*

(c) fairly and reasonably related in scale and kind to the development.

4.4.11 The Local Planning Authority, in this case do not agree that there are sufficient grounds to refuse the application upon highways safety impacts due to the lack of a financial contribution. The Local Plan clearly states that the Council is committed to ensuring that an appropriate balance is struck between securing necessary infrastructure investment from new development, and maintaining the financial viability of high-quality development that will lead to growth. As such, the requirement for the S106 contribution is to be removed on this application.

4.4.12 Despite the above, it has been agreed with the developer a reasonable approach to satisfy the Highways Officer's concerns would be for a scheme to be submitted for off-site highways improvement works. This will include the delivery of formalised pedestrian crossings nearby through a Section 278 agreement, thus complying with point 3, ii. of Policy CP12. Such approach is considered to be less financially burdensome than the initial S106 request of £15k and will be secured by condition.

4.4.13 Accordingly, the proposed parking / manoeuvring, access, servicing arrangements and traffic impact are all considered to be acceptable. Subject to the imposition of the above condition for off-site highways improvement works to enhance pedestrian safety, the proposal would accord with the requirements of Policies CP9 and DM29 of the Local Plan.

4.5 Flood Risk and Drainage

4.5.1 Policy DM13 requires incorporation of appropriate drainage measures, in order to demonstrate that it will not be at an unacceptable risk of flooding.

4.5.2 As identified on the Environment Agency's Flood Mapping, the application site is within flood zone 1, and therefore has a low probability of flooding from rivers. The Council's drainage consultee, as Lead Local Flood Authority offers no objection to the proposal, subject to application of a condition to secure agreement of a sustainable (SUDS) foul and surface water drainage scheme. Such a condition was also recommended by United Utilities.

4.5.3 Subject to the above-mentioned condition, the proposed development will not result increase the risk of flooding, thus complying with Policy DM13.

4.6 Ecology and Biodiversity Net Gains (BNG)

4.6.1 Policy DM15: Protection and Enhancement of Wildlife Habitats, states development likely to damage or destroy habitats or harm species of international or national importance will not be permitted.

- 4.6.2 The site is currently urban scrubland and it has a low baseline ecological value. The main habitat present on the site comprised low quality, species poor, modified grassland which had very low floristic diversity and previously developed land. An ecology appraisal has been submitted with the application that has been reviewed by Greater Manchester Ecology Unit (GMEU), the Council's ecological consultants. A further Ecology report was submitted during the application process which confirmed that the site has no significant value for birds or roosting opportunities for bats. No evidence of any invasive alien species was found on the development land.
- 4.6.3 Policy CP6 requires new development to conserve and enhance biodiversity, geodiversity and landscape features ensuring that recognised priority species and habitats are protected, enhanced and supported. The policy further seeks to provide a measurable biodiversity net gain (BNG) of no less than 10%, which must be evidenced through the recognised metric and preferably delivered on-site.
- 4.6.4 It should be noted national BNG requirements for non-major planning applications did not come into force until 2nd April 2024, subsequently several months after the received date of the application. Notwithstanding this, the ecological appraisal undertook the small sites metric which considered that the proposal would result in an overall net loss of biodiversity. On that basis, a BNG assessment using the Statutory Metric 4.0 calculation tool has been undertaken, as recommended by GMEU. The submitted BNG report confirms the following:
- 'None of the grassland on site is to be retained and the proposed development habitats created on site will comprise developed land; sealed surface small areas of vegetated garden along with the planting of 10 trees; this will deliver approximately 0.52 units and the scheme, as currently planned, will result in the gain of 0.16 habitat units which equates to a 43.8% positive change.'*
- 4.6.5 As detailed above, the proposal following planting and landscaping will result in a 43% uplift, which significantly exceeds the 10% requirement. A condition is to be imposed to ensure the submission of a Biodiversity Gain Plan (BGP) to provide a range of biodiversity protection and enhancement measures which is founded on the results of the Statutory Biodiversity Metric.
- 4.6.6 Accordingly, the ecological and biodiversity impact of the development is deemed to be acceptable, thus complying with the requirements of Policies CP6 and DM15, as well as The Framework.

4.7 Environment

- 4.7.1 Policy DM17 requires development to include appropriate landscaping / tree planting; incorporation of existing trees and hedgerows (where practicable); compensatory planting (where applicable). Likewise, Policy DM16 requires new development to make a positive contribution to Blackburn with Darwen's Green and Blue infrastructure, through enhancement of landscape features and spaces, amongst others.
- 4.7.2 As detailed above, the site comprises of largely grassland and does not hold any trees or hedgerows. A significant proportion of the site following the development will be replaced with hardstanding by virtue of the buildings footprint, surrounding walkways, vehicular access and parking areas.
- 4.7.3 However, as demonstrated on the proposed site layout an indicative soft landscaped area is proposed to the western boundary which includes the planting of a number of trees. This is considered to improve the aesthetics of the site itself and streetscape whilst providing ecological value. In addition, away from this designated landscaped area, two trees and planters are to be introduced adjacent the front elevation of the building, thus helping to soften the visual impact of the hard surfaced areas. Full landscaping details will be secured via condition.
- 4.7.4 Taking the above into account, the proposal is considered to have a positive environmental impact, in accordance with Policies DM16 and DM17.

4.8 Contamination and Coal Mining

- 4.8.1 Further requirements within Policy DM02 aim to ensure development proposals on previously developed land, other potentially contaminated or unstable land, a land remediation scheme can be secured which will ensure that the land is remediated to a standard that provides a safe environment for occupants and users and does not displace contamination. Any development identified as being located in Coal Authority High Risk Areas will be expected to submit a Coal Mining Risk Assessment.
- 4.8.2 As a previously developed site, a Phase 1 Desk Study has been submitted with the application to examine land contamination. The Council's Contaminated Land Officer has reviewed the contents of the report and has advised a Phase 2 site investigation to be completed, in line with the recommendations set out in the aforementioned report. If ground gas or potential contamination is identified the developer will also be required to develop a remediation strategy.
- 4.8.3 The site is recorded within a Coal Authority development high risk area. The Coal Authority (TCA) previously objected to the application due to the

absence of a Coal Mining Risk Assessment. Subsequently, a geological and mining risk assessment has been undertaken and submitted during the application process. Following a review of this submission TCA are satisfied and have withdrawn their objection. Notwithstanding this, TCA have recommended two informative notes to be added to advise of the process should any intrusive activities disturb coal seams, mine workings or mine entries, as well as the other to take caution in shallow coal seam areas when carrying out site burning or heat focused activities.

- 4.8.4 Subject to compliance with those condition and informative notes, the proposed development would be acceptable in relation to contamination and coal mining, in accordance with Policy DM02.

4.9 Climate Change and Air Quality

- 4.9.1 Policies CP5 and DM12 require development to contribute to both mitigating and adapting to climate change, and to meeting targets to reduce carbon dioxide emissions. Developments that can demonstrate they have considered climate mitigation and adaptation in the design of their proposed scheme will be afforded positive weight in the determination of the planning application.

- 4.9.2 The scheme includes the introduction of rooftop solar panels which will provide a renewable energy source to serve the building. Such arrangements are considered to help mitigate climate change and reduce air quality impacts, and therefore weighs in favour of the proposal.

- 4.9.3 A condition was recommended by BwD Public Protection for a scheme to be submitted for the provision of electric vehicle (EV) charging infrastructure. However, application of this condition is not deemed necessary as this is covered separately by Buildings Regulations legislation, and therefore is no need to duplicate the function of other regulatory bodies or controls. It should also be noted the proposed site layout already makes reference to four of the parking bays being designated for EV's.

- 4.9.4 The proposed development would be acceptable in relation to climate change and air quality, in accordance with Policies CP5 and DM12.

4.10 Summary

- 4.10.1 This report assesses the full planning application for the erection of a community and funeral centre comprising a hall, mortuary and ancillary facilities together with associated car parking and landscaping. In considering the proposal, a wide range of material considerations have been taken into account.

4.10.2 In taking account of these material considerations, the assessment demonstrates that planning permission should be granted when balancing the merits of the proposal against any potential harm that may arise from its implementation. This report concludes the proposal meets the policy requirements of the Blackburn with Darwen Local Plan and National Planning Policy Framework. A number of appropriately worded conditions referenced throughout the main body of the report are to be added to secure further details and technical information to make the development satisfactory.

5.0 RECOMMENDATION

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

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

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

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

Drawing No.2329-001, Rev B – Location Plan;
Drawing No. 2329-015, Rev D – As Proposed Site Plan; and
Drawing No. 2329-020, Rev A – Proposed Plans and Elevations

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

3. Prior to commencement of any above ground works hereby approved, and notwithstanding the submitted details, representative written and illustrative details, including colours and textures, of all external walling, roofing, window and door materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details.

REASON: To ensure that the external appearance of the development is satisfactory, in accordance with Policies CP8 and DM27 of the Blackburn with Darwen Borough Local Plan 2021-2037.

4. Prior to commencement of the 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. The scheme shall include:

- (i) separate systems for the disposal of foul and surface water;

- (ii) details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, including provisions to ensure that the post-development discharge rate does not exceed the pre-development rate (incorporating a climate change allowance of 40%);
- (iii) details of any necessary flow attenuation measures, including the use of SUDS where appropriate, unless unachievable for technical reasons;
- (iv) details of how the scheme will be maintained and managed after completion; and
- (v) a timetable for implementation, including details of any phased delivery.

The duly approved scheme shall be implemented before above groundworks are commenced, or within any other timescale first agreed in writing with the Local Planning Authority.

REASON: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water, in accordance with the requirements of Policy DM13 of the Blackburn with Darwen Borough Local Plan 2021-2037, and the National Planning Policy Framework.

5. Prior to the commencement of development hereby approved, the developer must submit to the Local Planning Authority for written approval:

- (i) The findings of a Phase 2 site investigation in line with the Phase 1 recommendations, including an appropriate assessment of risks to both human health and the wider environment, from contaminants in, on or under the land (including ground gas). If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, along with an updated Conceptual Site Model. No deviation shall be made from this scheme.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, Policy DM02 of the Blackburn with Darwen Local Plan 2021-2037.

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

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, that the risks it presents have been appropriately assessed, and that the site can be made 'suitable for use', as such, does not pose a risk to future users of the site or the wider environment in accordance with Policy DM02 of the adopted Blackburn with Darwen Borough Local Plan.

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 DM02 of the Blackburn with Darwen Borough Local Plan 2021-2037.

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

- (a) the parking of vehicles of site operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials used in constructing the development;
- (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (e) wheel washing facilities;
- (f) measures to control the emission of dust and dirt during construction;
- (g) measures to control emissions from non-road mobile machinery; and
- (h) a scheme for recycling/disposing of waste resulting from construction work

REASON: In order to avoid the possibility of the public highway being affected by the deposit of mud/or loose materials which could create a potential hazard to road users, in order to protect the amenity of the occupiers of the adjacent properties, in the interests of crime prevention and the visual amenities of the locality, in accordance with Policies DM02, DM27, DM29 of the Blackburn with Darwen Borough Local Plan 2021-2037 and the National Planning Policy Framework.

9. No development, site preparation/clearance or demolition shall commence until a scheme of off-site highway improvements has been submitted to,

and approved in writing by, the Local Planning Authority. The improvements to be included are:

- Towards the creation of formalised uncontrolled crossing points with dropped kerbs and tactile paving at the junctions of Maple Street / Plane Tree Street / Beech Street and Whalley Old Road / Beechwood Road.

No part of the development hereby approved shall be brought into use until the approved scheme has been fully implemented and completed in accordance with the approved details.

REASON: In the interest of highways and pedestrian safety, in accordance with Policies CP9 and DM29 of the of the Blackburn with Darwen Borough Local Plan 2021-2037.

10. Should pile driving, vibro compaction or similar foundation works be required on site, prior to the commencements of those works, a programme for the monitoring of generated noise and vibration shall be 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. Noise and vibration levels shall not exceed the specified levels in the approved programme.

REASON: To protect the amenity of residents, in accordance with Policy DM02 of the adopted Blackburn with Darwen Borough Local Plan 2021-2037.

11. Prior to first occupation of the development hereby approved, the car parking provision as identified on Proposed Site Plan, Drawing No. 2329-015, Rev D received on 7th February 2024 shall be implemented and thereafter retained.

REASON: To ensure that off-street parking is maintained for the safe, efficient and convenient movement of all highway users, in accordance with Policy DM29 of the Blackburn with Darwen Borough Local Plan 2021-2037.

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

REASON: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policy DM29 of the Blackburn with Darwen Borough Local Plan 2021-2037.

13. Prior to commencement of above ground works hereby approved, and notwithstanding the submitted details, a scheme of boundary treatment(s) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the precise location, height and construction materials of all boundaries. The approved scheme of

boundary treatment(s) shall be implemented prior to first occupation of the development and retained thereafter.

REASON: To ensure that the external appearance of the development is satisfactory in accordance with Policies CP8 and DM27 of the Blackburn with Darwen Local Plan 2021-2037.

14. Prior to any above ground works hereby approved, and notwithstanding the submitted details, a Biodiversity Gain Plan (BGP) shall be submitted to and approved in writing by the Local Planning Authority. The BGP shall be founded on the outcome of an assessment of the site in accordance with the Statutory Biodiversity Metric, which shall be submitted at the same time. The scheme shall provide a suitable range of biodiversity protection and enhancement measures across the site, in order to achieve a minimum biodiversity net gain of 10%.

The development shall be implemented in strict accordance with the approved detail.

REASON: To ensure the protection of species and habitat, in accordance with the requirements of Policies CP6 and DM15 of the adopted Blackburn with Darwen Borough Local Plan 2021-2037.

15. Prior to the commencement of development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Trees and shrubs shall be planted on the site in accordance with the landscaping scheme during the first available planting season. The scheme shall include details of materials to be used for hard surfaces, and details of species to be planted, with their siting and maintenance aftercare, and shall be implemented during the first available planting season after the commencement of development. It shall also include details regarding tree management and protection for those which are to be retained on the site. Trees and shrubs dying or becoming diseased, removed or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs.

REASON: In the interests of ecology, biodiversity and visual amenity, in accordance with the requirements of Policies CP6, CP8, DM15, DM17 and DM27 of the adopted Blackburn with Darwen Borough Local Plan 2021-2037.

16. There shall be no cooking of food at the community and funeral centre.

REASON: To ensure cooking odours do not cause loss of amenity at residential premises, in accordance with Policy DM02 of the Blackburn with Darwen Borough Local Plan 2021-2037.

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

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

REASON: To ensure appropriate hours of site work to minimise noise during the construction phase, in accordance with Policy DM02 of the Blackburn with Darwen Borough Local Plan 2021-2037.

18. The use hereby approved shall be restricted to the following times;

Monday to Sunday - 08:00 to 22:00 hrs

REASON: To ensure appropriate hours of use to minimise noise disturbance at residential premises and the area generally, in accordance with Policy DM02 of the Blackburn with Darwen Borough Local Plan 2021-2037.

19. Prior to the installation of any external lighting, details of the lighting shall be submitted to and agreed in writing by the Local Planning Authority and the development shall thereafter proceed in full accordance with these approved details. For the purpose of this condition, the details shall include the form, design, materials and technical specification of the lighting and a lux plan to show the resulting area of light-spill.

REASON: In the interest of the appearance of the site and locality and to safeguard the amenities of nearby residents, in accordance with Policies DM02 and DM27 of the Blackburn with Darwen Borough Local Plan 2021-2037.

20. Outdoor floodlighting shall not exceed 10 lux with luminaires obscured at the boundary of any residential premises for the duration of the approved use. Assessment of light intrusion shall be made in accordance with the Institute of Lighting Professionals guidance document: 'Guidance Notes for the Reduction of Obtrusive Light'.

REASON: To minimise potential loss of amenity at residential premises caused by intrusive light pollution, in accordance with Policy DM02 of the Blackburn with Darwen Borough Local Plan 2021-2037.

21. 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 F.2(b) 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 residential amenity and highway safety, in accordance with the requirements of Policies DM02 and DM29 of the Blackburn with Darwen Borough Local Plan 2021-2037.

6.0 PLANNING HISTORY

6.1 The following applications relate directly to the application site;

- 10/93/0621 – Proposed Islamic Study Centre. Refused, 24/09/1993.
- 10/93/1871 – Application to develop land for a proposed Islamic Study Centre. Approved, 21/02/1994.
- 10/19/0847 – Installation of fencing with gate to both sides of the mosque area along Ash Street. Approved, 17/01/2020.

7.0 CONSULTATIONS

7.1 Public Consultation

Neighbourhood consultation letters were sent out on 17th October 2023, to 53 properties surrounding the application site. In addition, two site notices were displayed on 24th October 2023.

In response to the Local Planning Authority public consultation, no comments have been received.

7.2 Statutory Consultation

7.3 BwD 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:

CONTAMINATED LAND

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

Condition – Hours of Use Restriction

The approved use shall be restricted to the following times:

Monday to Sunday: 08:00 – 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 residential premises.

Condition – Floodlighting

Outdoor floodlighting shall not exceed 10 lux with luminaires obscured at the boundary of any residential premises for the duration of the approved use. Assessment of light intrusion shall be made in accordance with the Institute of Lighting Professionals guidance document: ‘Guidance Notes for the Reduction of ObtrusiveLight’.

Reason:

To minimise potential loss of amenity at residential premises caused by intrusive light pollution.

Informative:

When assessing potential loss of amenity the Local Authority shall make reference to the lighting levels provided in ‘Guidance Notes for the Reduction of Obtrusive Light’ GN01 produced by The Institution of Lighting Professionals, available at: <https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2020/>

NB : The proposed development is within an E3: Medium district brightness area.

Condition – Air Quality (Small Development)

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

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

Informative: A suitable scheme will ensure that there will be access to charging facilities on a daily basis. The scheme will identify the charging point specification, the location of dedicated parking spaces where charging will take place, and the

basis on which vehicles will be allowed access to the chargers (e.g. Who can use the charging points, payment arrangements, who will maintain the equipment). Mode 3 chargers with tethered type 2 connectors are recommended, and charging points are available that can charge two vehicles simultaneously.

Condition – Cooking at the Premises

There shall be no cooking of food at the community and funeral centre.

Reason: To ensure cooking odours do not cause loss of amenity at residential premises.

Construction Phase Control Conditions

Condition – Hours of Site Works

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

Monday to Friday 08:00 – 18:00 hours

Saturday 09:00 - 13:00 hours

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

Reason

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

Noise & Vibration Control

Condition

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

Reason

To minimise noise/vibration disturbance at adjacent residential premises.

Floodlighting Control (Construction Phase)

Condition

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

Reason

To minimise potential loss of amenity due to intrusive light pollution affecting residents living in the vicinity.

Informative:

When assessing potential loss of amenity the Local Authority shall make reference to the lighting levels provided in 'Guidance Notes for the Reduction of Obtrusive Light' GN01 produced by The Institution of Lighting Professionals, available at: <https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2020/>

NB: The proposed development is within an E3: Medium District Brightness Area.

Informative - Construction/Demolition Noise

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

Other Informative(s):

Informative: Sound Insulation

The applicant should ensure that the premises has adequate sound insulation to minimise the transmission of sound to adjacent dwellings. The developer shall have due regard to BS 8233: 'Sound Insulation & noise reduction for buildings – Code of Practice', in order to minimise the transmission of noise from the building(s).

7.4 **BwD Contaminated Land**

I refer to the report entitled 'Desk Study & Walkover Survey for Majid-Al-Momineen, Ash Street, Blackburn Lancashire BB1 6LX' Report ref: 7637 prepared by Sub-Surface North West Ltd dated December 2022.

It is the understanding of this Department that a full 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 Department 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. We recommend the standard contaminated land condition used by this authority is applied to the site.

Information specific to this site, required in order to expedite the discharge of the recommended condition, is requested in the form of bulleted points. All other comments provided are general, and are aimed at informing the format and/or content of any future reports submitted to this Section, and/or informing the requests for further information. Comments have been divided into separate headings for ease of reference.

Desk Study

A Phase 1 Desk Top Study has been completed for the site and submitted. The findings record terraced housing were present at the site historically and demolished sometime prior to 1995. The site is recorded within a Coal Authority development high risk area.

The preliminary CSM has identified that there is a low to moderate risk to human health and a low to moderate risk to controlled waters. The risk from ground gas requires further consideration and a Geological & Mining Risk Assessment is recommended.

A Phase 2 intrusive investigation was recommended to confirm the extent of any contamination at the Assessment Site and to determine the presence of any unrecorded mine workings. The investigation should characterise the gas and groundwater regime.

Preliminary Conceptual Site Model (CSM)

Based on the initial risk assessment summarised in the Phase 1 and preliminary CSM, an intrusive site investigation was recommended.

- Please provide a Phase 2 site investigation report in line with the Phase 1 recommendations.

If ground gas or potential contamination is identified a Remediation Strategy report will also be required to discharge the recommended condition.

I would take this opportunity to reiterate that the responsibility for the safe development of the site rests with the developer. Actions or omissions on their part may lead to liability being incurred under Part IIA of the Environmental Protection Act 1990. Those providing expert advice to developers should be aware of the future reliance that may be placed on it.

All parties involved with waste and soil movement at the site should be aware that materials illegally deposited or deposited at inappropriate sites may be subject to relevant landfill taxes, payable by all parties. Only robust due diligence is a defence against joint liability. Illegal deposits can include moving waste soil material on sites, or between sites, without the appropriate permits, exemptions or duty of care.

I trust this clarifies this Departments position. Should you require any further information, I can be contacted at the above number, or alternatively email Stuart.Proudlock@blackburn.gov.uk.

7.5 BwD Drainage – Lead Local Flood Authority

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

Condition

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

- (i) separate systems for the disposal of foul and surface water;
- (ii) details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, including provisions to ensure that the post-development discharge rate does not exceed the pre-development rate (incorporating a climate change allowance of 40%);
- (iii) details of any necessary flow attenuation measures, including the use of SUDS where appropriate, unless unachievable for technical reasons;
- (iv) details of how the scheme will be maintained and managed after completion; and
- (v) a timetable for implementation, including details of any phased delivery.

The duly approved scheme shall be implemented before above groundworks are commenced, or within any other timescale first agreed in writing with the Local Planning Authority.

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

7.6 BwD Highways

PROW – no implications

The details received have been reviewed.

The proposal received is for the Erection of new community and funeral centre comprising community hall, mortuary, and ancillary facilities (Use Class F2, (b)).

Parking

In accordance with our existing adopted parking standards, the new facility would be measured against a D1 use, which sets out a requirement for 1 space per 10sqm of floorarea. The new building will have 196sqm of new floor area limited to the community hall, this equates to an allowance of 20 spaces. The proposal received provides 33 spaces (inclusive of 2 disabled spaces and 4 EV charging points. The Transport statement sets out further reasoning and balance on why this number of spaces together with what the applicant has within this control is satisfactory (please see TS comments below).

The layout received accords with the council's standard bay requirement and conform to the required 6m manoeuvrability into and out of the bays.

There is an area signposted for parking of a hearse to support the mortuary use. This is situated very close to the entrance gates, and in our opinion would struggle to get in and out

an easy and less onerous manoeuvre. I would request a swept path is provided showing the movement of this vehicle.

No details or provision for the parking of cycles /ptw is offered, please request further information to support this. This should be provided near the entrance covered and secure. (There is some mention within the TS, however this detail should be provided on the proposed site plan).

Access

Vehicular access to the site is to be taken from the unadopted section of highway (Known as Ash Street). There is an existing access that is to be used to serve the new facility and its associated car parking. The access is to be widened to 4.5m wide, this is acceptable.

We acknowledge that there is a pedestrian access via steps into the car park at the southwest corner of the site, however this is not accessible or convenient, as the access has steps, therefore use for all and is leading pedestrian to travel through a car park to get to the entrance of the building.

We would therefore request that this is reconsidered and safe route from the highway immediately adjacent to the building is considered.

Transport Statement

Access: The application site represents a parcel of vacant previously developed land to the immediate north of Ash Street. Vehicular access/egress to & from the site is taken from the route of Ash Street via Beech Street. Ash Street is a cul-de-sac with fencing and bollards in place across the carriageway approximately 30m to the west of the Ash Street & Yew Street junction prohibiting vehicular through movement. At the location of the site access, Ash Street has an approximate carriageway width of 6.5m with 2m wide footways on both sides of road. Single yellow lines are present at its junction with Beech Street and continue along Ash Street for c.7m, restricting on-street parking Monday to Friday between the hours of 7am and 7pm.

Pedestrian access to the proposed community & funeral centre would be via a pedestrian gate located in the south-western corner of the application site. There would be 10 steps towards the elevated car park and therefore wheelchair access would be via the vehicular site access immediately west of the proposed new building. (I refer back to my earlier comment. (access needs to be improved)

Site Layout / Servicing: Refuse collection for the proposed development would be directly from Ash Street. General servicing requirements associated with the application scheme are anticipated to be modest in scale, being characterised by generally limited frequency, short stay service events.

The parking space for the hearse vehicle is close to the proposed site access. **Such vehicles have the potential to be up to 6.5m long and as such a parked hearse in this location has the potential to block the site access (at least partially) to other vehicles. Please can details of how this is to be managed be provided or alterations to the access arrangements or site layout be considered?**

Parking: As mentioned in paragraph 4.1.2 and shown in the table, the proposed development would accommodate a total of 33 car spaces, 13 car spaces above the

benchmark requirement, to cater for the c.20 car spaces required by the Mosque on their busiest days as discussed in paragraph 4.2.4 of the TS.

The existing Mosque facility currently experience parking demand which exceeds capacity by c.20 cars. These vehicles currently park on the vacant land to the immediate north of the Mosque, although this tends to be only during Friday prayers. The proposed car park to the community & funeral centre would provide 33 car parking spaces, and so the car park would comfortably accommodate the c.20 car spaces associated with the Mosque's current parking requirements during Friday prayers and the anticipated 20 parking space requirement of the proposed community & funeral centre (although funeral prayers at the proposed centre are not anticipated to materially coincide with Friday prayers). As such, the parking associated with the proposed development is considered acceptable and would help to prevent an overflow of parking demand onto the public highway surrounding the application site.

Cycle parking at the site is proposed to be provided north of the proposed new building, next to the accessible car spaces. One Sheffield cycle hoop is proposed which would provide enough parking for 2 bicycles. Such provision would provide an opportunity for visitors to travel to the site by more sustainable transport modes. **Please can the proposed location for the cycle parking be shown on the site layout plan?**

Site Accessibility: The site is in a location with reasonable levels of accessibility with a dense network of residential streets conducive to walking or cycling and with reasonable access to public transport within a short walk of the site.

Road Safety: The Transport Statement presents a review of collision data along Beech Street including its junctions with Beechwood Road and Maple Street. There has been around one collision per annum within the study area presented. From review of crashmap it is evident that there have been 3 serious injury collisions on Maple Street close to the site involving pedestrians and one slight. There is a lack of formal crossing points at junctions nearby which would benefit from improvement. Given the potential for the proposed development to increase pedestrian activity in the local area, particularly in relation to events of various types targeted at the local community the local highway network would benefit from the introduction of formalised crossing points in appropriate locations through the provision of dropped kerbs, tactile paving, pedestrian refuges where appropriate and supporting signage and road markings as required.

Traffic Impact: The Transport Statement states that it is considered unlikely that the proposed community & funeral centre would generate any notable levels of vehicle trips during Friday prayers, the busiest period at Masjid-al-Momineen. There is no evidence provided to substantiate this statement although experience of similar schemes suggests that the proposed development is unlikely to have a significant detrimental impact in terms of the efficient operation of the local highway network, particularly during the AM and PM weekday peaks which are of most concern. The provision of additional parking to supplement parking for the existing mosque is welcome and would help to meet the parking demands for that facility. This is unlikely to be conducive to the uptake of sustainable transport modes for trips relating to the development proposals or the existing mosque but would help to address issues that are likely to arise should the existing overflow parking become unavailable.

Mitigation: A contribution of £15,000 is requested toward the creation of formalised uncontrolled crossing points with dropped kerbs and tactile paving at the junctions of Maple Street / Plane Tree Street / Beech Street and Whalley Old Road / Beechwood Road (double mini roundabout).

Other

Construction Method Statement is required, please condition.

Matters also to be considered are:

- All existing street furniture including street lighting should be removed/disconnected at the applicant's expense and relocated at locations to be agreed with by the relevant highways officer, (should they be required to do so)
- Any old entrances no longer required will require closing and formally reinstating back to full footway.
- Contact to be made with our Structures Division prior to commencement of any works affecting retaining walls/ structure adjacent to/abutting or within the adopted highway.
- Prior to any work commencing that affects the existing adopted highway contact to be made with the Local Highway Authority to undertake a condition survey.

To conclude, subject to the above being satisfactorily addressed 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 1, 2, 3, 4, 8, 10, 11, 12, 15, 16 and 17.

7.8 **Lancashire Fire and Rescue**

The proposed Planning Application has been noted and the Fire Authority gives its advice in respect of access for fire appliances and water supplies for firefighting purposes to the site.

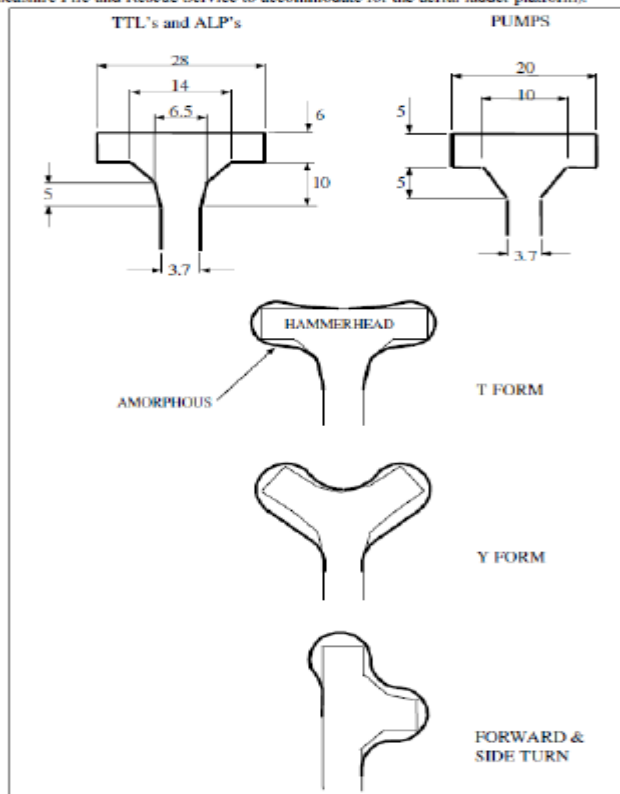
The following recommendations are made to make the applicant aware of conditions which will have to be satisfied on a subsequent Building Regulation application. The conditions may affect the elevation of the building and access to them. These recommendations must be included if this application passes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

ACCESS - DOCUMENT B, PART B5

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'.

TURNING FACILITIES FOR FIRE SERVICE VEHICLES

The following diagrams show typical turning heads in accordance with table 21, note 1 and paragraph 17.11 of Building Regulations approved document B, part B5 (as amended by Lancashire Fire and Rescue Service to accommodate for the aerial ladder platform).



EXTRACT FROM BUILDING REGULATIONS APPROVED DOCUMENT B
(as amended by Lancashire Fire and Rescue Service to accommodate for the aerial ladder platform)

Appliance Type	Minimum width of road between kerbs (m)	Minimum width of gateways (m)	Minimum turning circle between kerbs (m)	Minimum turning circle between walls (m)	Minimum clearance height (m)	Minimum carrying capacity (tonnes)
Pump	3.7	3.7	16.8	19.2	3.7	12.5
High Reach	3.7	3.7	29.0	29.0	4.0	26

Notes:

1. Fire appliances are not standardised. Some fire services have appliances of greater weight or different size. In consultation with the Fire Authority, Building Control Authorities and Approved Inspectors may adopt other dimensions in such circumstances.
2. Because the weight of high reach appliances is distributed over a number of axles, it is considered that their infrequent use of a carriageway or route designed to 12.5 tonnes should not cause damage. It would therefore be reasonable to design the road base to 12.5 tonnes, although structures such as bridges should have the full 26 tonnes capacity.

B5 WATER PROVISION

It should be ensured that the proposal is provided with suitable provision of Fire Fighting water. Any provisions should comply with National Guidance, details of which can be found: <https://www.water.org.uk/guidance/national-guidance-document-on-the-provision-of-water-for-firefighting-3rd-edition-jan-2007/>

Guidelines on flow requirements for firefighting (taken from the National Guidance document on the provision of water for firefighting):

Type of building	Minimum main size (mm)	Minimum flow (litres per min)	Ideal flow (litres per min)	Maximum distances between hydrants (m)
Semi-detached house	90	480	1200	150
Detached house	90	480	1200	150
Multi occupied house	100	1200	2100	150
Transportation	100	1500	2100	90
Industry – Up to 2.5 Acres	150	2100	4500	70
Industry - 2.5 Acres to 5 Acres	150	3000	4500	70
Industry – Over 5 Acres	150	4500	4500	70
Shops/Offices/Recreation/Tourism	150	1200	4500	70
Village Halls	100	900	1200	100
Primary Schools	100	1200	2100	100
Secondary School/College	150	2100	4500	70
Hospitals	150	2100	4500	70

The Local Authority Building Control / Approved Inspector and Fire Service should be consulted at the earliest opportunity where more specific advice can be offered.

7.9 Ecology – GMEU

Thank you for your consultation on the above application at Ash St, Blackburn.

As you are aware the information submitted with the application includes an Ecological Appraisal. This Appraisal was undertaken in December, which is outside the survey window for such Appraisals. However, given the habitats found on site, this should not be a significant constraint albeit statements such as “no birds were seen on site during the course of the survey” are potentially misleading.

The Appraisal includes screenshots taken from a Small Sites Metric but the actual metric does not appear to have been submitted and therefore the calculations cannot be verified. The Appraisals states that the proposals will result in an overall net loss of biodiversity and that “the impacts will need to be offset in order to achieve 10% biodiversity net gain”. Technically if offsetting is required then the Small Sites Metric cannot be used; rather the full metric should be submitted. As the scheme includes no compensation for the loss of biodiversity, it is contrary to the National Planning Policy Framework and Blackburn’s emerging Local Plan. Further information is therefore required to demonstrated how a measurable net gain will be achieved.

7.10 United Utilities

United Utilities provides the following comments to support the Local Planning Authority in their determination of the planning application detailed above, and to direct the applicant to further sources of support and guidance on matters that might impact their proposal.

The letter and Appendix should be read in their entirety to support the determination, the design, and should the scheme be approved, the subsequent delivery of the proposal.

DRAINAGE

We request the following drainage condition is attached to any subsequent approval:

REQUESTED CONDITION

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

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

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

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

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

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

To discuss their drainage proposals the applicant should contact our **Developer Services** team by email at SewerAdoptions@uuplc.co.uk. Alternative ways to contact the team are detailed in the Appendix, Section 4.0 'Contacts'.

Management and maintenance of Sustainable Drainage Systems (SuDS)

Without effective management and maintenance SuDS can fail or become ineffective which may have a detrimental impact on the surrounding area. There is also a risk ineffective SuDS could impact the performance of the public sewer network where the two systems interact. Therefore, when SuDS is included in a proposed development, we recommend the Local Authority include a condition relating to SuDS management and maintenance in any subsequent Decision Notice. We provide an example condition below that may be suitable in many circumstances.

Please note United Utilities cannot provide comment on an asset that is owned by a third party management and maintenance company. Therefore, whilst we recommend the inclusion of a management and maintenance condition, United Utilities would not be involved in its discharge.

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

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

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

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

UNITED UTILITIES' PROPERTY, ASSETS AND INFRASTRUCTURE

It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Utilities' assets and the proposed development. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout.

It is important that the supporting information contained in the Appendix, Section 2.0 'United Utilities' Property, Assets and Infrastructure', is read in conjunction with this letter. This provides information that might impact a proposed layout and additional guidance that an applicant or developer must consider when United Utilities assets are located in, or in the locality of, the proposed site.

Where United Utilities' assets exist, it is essential that the applicant, or any subsequent developer, contacts our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition. See Appendix, Section 4.0 'Contacts'

7.11 The Coal Authority

Original comments – 6th November 2023

Thank you for your consultation letter of 17 October 2023 seeking the views of the Coal Authority on the above planning application.

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.

The Coal Authority Response: **Substantive Concern**

The application site falls partly within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

More specifically, the Coal Authority's information indicates that a coal seam is conjectured to outcrop off-site to the north west, dipping in a south easterly direction beneath the site, which may have been worked in the past. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

The applicant has submitted a Desk Study with Walkover Survey (December 2022, prepared by Sub Surface North West Limited) in support of their planning application; however, the Coal Authority's Planning & Development Team does not consider that this adequately addresses the impact of coal mining legacy on the proposed development. We therefore **object** to the proposal.

The submitted report acknowledges the presence of the outcropping coal seam close to the site, but provides no assessment of the risk that coal mining legacy poses to the proposed scheme of development. Indeed, it recommends at Section 2.3.1 that a '*full Geological and Mining Risk Assessment should be carried out to assess the risk to assess the risk to ground stability due to mining.*' Unfortunately, it does not appear that a Geological and Mining Risk Assessment has been submitted in support of the application.

The applicant should be advised of our objection and requested to submit a Coal Mining Risk Assessment or the recommended Geological and Mining Risk

Assessment in support of their application. This should be prepared by a competent person and should demonstrate to the LPA that the site is, or can be made, safe, stable and suitable for the proposed scheme of development, as per the requirements of paragraphs 183 and 184 of the NPPF.

We would be pleased to receive for further consultation and comment any additional information submitted by the applicant.

Additional comments – 15th December 2023

Thank you for your consultation letter of 12 December 2023 seeking the further views of the Coal Authority on the above planning application.

The Coal Authority Response: Material Consideration

As you are aware, the application site falls partly within the defined Development High Risk Area. The Coal Authority's information indicates that a coal seam is conjectured to outcrop off-site to the north west, dipping in a south easterly direction beneath the site, which may have been worked in the past. Such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

You will recall that the Coal Authority's Planning & Development Team objected to the proposal in our initial consultation response letter of 6 November 2023 due to the lack of a Coal Mining Risk Assessment to identify and assess the risks posed to the proposed development by coal mining legacy. We are therefore pleased to note that the applicant has now submitted a Geological and Mining Risk Assessment (November 2023, prepared by Sub Surface North West Limited) in support of their application.

Based on a review of relevant sources of coal mining and geological information, the report acknowledges that the Pasture Coal seam, which is shown on geological maps to northwest of the site, will underlie the site at very shallow depth below bedrock.

However, the report indicates that this seam is recorded to have a thickness of 0.1m and advises *'it is likely it would not have been worked to any significant extent and any workings would most likely have been from bell pits.'* It goes on to conclude that *'Associated subsidence risks to the development are therefore considered to be minimal and hence our opinion no further investigation is necessary.'*

The Coal Authority's Planning & Development Team notes the professional opinions expressed in the report. Whilst no specific investigations into coal mining legacy are proposed, we welcome the recommendation that vigilance should be maintained during ground works for any unrecorded mine entries / bell pits present within the site. Should any such feature be encountered during development, appropriate treatment will be required in accordance with details permitted under a Coal Authority Permit.

The Coal Authority Recommendation to the LPA

The Coal Authority considers that the Geological and Mining Risk Assessment and the professional opinions contained therein are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore **withdraws its objection** to the proposed development. However, further more detailed considerations of ground conditions, foundation design and gas protection measures may be required as part of any subsequent building regulations application.

Should planning permission be granted for this proposal we request that the following Informative Notes are included on the decision notice:

1 - Ground Investigations and groundworks

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property.

2 - Shallow coal seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

8.0 CONTACT OFFICER: Jamie Edwards, Planning Officer

9.0 DATE PREPARED: 5th April 2024

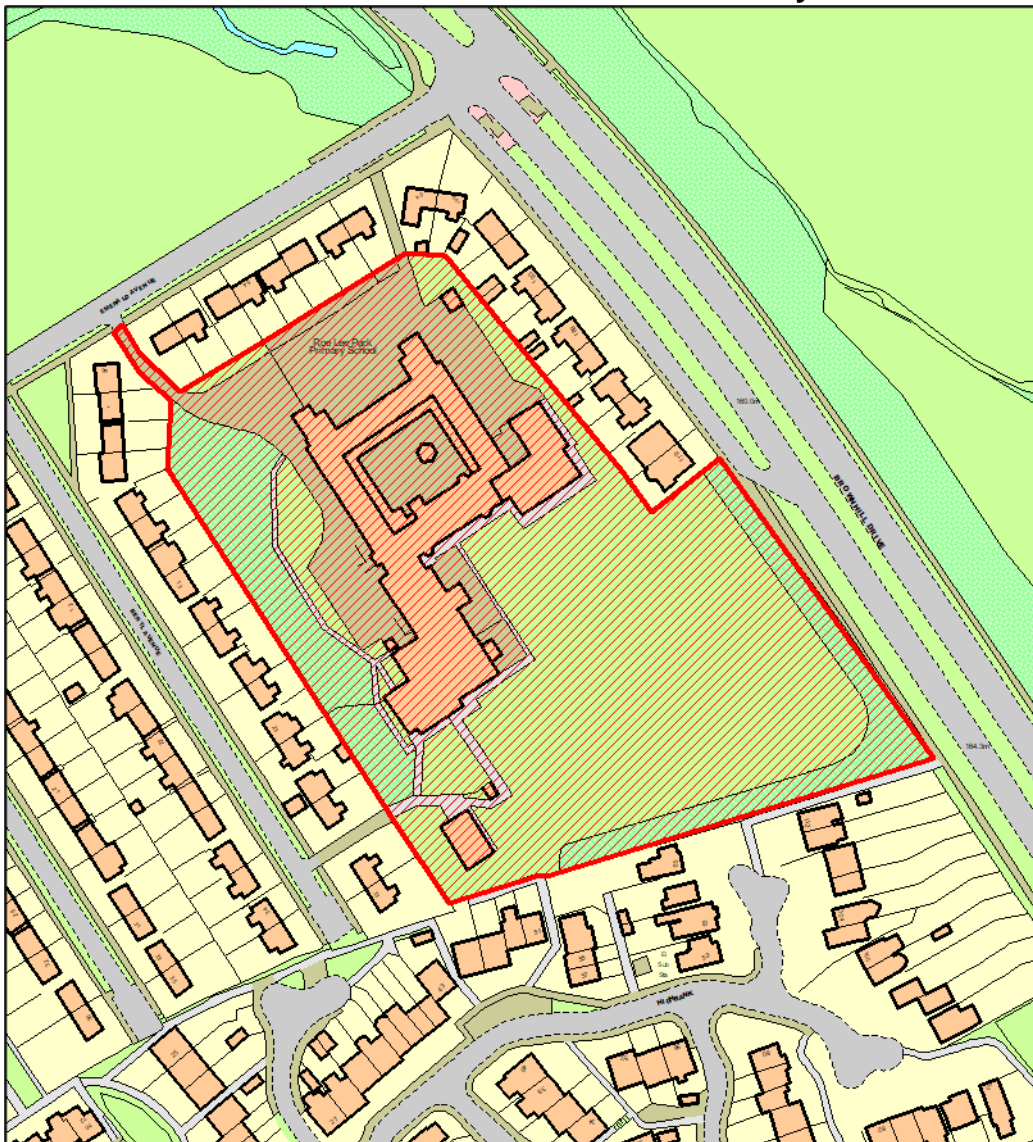
Proposed development: Full Planning Application (Regulation 3) for Replacement of existing 1m high wrought iron fence with a 1.8m mesh panel fencing including 1 No. singular pedestrian gate and 1 No double pedestrian gate

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

Applicant: Blackburn With Darwen Borough Council

Ward: Roe Lee

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



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The application is reported to Committee on account of the Council's interest in the development, as the applicant, the landowner and the developer, under Regulation 3 of the 1992 Town & Country Planning Regulations.
- 2.2 Assessment of the application finds that the proposal corresponds with the Council's adopted Local Plan 2021-2037, through delivery of a development which would improve security at the school, whilst maintaining appropriate visual and residential amenity standards and protecting the natural environment.
- 2.3 The scheme is therefore considered acceptable, with all issues having been addressed through the application process, or capable of being controlled or mitigated through appropriately worded planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site is an established primary school located within the urban boundary of Blackburn, on the south side of Emerald Avenue. The surrounding area is residential in character, with dwellings on all sides of the school, and the A6119 adjacent the school field to the east.

3.1.2 The site location plan, and an aerial view of the site, are shown below in Figures 1 and 2.



Figure 1: Location Plan

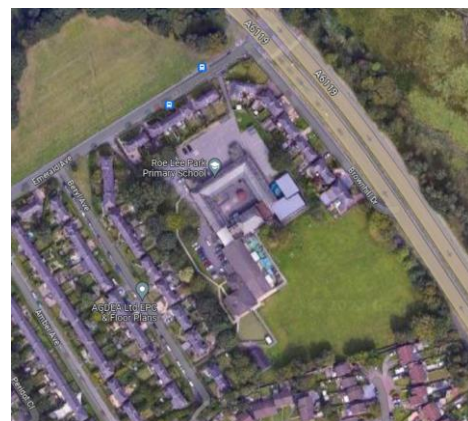


Figure 2: Aerial view of application site

3.1.3 There are 3 access points into the school grounds, all of which run between rows of houses. 2 of the access points are from Emerald Ave to the north, with

the westernmost access being a vehicular access, and the easternmost access being a pedestrian access. The other (pedestrian) access is from Beryl Lane to the west.

3.1.4 Site photos



Westernmost (vehicular) access from Emerald Ave (above)



Easternmost (pedestrian) access from Emerald Ave (above)



Pedestrian access from Beryl Ave (above)





Rear elevations of some of the properties on Brownhill Drive (above)



Front/side boundary of 179 Brownhill Drive (above)



Rear elevations of some of the properties on Emerald Ave (above)



Rear elevations of some of the properties on Beryl Ave (above)

3.2 Proposed Development

- 3.2.1 This application seeks replacement of 1 metre high wrought iron fencing with 1.8 metre high green mesh panel fencing, to match the other sections of the existing school boundary treatment. The sections of 1m high fencing which would be replaced comprise the whole of the northern boundary (adjacent the rear gardens of properties on Emerald Ave), and parts of the western (adjacent the rear gardens of properties on Beryl Ave) and eastern (adjacent the rear gardens of properties on Brownhill Drive) boundaries.
- 3.2.2 In some places, the existing fencing is the only boundary treatment to the adjacent residential gardens, whilst in other places there is also traditional garden fencing directly adjacent to it (e.g. 1.8m high timber fencing).
- 3.2.3 The proposed sections of new fencing are indicated as a green line in the proposed site plan (Figure 3), below. The southern half of the school (adjacent the school playing field) already has 1.8m high fencing in place, and as a result of this proposal the higher fencing would encircle the whole school site, thereby improving site security.

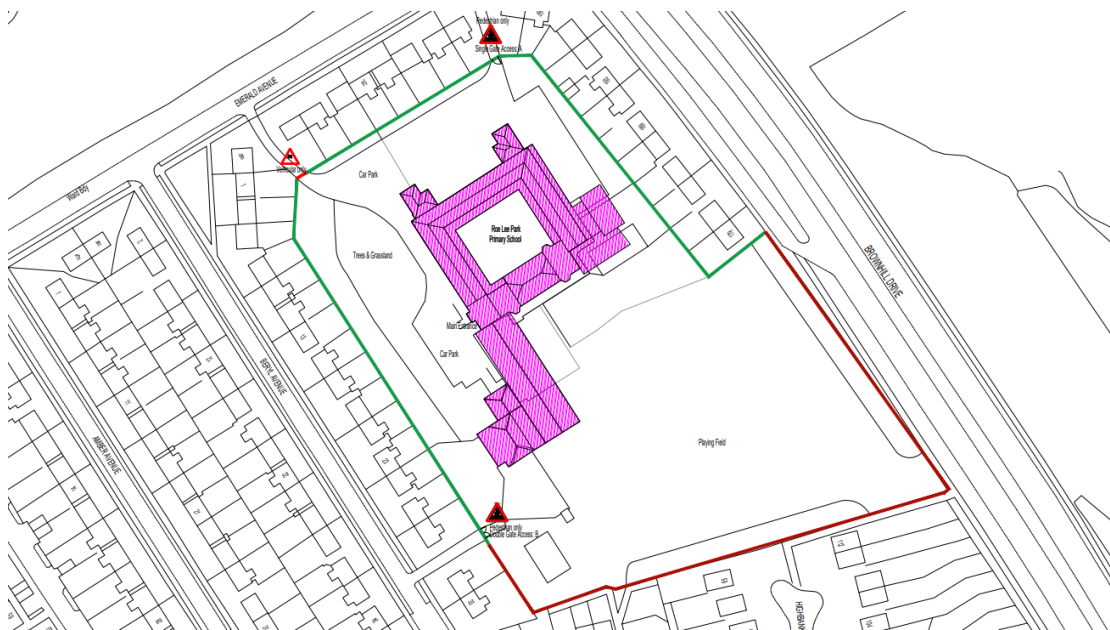


Figure 3: Proposed site plan

- 3.2.4 In addition to the fencing, the proposal also includes replacement of the 2 pedestrian access gates (i.e. the singular pedestrian gate from Emerald Ave, and the double pedestrian gate from Beryl Ave).
- 3.2.5 The proposed elevations are shown in Figure 4, below. The fencing comprises a welded mesh panel, circa 1800mm high, with posts set in concrete. The colour of the fencing would be Green RAL 6005 to match the existing school fencing.

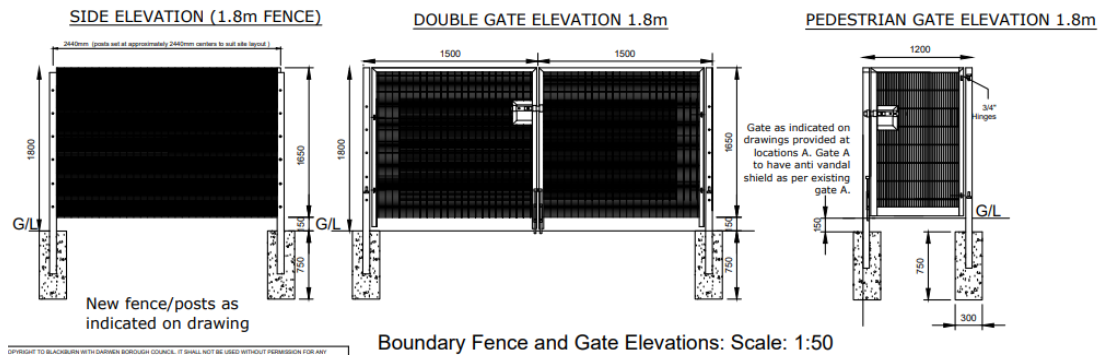


Figure 4: Proposed fence and gate elevations

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 BwD Local Plan 2021-2037. In determining the current proposal, the following are considered to be the most relevant policies:

3.3.3 Local Plan 2021-2037

- Core Policy 2 (CP2): The Spatial Approach
- Core Policy 6 (CP6): Natural Environment
- Core Policy 8 (CP8): Securing High Quality and Inclusive Design
- Core Policy 9 (CP9): Transport and Accessibility
- DM Policy 2 (DM02): Protecting Living and Working Environments
- DM Policy 15 (DM15): Protection and Enhancement of Wildlife Habitats
- DM Policy 27 (DM27): Design in New Developments
- DM Policy 29 (DM29): Transport and Accessibility

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (The Framework)

3.4.2 National Planning Policy Guidance (NPPG)

3.4.3 BwD Design SPD

3.5 Assessment

3.5.1 The Development Plan reaffirms The Framework's principles of sustainability which includes support for development which conserves and enhances the built environment, subject to the principles of high-quality design.

3.5.2 In assessing this application, the following important materials considerations have been taken into account:

- Principle of the development
- Biodiversity Net Gain (BNG)
- Trees and Ecology
- Highway safety
- Residential amenity
- Visual amenity

3.5.3 Principle of the development

In land use terms, the principle of the development is accepted, in accordance with The Framework's presumption in favour of sustainable development, which should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified; subject to assessment of the following matters:

3.5.4 Biodiversity Net Gain (BNG)

Notwithstanding the requirements of Local Plan Policy CP6, whilst BNG became mandatory for all major planning applications in February 2024, there is a temporary exemption in national legislation for non-major developments until April 2024. There are also certain exemptions from mandatory BNG in any case, which include development impacting on habitat areas of below 25sqm, or 5m for linear habitats (de-minimis). The proposal therefore meets BNG requirements.

3.5.5 Trees and Ecology

Policies CP6 and DM17 of the Local Plan seek to protect the environment. It is expected that development will incorporate existing trees into the design and layout of the scheme, and where this cannot be achieved, that suitable mitigation planting is secured.

3.5.6 There are numerous mature trees within the site, and although the majority are sited well away from the boundary fencing, there are some trees in relative close proximity. However, after consultation with the Council's Tree Officer, it is concluded that these would still be unaffected by the proposed development. Upon validation of the application, the Tree Officer was of the opinion that a tree survey was not required. After reviewing the scheme in more detail, the Tree Officer suggested that a method statement condition might be necessary (to ensure the existing trees were not damaged. This depended upon the method of installation.

3.5.7 In response to the Tree Officer's comments, the applicant provided further information, stating that no vehicles or machinery would be used, although there would be the possibility of some power tools for breaking through the concrete. The existing fence panels and poles would be disposed from site. The new fence posts would be fixed into the existing holes and filled with concrete to attach the new fence panels. The new posts would be placed where the existing posts are, using the holes created by removal of the existing fence poles.

- 3.5.8 Subsequent to receipt of the above additional information, the Tree Officer was satisfied that there would not be any undue risk to trees in the installation process, and no method statement condition was considered necessary.
- 3.5.9 In terms of ecology, it is noted that there are some shrubs / bushes adjacent to some sections of the existing fencing to be removed. However, the landscaping would not generally be affected as the fence line would continue exactly along the boundary line as it does currently.
- 3.5.10 The proposal is therefore considered to have an acceptable impact on trees / landscaping and complies with Policies CP6 and DM17 of the Local Plan.
- 3.5.11 Highway safety
Policy CP9 and DM29 of the Local Plan seek to ensure that road safety and the safe, efficient and convenient movement of all highway users is not prejudiced, and that appropriate provision is made for vehicular access. The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 3.5.12 The proposed replacement fencing would run along the line of the existing fencing, between the school grounds and the directly adjacent residential gardens. The fencing and the proposed 2 pedestrian gates would all be positioned well away from the highway, with the only exception being where part of the proposed replacement fencing meets the Brownhill Drive. However, at this point there is already 1.8m high fencing directly adjacent to, and running parallel with, the highway. The proposed new fencing would simply continue the line of this fencing away from the highway edge, along the side boundary of 179 Brownhill Drive, perpendicular to the highway.
- 3.5.13 The proposed mesh fencing would largely be see-through and would just be a continuation of the existing fencing. It would not have an unacceptable impact on highway safety / sightlines and is thus considered acceptable on highways grounds, in accordance with Policy CP9 and DM29 of the Local Plan, the guidance of the Design SPD, and the NPPF.
- 3.5.14 Residential amenity
Policy DM02 of the Local Plan states that all development proposals should secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself. Those requirements are reinforced by the Design SPD.
- 3.5.15 Following publicity of the application, one letter was received from a neighbour, neither objecting or supporting, but seeking assurances that the amount of work done in their garden would not be damaged. Also, that any disruption during the construction works should be kept to a minimum.

3.5.16 When asked for further detail about construction works, the applicant stated that they haven't gone out to tender for the works yet, but they were looking at the summer months for the work to go ahead, and once they have appointed a contractor they will liaise to ensure that they don't cause any damage to the gardens or any party walls etc. They also clarified that they will only remove the school fencing from the school land side.

3.5.17 Notwithstanding this, to ensure adequate amenity levels are maintained for neighbours who live in close proximity, a condition can be attached to ensure construction work only takes place during acceptable times. With this safeguard, the proposal would not give rise to any unacceptable detrimental impacts in terms of amenity, and the development is considered acceptable, and in compliance with Policy DM02 of the Local Plan and the guidance of the Design SPD.

3.5.18 Although unlikely, any unintended damage that might arise from the construction works would be a civil matter between the school and the other party involved.

3.5.19 Visual amenity

In general terms, Policy CP8 and DM27 require development proposals to secure high quality sustainable design, consistent with context, identity, and built form. Those requirements are reinforced by the Design SPD.

3.5.20 The proposed replacement fencing and gates would be appropriately sited, following the line of the existing fence, and would be of acceptable scale and height. The green mesh design is also considered to be unobtrusive, and would be wholly in keeping with the existing fencing and its school setting. The proposal is therefore considered acceptable in terms of design / visual amenity, and accords with Policies CP8 and DM27 of the Local Plan.

3.5.21 Summary

This report assesses the full planning application for the erection of replacement fencing and gates, on 3 sides of the Roe Lee school grounds, increasing the height of sections of the existing 1m high fencing, up to 1.8m high, to match the rest of the fencing around the school grounds.

3.5.22 In considering this proposal, all necessary material considerations have been taken into account. This report finds that the proposal meets the policy requirements of the Blackburn with Darwen Local Plan 2021-2037, supporting Planning Documents, and other material considerations including the National Planning Policy Framework.

4.0 RECOMMENDATION

4.1 APPROVE.

Delegated authority is given to the Strategic Director of Growth & Development/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 following drawing numbers:

Location Plan

Dwg no. RLP-BFR-001 Revision A: Proposed site plan and boundary and fence elevations and general gate plan, received 27/03/2024.

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

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

REASON: In order to minimise disruptions for neighbours during the construction phase, in the interests of residential amenity, and to comply with the requirements of Policy DM02 of the Blackburn with Darwen Local Plan 2021-2037.

5.0 PLANNING HISTORY

- 5.1 A number of previous planning applications at this site, the most recent for an extended car park in 2023:

- 10/23/0111 – Full Planning Application (Regulation 3) for Extension to existing staff and visitor car park
- 10/10/0767 - Erection of a single storey extension to Nursery
- 10/08/0753 - Provision of new 1.2m and 1.8m high perimeter fencing and gates to boundary of school land
- 10/03/1180 - Proposed Reception Classroom Extension and public reception with glazed corridor link and external play area

6.0 CONSULTATIONS

- 6.1 Tree Officer
No objection:

- 6.1.1 **Final response:**

I am satisfied that there would not be undue risk to trees in the installation process. Therefore, no method statement condition is required.

- 6.1.2 **Initial response (prior to receipt of further supporting information):**

The location of the proposed fence would be in the vicinity of several trees.

There is, however sufficient space between the bases of trees and the school boundary in which to erect the fence. Depending on the method of erection, a potential conflict could be low branches on some trees. Trees could potentially obstruct Vehicles and associated equipment involved in the erection of the fencing.

Conclusion: Consideration for a method statement for the erection of the fencing if it considered operations could conflict with trees.

6.2 Property

No objection.

6.3 Highways

No comments.

6.4 Public consultation

Consultation was carried out by means of 47 neighbour letters on 6th February 2024, and site notices displayed on 7th February 2024. One letter was received (neither objecting or supporting), from a neighbour. Refer to Paragraph 8.0 of this report for a summary of representations received.

7.0 **CONTACT OFFICER:**

Tom Wiggans, Planning Officer.

DATE PREPARED:

28th March 2024.

8.0 **SUMMARY OF REPRESENTATIONS**

Dear Tom,

I have just received the letter for the proposal on planning for the above primary school. I'd like to know if this is for the fence that runs around the perimeter of the school? I ask this due to the amount of work I have completed in my garden and I do not want it to be damaged at all.

As I work from home in my garden office and my wife is a nurse, who works nights I would ask as too when this work is due to start so we can work together to minimize disruption.

Many Thanks

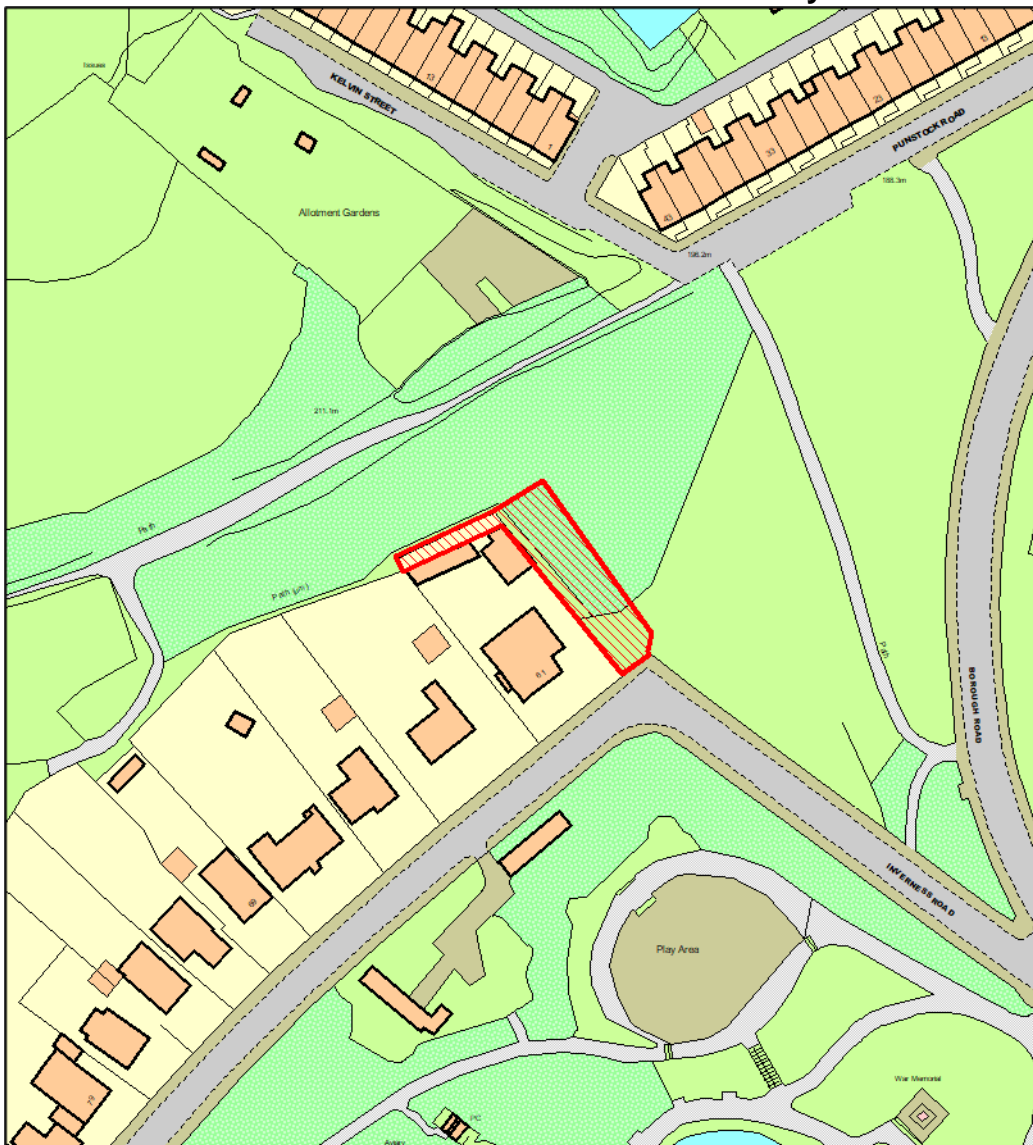
Proposed development: Full Planning Application (Retrospective) for Change of use of land to residential garden (C3) (retrospective)

**Site Address:
Newlands
61 Manor Road
Darwen
BB3 2SN**

Applicant: Mr Sergio Arnone

Ward: Darwen West

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



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1** The application is presented to the Committee in accordance with the Scheme of Delegation of the Council's constitution, in which the applicant of the application is related to an Officer at the Council within the Growth & Development Department and the application is also part retrospective.
- 2.2** The land to the east side of the residential property; No.61 Manor Road, Darwen, subject of this application was sold to the applicant by the Council's Property section in September 2023.
- 2.3** The land to the north/rear of the application site was gained by adverse possession by the applicant through the relevant legal recourse with the Land Registry.
- 2.3** Planning Enforcement colleagues visited the site in January 2024 following complaints received in December 2023, regarding the installation of CCTV equipment on the temporary heras perimeter fencing.
- 2.3** The applicant was advised by enforcement colleagues the change of use of land to residential garden (Use Class C3) would require the benefit of planning permission.
- 2.4** Following the site visit, the applicant submitted a planning application on 23rd January 2024 for '**change of use of land to residential garden (C3) (Retrospective)**'. However, the application was initially invalid and was made valid on 6th March 2024.
- 2.5** Internal dialogue with the Council's Property Team has confirmed the land to the east has been sold to the applicant, therefore the correct Certificate has been signed on the application form and the application is valid and procedurally correct in accordance with the statutory requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2.6** The application is limited to the area defined by the red edged location and site plans; being the area proposed as additional garden space associated with No.61 Manor Road, Darwen.
- 2.7** The key issues in the assessment of the application are the impact of the development on neighbouring amenity, landscape character and highway safety. In arriving at the recommendation, all material matters have been

considered, in the context of relevant Development Plan policies and The Framework, as set out in the Assessment section of this report. It is considered, on balance, that the development is consistent with those policies.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site relates to a parcel of land to the north and east of No.61 Manor Road, Darwen, as defined by the submitted red edged location and site plans.

3.1.2 The parcel of land is described as scrubland on the application form. It was, up until the involvement of the applicant, mostly covered by soft landscape and shrubbery and formed part of the Borough Road open space as identified on the Policies Map. This is supported by Google earth imagery (see extract below).

3.1.3 The wider area is characterised by its urban pattern, featuring residential dwellings to the west and Bold Venture Park to the south.



Google earth view of the application site (March 2023)



Google earth view of the application site (September 2021)

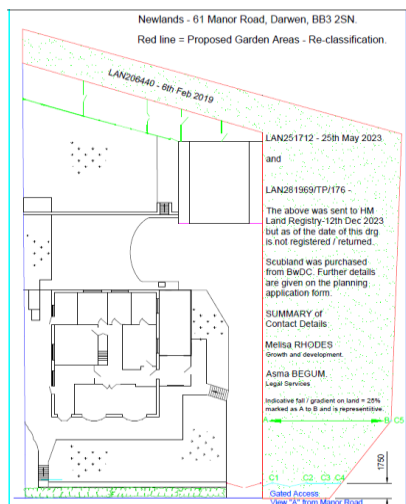


Google aerial imagery of application site to the side and rear of No.61 Manor Road.

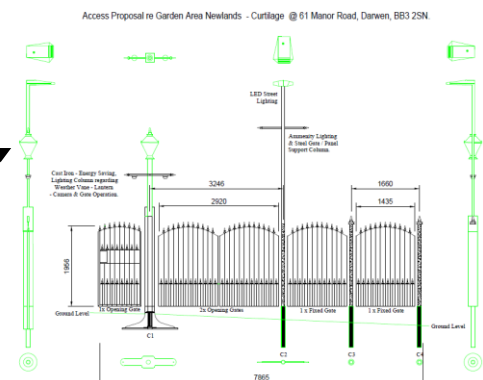
3.2 Proposed Development

3.2.1 A change of use of land to residential garden and erection of gates/lighting columns to the front associated with No.61 Manor Road is proposed. No other building operations are proposed. At the time of the Case Officer's site visit it was noted temporary heras fencing was in situ. The fencing providing an indication of the extent of land acquired by the applicant and subject of this application.

3.2.2 The proposed change of use of the land would adjoin the existing side/rear of the domestic garden area, as set out in the location plan below.



Proposed plans





Photos taken at the time of the Case Officer's visit – 28th February 2024.

3.2 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 Blackburn with Darwen Borough Council Local Plan 2021 – 2037. In assessment of the proposal, the following are the most relevant policies:

- Policy CP1 – A Balanced Growth Strategy
- Policy CP2 – The Spatial Approach
- Policy CP8 – Securing High Quality and Inclusive Design
- Policy CP9 – Transport and Accessibility
- Policy DM02 – Protecting Living and Working Environments
- Policy DM10 – Residential Gardens and Boundaries
- Policy DM15 – Protection and Enhancement of Wildlife Habitats
- Policy DM19 – Development of Open Spaces
- Policy DM27 – Design in New Developments
- Policy DM29 – Transport and Accessibility

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (The Framework) (December 2023)

3.4.2 National Planning Policy Guidance (NPPG)

3.5 Assessment

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

- Principle of the development
- Amenity impacts
- Design/character and appearance impacts
- Environmental impacts
- Highway considerations

3.5.2 Principle

3.5.3 As a site located within the Urban Area of Blackburn with Darwen, the development is consistent with Policy CP2 of the Development Plan which state that the urban area is the preferred location for new development. In land terms use, therefore, the principle of a change of use to residential garden is supported.

3.5.4 The principle of the development is also accepted, in accordance with the NPPF's presumption in favour of sustainable development, which should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified, subject to assessment of the following matters:

3.5.5 Amenity

3.5.6 Assessment of visual amenity impact of the development is a key consideration. The Council has a bespoke policy for residential curtilage development, in order to protect the character of an area from the unacceptable introduction of domestic features and maintain land to an otherwise unaltered area. Policy DM10 sets out the following requirements:

1. *Outside the urban boundary, an extension to a residential garden or boundary will only be permitted where it will not, in isolation or in combination with other committed or completed development, lead to any detriment to visual amenity or to the character of the surrounding landscape. In appropriate cases, the Council will remove permitted development rights in order to protect the character and amenity of the landscape.*

2. *Proposals to extend a residential garden within the urban boundary will be assessed against all other relevant policies of the plan. All proposals will consider issues around privacy, overlooking and amenity, and should be of appropriate scale or size for the area.*

3.5.7 To the east and north of the site lies Borough Road green open space. At its widest point to the side/rear of No.61 Manor Road, the proposed change of use to be incorporated within the garden area would measure circa 13m wide. The depth of the land to the rear to be incorporated as garden would measure circa 2.1m depth and measure the full width of the existing rear boundary circa 19m. Both the rear and side elements would form a 'wrapround'.

3.5.8 A fencing/boundary treatment plan would be appropriately conditioned to be discharged within 6 months of the decision. Upon adequate discharge and implementation, the proposal would not be to the visual detriment of the surrounding area and would integrate appropriately in its setting. As such, for this reason it is considered that no significant detriment to visual amenity or landscape character arises as a consequence of the development.

3.5.9 Further, should permission be granted, it is considered prudent to remove permitted development rights relating to development within the curtilage of a dwellinghouse and minor operations, in order to control future development of the site. This will ensure the land would retain its open landscape and not be open to household paraphernalia associated with residential dwellings i.e. outbuildings/hard surfacing/ additional fencing etc. This would be secured through application of an appropriately worded condition.

3.5.10 Safeguarding amenity should also be considered in the context of Policy DM02, which 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 or other nuisance, privacy, light dominance etc.

3.5.11 The application site is isolated from nearby dwellings and the only residential dwelling that has a direct relationship is No.61 Manor Road with the parcel of land and therefore the proposal would not cause any unacceptable amenity impacts upon neighbouring occupants in terms of loss of privacy/light etc. The proposal therefore appropriately complies with the amenity consideration raised on point 2 of DM10. Further, upon implementation of an appropriate boundary treatment plan to replace the temporary heras fencing the land would be adequately screened to ensure neighbouring amenity is not compromised.

3.5.12 Design/Character and Appearance

3.5.13 Policy DM27 of the LP requires new development to achieve a high quality, sustainable design, with 10 specific characteristics outlined in point 1 of the policy.

3.5.14 Upon receipt of an appropriate boundary treatment plan to be implemented, it is not considered the proposal would form an obtrusive feature nor will it appear as an incongruous addition. Overall, the site would be aesthetically pleasing and can be considered a positive contribution to the local area given the land would be maintained on a regular basis by the applicant. The removal of PD rights will ensure the land would be retained as landscaped area and therefore visual amenity would not be compromised.

3.5.15 Environmental Impacts

3.5.16 Policy CP6 of the Local Plan (2021-2037) 'The Natural Environment' states that the Council want to take urgent action to conserve the natural environment – to sustain and enhance habitat and species and deliver multifunctional benefits and natural capital. Furthermore, Policy DM15 states that development should be designed to protect and enhance existing habitats and ecological networks, including wildlife corridors and stepping stones. Development should minimise any potential disturbance to species and habitats.

3.5.17 The application site is within the urban area and forms part of Borough Road's open space. Bio-diversity net gain (BNG) requirements for small sites were nationally adopted on 2nd April 2024. Given the application was submitted well in advance of this national adoption date for small sites and the adoption date of the Council's BNG Planning Advisory Note (March 2024), a pragmatic view must be taken and therefore it is not considered appropriate to apply BNG requirements to this application.

3.5.18 Highways

3.5.19 Policy DM29 requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced. No public rights of way or adopted footpaths run through the site.

3.5.20 The proposal would introduce gated railings to the front as set out in the plan below, however these have been set-back adequately from the adjacent highway in line with the gates leading to No.61 Manor Road therefore this ensures there would be no conflict with road safety of highway users nor sightlines would be compromised as a result of the proposal.

3.5.21 Highway impacts arising from the development are, therefore, found to be acceptable and in accordance with the requirements of Policies CP9, DM29.

3.5.22 Summary

This assessment takes into account a range of material matters associated with the full planning application for change of use of land to domestic garden, to the rear and side of No.61 Manor Road, Darwen. The application is considered to demonstrate compliance with the Development Plan and The

Framework, subject to imposition of conditions in order to make the development acceptable in planning terms.

4.0 RECOMMENDATION

4.1 APPROVE

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

1. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings received on 23rd January 2024 and 4th March 2024 numbered Location Plan, 70-C-07-03, 70-C-07-01C.

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

2. The use of the land hereby permitted, as defined by the red edged site plan numbered 70-C-07-01C received on 4th March 2024, shall be for the sole benefit of householders residing at 61 Manor Road, Darwen, BB3 2SN and for no other purpose.

REASON: In order to safeguard the amenities of the adjacent householders and the area generally, in accordance with Policy DM02 of the Blackburn with Darwen Borough Local Plan 2021-2037.

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

REASON: To ensure enhanced control over future development of the properties; in the interests of preserving residential amenity and the area generally; in accordance with Policies DM02 and DM27 of the Blackburn with Darwen Borough Local Plan 2021-2037.

4. Within 6 months of the date of this decision a scheme detailing the siting and appearance of a boundary treatment to replace the temporary heras fencing shall be submitted to an approved in writing by the Local Planning Authority. The boundary treatment shall be implemented within 6 months of the date of discharge in accordance with the approved details and remain in perpetuity.

REASON: In the interests of residential and visual amenity, in accordance with the requirements of Policies DM02 and DM27 of the Blackburn with Darwen Borough Local Plan 2021-2037.

5.0 PLANNING HISTORY

- 5.1 10/05/0377 – Proposed conservatory – approved subject to conditions on 01/06/2005.
- 5.2 10/15/0441 - To form New Proposed Dwelling to Land at 61 Manor Road – Refused on 27/08/2015.
- 5.3 10/16/0006 - Re-submission - conversion of existing garage to create one single dwelling – Refused on 19/04/2016.
- 5.4 10/17/0240 - Demolition of existing garage and outbuilding and the erection of a single dwelling – Refused on 05/05/2017 – appeal dismissed on 08/02/2018.
- 5.5 10/17/0876 - Proposed demolition of existing garage and outbuildings to allow for construction of residential annex to main dwelling – approved subject to conditions on 11/09/2017.
- 5.6 10/19/0256 - Demolition of existing garage and outbuildings and erection of a new dwelling. – Refused on 20/05/2019 – appeal dismissed on 04/11/2019.

6.0 CONSULTATIONS

- 6.1 Public consultation has taken place, with 3 letters posted to neighbouring addresses on 6th March 2024. Additionally, a site notice was displayed. No representations have been made received.
- 6.2 In addition to neighbour consultation, 3 statutory consultees were consulted:

Public Protection – no objections.

Property Team – no objections.

Darwen Town Council – no response received.

7.0 CONTACT OFFICER: Adam Shaikh, Planning Officer

8.0 DATE PREPARED: 2nd April 2024.

Proposed development: Full Planning Application (Regulation 3) for Relocation of free-standing bronze statue of Barbara Castle from Jubilee Square to the land on Cathedral Square

**Site Address:
Land at Cathedral Square
Blackburn
BB1 1FB**

Applicant: Blackburn with Darwen Council

**Ward: Blackburn Central Councillor Samim Desai,
Councillor Mahfooz Hussain
Councillor Zamir Khan**



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 The application is reported to Committee on account of the Council's interest in the development, as the applicant, the land-owner and the developer, under Regulation 3 of the 1992 Town & Country Planning Regulations.

2.2 Assessment of the application finds that the proposal corresponds with the Council's strategic approach to built and cultural heritage, which signifies the history of the Borough, and enhances the Cathedral Square Public Realm and Cathedral Conservation Area and the setting of the Darwen Street Conservation Area, within Blackburn Town Centre. All relevant issues have been addressed through the application, subject to standard planning conditions.

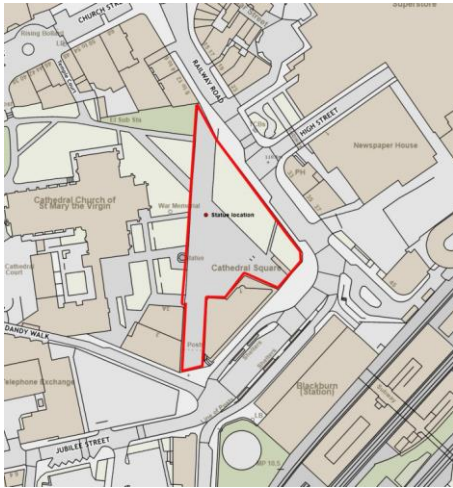
3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site is located at Cathedral Square in Blackburn, set to the front of One Cathedral Square and the East elevation of the Cathedral Church of St Mary the Virgin. The proposed position of the statue is to be on the broad paved area, close to the junction of the Boulevard and Railway Road.

3.1.2 Cathedral Square is a large open public space with a selection of high-quality granite paving, flanked on the Railway Roadside with a grass banking and on the Boulevard side by the precinct of the Cathedral and the newly established Cathedral Gardens.

3.1.3 The proposed Development is to be located towards the Railway Roadside of the Square along the central pavement demarcated by smaller granite sets. It is proposed the statue would face North towards the town centre as if walking from the Railway Station. The proposed statue location is shown below in Figures 1 and 2:



Figures 1 and 2 (above): The proposed statue location

- 3.1.4 To the rear (East) of the site is One Cathedral Square and the Grade II Listed Railway Station. To the east sits the Grade II* Listed Cathedral Church of St Mary the Virgin and the Grade II Listed statue of Queen Victoria.
- 3.1.5 The site is in close proximity to four notable buildings which are the Boulevard Public House, 35-37 Railway Road, the Adelphi Public House and the former Tram Office.
- 3.1.6 The site sits on the outer edge, just within the boundary of the Cathedral Conservation Area, and close to the Darwen Street Conservation Area, as shown in Figures 3 and 4 below:



Cathedral Conservation Area



Darwen Street Conservation Area

Figures 3 and 4 (above): Cathedral and Darwen Street Conservation Areas

- 3.1.7 The site is also within close proximity to other cultural and heritage assets including the Grandmother and Child sculpture at Railway Road, the War

Memorial within the Cathedral precinct and the art installation, and The Healing of the Nations on the East gable at the Cathedral.

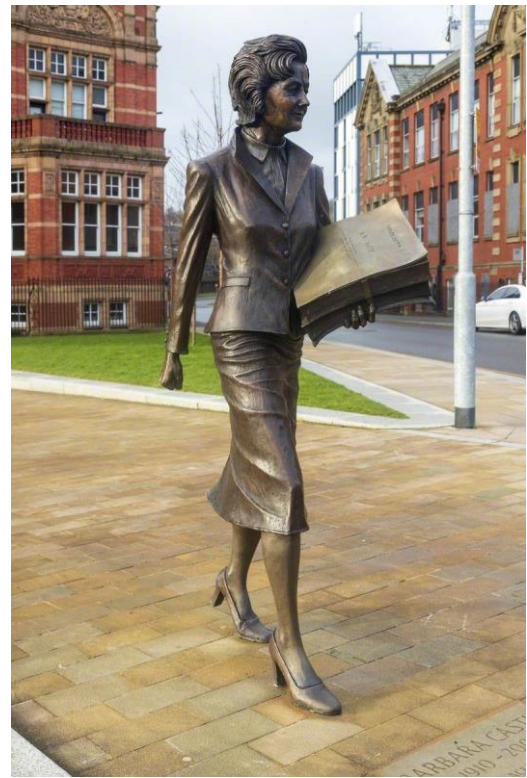
3.1.8 Site photos



3.2 Proposed Development

3.2.1 Full planning permission is sought for the (temporary) re-location of the existing free-standing bronze statue of Barbara Castle and stone memorial, which presently sits within Jubilee Square, Blakey Moor, in the town centre of Blackburn, that has been recently been removed as part of the ongoing refurbishments works to the Victoria Building at Blackburn College.

3.2.2 The statue is 150% life size, 6ft 4 inches tall and 200kg. Photos of the statue in its current location are shown in Figures 5 and 6, below:



Figures 5 and 6 (above): The Statue in its present location at Jubilee Square, Blakey Moor, Blackburn

- 3.2.3 The statue sits flush on the paving, anchored to a 1200mm x 1200mm x 30mm 3:1 sand cement mortar base topped with 75mm sandstone paving.
- 3.2.4 To the front of the statue is a 600mm x 450mm x 30mm integrated memorial stone, hand engraved with the following inscription:

*“Barbara Castle, 1910–2002
MP for Blackburn 1945-79 and
bold campaigner for equal rights.”*

- 3.2.5 The image below (Figure 7) shows the dimensions of the statue:

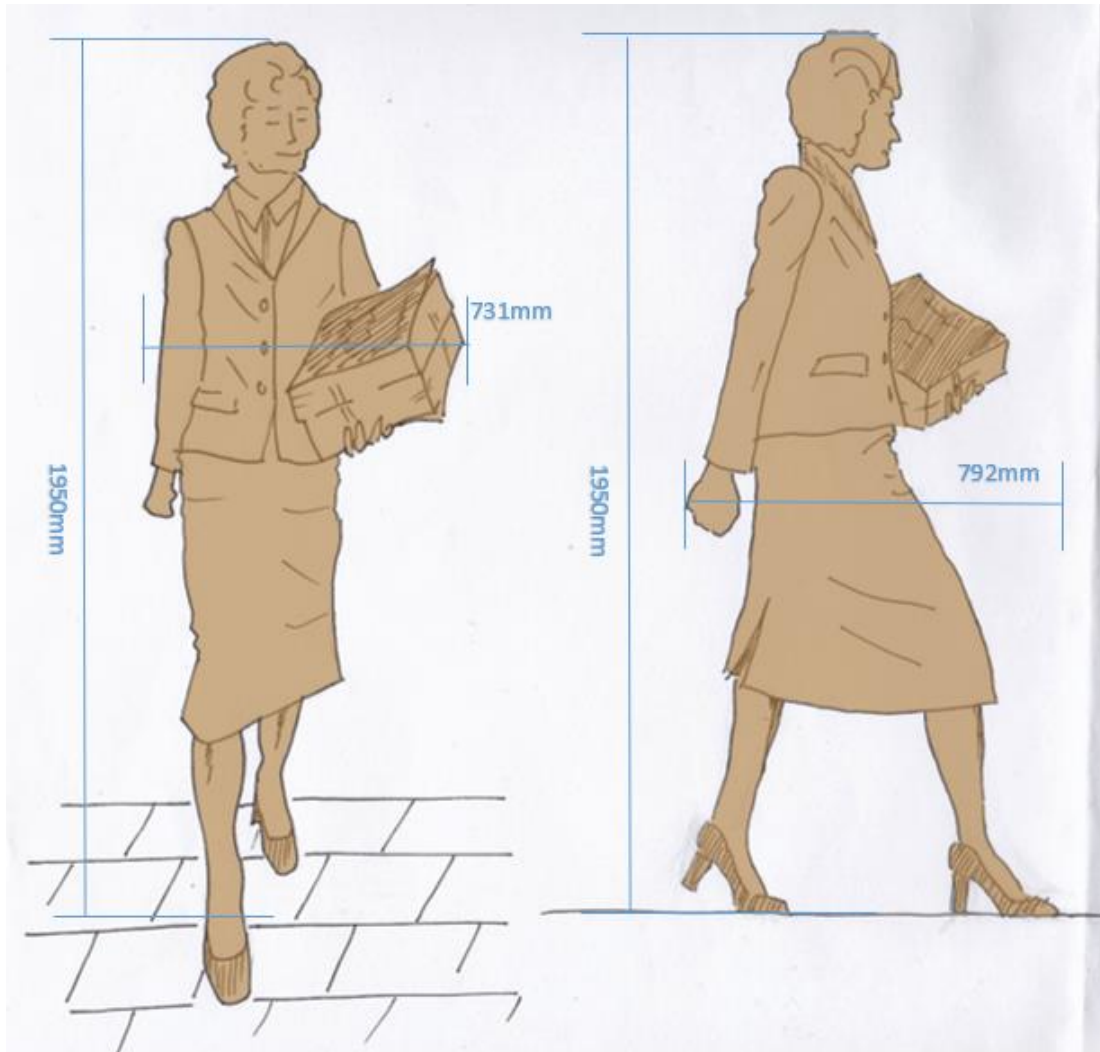


Figure 7 (above): Statue dimensions

3.2.6 Recognising the context to the proposal; Barbara Castle, Baroness Castle of Blackburn, (6 October 1910 – 3 May 2002), was elected to Parliament as MP for Blackburn at the 1945 election. She remained an MP until 1979 making her one of the longest serving female MPs in British history and one which was regarded as one of the most significant Labour Party politicians.

3.2.7 The statue is being temporarily relocated from Jubilee Square to Cathedral Square due to the current road closures on Blakey Moor as a result of the work on the Victoria Building. Whilst the road is closed the statue of Barbara Castle will be temporarily relocated to Cathedral Square for 3 years. Once the work has been completed and the road is back open the statue will then be moved back to its original place on Jubilee Square.

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 BwD Local Plan 2021-2037. In determining the current proposal the following are considered to be the most relevant policies:

3.3.3 Local Plan 2021-2037

- Core Policy 2 (CP2): The Spatial Approach
- Core Policy 6 (CP6): Natural Environment
- Core Policy 7 (CP7): The Historic Environment
- Core Policy 8 (CP8): Securing High Quality and Inclusive Design
- Core Policy 9 (CP9): Transport and Accessibility
- DM Policy 2 (DM02): Protecting Living and Working Environments
- DM Policy 15 (DM15): Protection and Enhancement of Wildlife Habitats
- DM Policy 26 (DM26): Heritage Assets
- DM Policy 27 (DM27): Design in New Developments
- DM Policy 29 (DM29): Transport and Accessibility

3.4 Other Material Planning Considerations

3.4.1 Cathedral (and Darwen Street) Conservation Area Character Appraisals (both June 2009)

These appraisals were produced following a detailed study and assessment of the Cathedral (and Darwen Street) Conservation Areas, in recognition of the areas' historical development and archaeological significance. The appraisals identify important features (such as buildings, streets, views and open spaces) and explains why the conservation areas are special. They also identify and consider issues which detract from these important features and / or are threatening to harm the areas' unique character.

3.4.2 Cathedral (and Darwen Street) Conservation Area Development Guides (both June 2009)

The purpose of these development guides are to outline how the buildings, streets and places within Cathedral (and Darwen Street) Conservation Areas can be conserved, improved and developed to enhance the areas' special qualities. They note the integration of art and that it should be encouraged.

3.4.3 Blackburn Town Centre Supplementary Planning Document (SPD)

The SPD adds targeted detail, guidance and clarification to the suite of documents comprising the Blackburn with Darwen Development Plan, where it applies to Blackburn Town Centre.

3.4.4 National Planning Policy Framework (The Framework)

The Framework provides the Government's national planning policy, including a very strong emphasis on conserving and enhancing the historic environment. In determining planning applications LPA's should take account of;

- a. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b. The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c. The desirability of new development making a positive contribution to local character and distinctiveness.

NPPF Paragraph 205 states that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be applied. This is irrespective of whether any harm is identified as being substantial, total loss or less than substantial harm to its significance.

NPPF Paragraph 209 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

3.4.5 National Planning Policy Guidance (NPPG)

3.5 **Assessment**

3.5.1 The Development Plan reaffirms The Framework's principles of sustainability which includes support for development which conserves and enhances the built environment, subject to the principles of high-quality design.

3.5.2 In assessing this application, the following important materials considerations have been taken into account:

- Principle of the development
- Biodiversity Net Gain (BNG)
- Trees
- Built and Cultural Heritage Impact
- Design / Layout / Character / Appearance / Accessibility

3.5.3 Principle of the development

In land use terms, the principle of the development is accepted, in accordance with The Framework's presumption in favour of sustainable development, which should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified; subject to assessment of the following matters:

3.5.4 Biodiversity Net Gain (BNG)

Notwithstanding the requirements of Local Plan Policy CP6, whilst BNG became mandatory for all major planning applications in February 2024, there is a temporary exemption in national legislation for non-major developments until April 2024. In any case, there are also certain exemptions from

mandatory BNG, which include development impacting on habitat areas of below 25sqm, or 5m for linear habitats (de-minimis). The proposal therefore meets BNG requirements.

3.5.5 Trees

Policies CP6 and DM17 of the Local Plan seek to protect the environment, and it is expected that development will incorporate existing trees into the design and layout of the scheme.

3.5.6 Although there are some trees located in relative close proximity to the proposed statue, these would be far enough away so as to be unaffected by the proposed development. The closest tree is a semi-mature Maple tree situated in the pavement surface, which would be several metres off the statue. The proposed statue would have no detrimental impact on the existing tree, but conversely, future growth of the tree could extend towards and over the statue as the tree matures. To ensure suitable visual clearance for the statue, future pruning would be required to maintain a high canopy, which would mean the tree cover in the square would not conflict visually with the statue. No objections were raised by the Council's Arboricultural Officer.

3.5.7 Built and Cultural Heritage

Core Policy 7 (CP7) and DM Policy 26 (DM26) seek to ensure buildings and features of local importance are protected from inappropriate change or development, requiring development to sustain or enhance the significance of heritage assets, including setting. The NPPF places great value on preserving or enhancing the significance of heritage assets, and where harm is identified, this should be weighed against the public benefits of the proposal.

3.5.8 A Heritage Statement was submitted with the application, required by virtue of the site's position within the Cathedral Conservation Area, and its close proximity to the Darwen Street Conservation Area and various listed buildings, including the nearby Grade II* and Grade II listed buildings. The statement provides an overview of the heritage assets, their significance, and the impact of the proposal on the character of the conservation areas and the setting of the Listed Buildings. The Framework defines a Heritage Asset as:

"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest."

3.5.9 Policies CP7 and DM26 requires development with the potential to affect designated or non-designated heritage assets to sustain or enhance the significance of the asset. To aid assessment, the proposal is supported by submission of a Heritage Statement. The key heritage issues to consider are:

1. Whether the proposal will harm the character or appearance of the Cathedral Conservation Area
2. Whether the proposal will harm the setting of the Darwen Street Conservation Area

3. Whether the proposal will harm the contribution made by the setting to the nearby Grade II* and Grade II listed buildings.
4. In the respect of Paragraph 209 of the NPPF (P 209.), the significance of the NDHA and the potential and scale of any harm or loss to their setting.

3.5.10 Impact on the character/appearance of the Conservation Area (CA)

The location of the proposed statue is close to the eastern boundary of the Cathedral Conservation Area, in an area containing significant and open views of the Cathedral. The modern public space (Cathedral Square/Boulevard) is not only surrounded by the Cathedral, but also modern glazed buildings located in and outside the CA, all of which contribute positively to the CA. In this regard, although the area contains some modern additions, overall this part of the CA has historic value; and is of moderate to high significance. Whilst this part of the CA has altered significantly since the publication of the CAA and accompanying Development Guidance, this area consists primarily of architecturally interesting and attractive nineteenth and twentieth buildings.

3.5.11 The Cathedral Conservation Area Development Guide notes the integration of art and that it should be encouraged. As such, the proposal for a statue, a notable addition to the street scene, will clearly be viewed as a memorial and a piece of artwork with important historic and social links to the area. Additionally, other statues (war memorial and of Queen Victoria) are located in this area, contributing to its significance and visual appearance, therefore the proposed bronze statue will not appear out of place. In this context, the introduction of the statue will not cause any harm to the character and appearance of the Cathedral Conservation Area.

3.5.12 Impact on the setting of the Darwen Street Conservation Area

In respect of the setting of the Darwen Street CA, it was designated in 1994. The character and appearance of the conservation area is defined by the special interest of its distinct plan form and growth attributable to early industrialisation. The conservation area is located almost immediately adjacent to the town's earliest historic centre and includes the course of a Roman road that historically ran northwards between Manchester and Ribchester. It is considered that the conservation area is of moderate significance.

3.5.13 The proposal site lies on the west boundary of the Darwen Street CA in its northern section, which has also been improved with the modernisation of the area noted above and altered since the publication of the CAA and accompanying Development Guidance. Visually, this area is seen within the same context as the Cathedral CA and therefore there will be no impact/harm as a result of the proposal.

3.5.14 The setting of nearby Grade II* and Grade II listed buildings & Non Designated Heritage Assets (NDHAs)

The issue from a heritage viewpoint is whether the proposal would harm the setting of the Grade II Listed Buildings/structures, which should be regarded

as being of high significance. Historic England's advice on setting is contained in its Planning Note 3 (second edition) entitled The Setting of Heritage Assets (2017), which describes the setting as being the surrounding's 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.

3.5.15 Mindful of the above guidance, the proposal site lies adjacent to the Grade II* listed Cathedral Church of St Mary the Virgin and the Grade II Listed Railings, Piers, Lampholders and Statue at East End of Cathedral Churchyard; with more distant views of the Grade II listed Blackburn Railway station. Whilst visiting the site, it is clear that the proposal site and the listed buildings are visually connected, and the proposed statue and listed buildings will be experienced in the same context.

3.1.16 The wider setting of the listed buildings has seen substantial change since the publication of the CA Appraisal, with the construction of modern glazed buildings and the upgraded modern public realm and new buildings. Whilst the new square forms part of the views to the listed buildings, it provides a visually interesting and cohesive setting. In this regard, the new statue (albeit temporary) seems to be an appropriate introduction into the public space and the significance of the setting will be retained. Subsequently, the proposal will have no negative impact on the contribution made by the setting on the significance of any of the heritage assets (including the NDHA).

3.1.17 **Summary (Heritage)**

In conclusion, the proposal would meet the statutory test 'to preserve' and would cause no harm to both the character and appearance of the Cathedral Square Conservation Area, nor to the contribution made by the setting to the significance of the Grade II listed buildings. Similarly, there will be no harm to the setting of the Darwen Street CA or to the setting of the NDHA. Therefore, no balancing exercise is required as per NPPF P.196. As such, the proposal meets the objectives of Chapter 16 of the NPPF and accord with the policies of the Local Plan.

3.5.18 Design / Layout / Character / Appearance / Accessibility

In more general terms, Policy CP8 and DM27 require development proposals to secure high quality sustainable design, consistent with context, identity, and built form. Policy CP9 and DM29 also seek to ensure the safe, efficient and convenient movement of all highway users is not prejudiced.

3.5.19 Considered in the context of the Local Plan's design objectives relating to the Public Realm, as set out in Development Plan, the proposal is considered to make a significant visual contribution to the space that would stimulate public interest, without prejudice to functionality or legibility. There are some underground services in the vicinity of the proposed statue, but the proposed siting, combined with the free-standing nature of the development, means these are unlikely to be compromised, and the applicant has been made aware of this particular constraint. In terms of design / layout / character /

appearance / accessibility, the proposal is considered acceptable, and does not conflict with the Development Plan in this regard.

3.5.20 Summary

This report assesses the full planning application for the erection of a free-standing bronze statue of Barbara Castle and stone memorial. In considering the proposal, all necessary material considerations have been taken into account, including the statutory duty imposed by s.66(1) and s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as to the desirability of preserving listed buildings and CA's.

3.5.21 This report finds that the proposal meets the policy requirements of the Blackburn with Darwen Local Plan 2021-2037, supporting Planning Documents and the National Planning Policy Framework.

4.0 RECOMMENDATION

4.1 Approve.

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

1. The development hereby approved shall be removed on or before a period of no more than 3 years from the date of this consent, and the land returned to its former condition.

REASON: In order to ensure that, upon removal of the statue, this part of the Cathedral Square/Boulevard is returned to its previous condition, given its highly prominent location within Blackburn Town Centre, the Cathedral Conservation Area, and its close proximity to the Darwen Street Conservation Area and various Listed Buildings, in accordance with Policy CP7, CP8, DM26 and DM27, and the National Planning Policy Framework.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received 28th February 2024, including drawing numbers:

Location / Site Plan

Barbara Castle Amended Foundation Base Design

Base Calculations and Fixing Details

Barbara Castle Statue Design

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

5.0 PLANNING HISTORY

- 5.1 No relevant planning history exists for the site. However, the statue itself was granted planning permission in its previous location under 10/21/0646, by the Committee at the meeting in July 2021.

- 10/21/0646 – Erection of free standing bronze statue of Barbara Castle and stone memorial (at Jubilee Square, Blakey Moor, Blackburn) - Approved 15/07/2021

6.0 CONSULTATIONS

6.1 Tree Officer

No objection:

Designations:

DM Policy 17 (DM17): Trees and Woodland.

TPO. 1991. Ld. 37. A2.

Cathedral Conservation Area.

Assessment:

Section 2 of the Heritage Statement states, ‘the proposed position of the statue is to be on the broad paved area, close to the junction of the Boulevard and Railway Road’. It is estimated the position of a semi-mature Maple tree situated in the pavement surface would be several metres off the statue. It is noted there are unground services in the vicinity of the tree. Future growth of the tree could extend towards and over the statue as the tree matures. Pruning in the future to maintain a high canopy would ensure suitable visual clearance for the statue.

Conclusions.

It is not envisaged that the existing tree cover in the square would conflict visually with proposed positioning of the statue.

6.2 Heritage

No objection:

Site / Building / Location

The application site is located at Cathedral Square, in the broad paved pedestrianised area opposite Blackburn Cathedral. The proposed position of the statue is close to the War Memorial, to its east, close to the junction of the Boulevard and Railway Road. The site is located to the southeast of Blackburn Town Centre in an area which contains a mix of period and modern glazed buildings and modern public realm, comprising of a broad central granite sets pavement and grassed areas. Designations The site lies within the Cathedral Square Conservation Area and close to the boundary of the Darwen Street Conservation Area. The proposal site lies within close proximity to the Grade II* Listed Cathedral Church of St Mary the Virgin (List Entry: 1239147): <https://historicengland.org.uk/listing/the-list/list-entry/1239147> the Grade II Listed Railings, Piers, Lampholders and Statue at East End of Cathedral Churchyard (List Entry: 1239153): <https://historicengland.org.uk/listing/the-list/list-entry/1239153> and the Grade II Listed Blackburn Railway Station (List Entry: 1261389): <https://historicengland.org.uk/listing/the-list/list-entry/1261389> Therefore, the proposal will be assessed in relation to the impact on the listed buildings setting. The proposal site is located within close proximity to Blackburn St Michael's and All Angels War Memorial, which should be considered as a Non-designated Heritage Asset (NDHA).

Legislation

The principle statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting. LPA's should, in coming to decisions, consider the principle Act. Which states the following; Listed Buildings - Section 66(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Conservation areas – Section 72(1) In undertaking its role as a planning authority, the Council should in respect to any buildings or land in conservation areas, pay special attention to the desirability of preserving or enhancing the character or appearance of that area. In relation to conservation areas decision makers should consider the impacts on the character and appearance of a conservation area separately, and development proposals need to satisfy both aspects (to preserve or enhance) to be acceptable. Whilst there is no statutory duty to pay special attention to preserving or enhancing the setting of conservation areas, the NPPF requires local planning authorities (under P.201, P.206 and P.212) to consider the impact of development on the setting of heritage assets in the development management process. Paragraph 58 of the Historic England Advice Note 1 (Second Edition), Conservation Area Appraisal, Designation and Management (2019) states heritage assets can gain significance from their relationship with their setting whilst views from within or outside an area form an important way in which its significance is experienced and appreciated. The Levelling Up and Regeneration Act 2023 came into force on the 26 October. The new LURA 2023 introduces a new duty under s58B in considering whether to grant planning permission or permission in principle for the development which affects a relevant asset or its setting, the local planning authority must have special regard to the desirability of preserving or enhancing the asset or its setting. For the purposes of the act a 'relevant asset' means Ancient Monuments, Historic Parks and Gardens (under section 8C of the Historic Buildings and Ancient Monuments Act 1953), Protected Wreck sites and World Heritage Sites. The new duty does not include the setting to a designated conservation area. Further secondary legislation is required to fully enact the new law.

Planning Guidance and Policy NPPF In determining planning applications LPA's should take account of;

- a. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b. The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c. The desirability of new development making a positive contribution to local character and distinctiveness.

P.205 states that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be applied. This is irrespective of whether any harm is identified as being substantial, total loss or less than substantial harm to its significance. P 209. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Local Plan Blackburn Local Plan 2021-2037

Core Policy 7 (CP7): The Historic Environment DM Policy 26 (DM26): Heritage Assets Cathedral Square Conservation Area Character Appraisal, June 2009 Cathedral Square Conservation Area Development Guide, June 2009 Darwen Street Conservation Area Character Appraisal, June 2009 Darwen Street Conservation Area Development Guide, June 2009 Assessment I have reviewed the supporting documents, which includes the site plan, statue design details, foundation stone details and a Heritage Statement, prepared by the Townscape Heritage Project on behalf of Blackburn with Darwen Borough Council and the Barbara Castle Statue Campaign Group. The key heritage issue for the LPA to consider is: 1. Whether the proposal will harm the character or appearance of the Cathedral Square Conservation Area 2. Whether the proposal will harm the setting of the Darwen Street Conservation Area 3. Whether the proposal will harm the contribution made by the setting to the nearby Grade II* and Grade II listed buildings. 4. In the respect of P.209, the significance of the NDHA and the potential and scale of any harm or loss to their setting.

The Proposal

The proposal seeks to relocate and temporarily erect (approximately 3 years) the bronze statue of Barbara Castle, MP for Blackburn and campaigner for equal rights. The statue is to be 150% life size, at 1950mm in height and 731mm width. The statue is to be installed flush to the pavement and anchored to a 1200mm x 1200mm x 30mm base. The proposed statue will be located on the paved area at Cathedral Square, set to the front of One Cathedral Square and the east elevation of the Cathedral Church of St Mary the Virgin, close to the War Memorial and the junction of the Boulevard and Railway Road. It is proposed the statue would face North towards the town centre as if walking from the Railway Station.

Impact to the Conservation Area and Setting

The issue from a conservation perspective is whether the proposal will harm the character and appearance of the Cathedral Conservation Area or the setting of the Darwen Street Conservation Area. Cathedral Conservation Area was originally designated in 1992 and its special interest is centred on the Cathedral Church of St Mary the Virgin and includes the surrounding nineteenth and twentieth century buildings and the site of Blackburn's medieval marketplace. The location of the proposed statue is close to the eastern boundary of the Cathedral Conservation Area, in an area containing significant and open views of the Cathedral. The modern public space (Cathedral Square/Boulevard) is not only surrounded by the Cathedral, but also modern glazed buildings located in and outside the CA, all of which contribute positively to the CA. In this regard, although the area contains some modern additions, overall this part of the CA has historic value; and for the purpose of this assessment is of moderate to high significance. Whilst this part of the CA has altered significantly since the publication of the CAA and accompanying Development Guidance, in my view, this area consists primarily of architecturally interesting and attractive nineteenth and twentieth buildings. The Cathedral Square Conservation Area Development Guide notes the integration of art and that it should be encouraged. As such, the proposal for a statue, a notable addition to the street scene, will clearly be viewed as a memorial and a piece of artwork with important historic and social links to the area. Additionally, other statues (war memorial and of Queen Victoria) are located in this area, contributing to its significance and visual appearance, therefore the proposed bronze statue will not appear out of place. In this context, I do not feel the introduction of the statue will cause any harm to the character and appearance of the Cathedral Square Conservation Area. In respect of the setting of the Darwen Street CA, it was designated in 1994. The character and appearance of the conservation area is defined by the special interest of its distinct plan form and growth attributable to early industrialisation. The conservation area is located almost immediately

adjacent to the town's earliest historic centre and includes the course of a Roman road that historically ran northwards between Manchester and Ribchester. It is my view that the conservation area is of moderate significance. The proposal site lies on the west boundary of the Darwen Street CA in its northern section, which has also been improved with the modernisation of the area noted above and altered since the publication of the CAA and accompanying Development Guidance. Visually, this area is seen within the same context as the Cathedral CA and therefore there will be no impact/harm as a result of the proposal.

Impact on the Setting of the Listed Buildings

The issue from a heritage viewpoint is whether the proposal would harm the setting of the Grade II Listed Buildings/structures, which should be regarded as being of high significance. Historic England's advice on setting is contained in its Planning Note 3 (second edition) entitled The Setting of Heritage Assets (2017), which describes the setting as being the surrounding's 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. Mindful of the above guidance, the proposal site lies adjacent to the Grade II* listed Cathedral Church of St Mary the Virgin and the Grade II Listed Railings, Piers, Lampholders and Statue at East End of Cathedral Churchyard; with more distant views of the Grade II listed Blackburn Railway station. Whilst visiting the site, it is clear that the proposal site and the listed buildings are visually connected, and the proposed statue and listed buildings will be experienced in the same context. The wider setting of the listed buildings has seen substantial change since the publication of the CA Appraisal, with the construction of modern glazed buildings and the upgraded modern public realm and new buildings. Whilst the new square forms part of the views to the listed buildings, it provides a visually interesting and cohesive setting. In this regard, the new statue (albeit temporary) seems to be an appropriate introduction into the public space and the significance of the setting will be retained. Subsequently, the proposal will have no negative impact on the contribution made by the setting on the significance of any of the heritage assets (including the NDHA).

Conclusion / recommendation

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 and in relation to the setting of the CA and NDHA, I have provided a balanced judgement in order to meet the general aim of the national guidance to preserve heritage. I consider the proposal would meet the statutory test 'to preserve' and would cause no harm to both the character and appearance of the Cathedral Square Conservation Area, nor to the contribution made by the setting to the significance of the Grade II listed buildings. Similarly, there will be no harm to the setting of the Darwen Street CA or to the setting of the NDHA. Therefore, no balancing exercise is required as per NPPF P.196. As such, the proposal meets the objectives of Chapter 16 of the NPPF and accord with the policies of the Local Plan.

6.2 Public consultation

Consultation was carried out by means of 2 neighbour letters on 4th March 2024, site notices displayed on 6th March 2024, and publication of a press notice on 12th March 2024. No comments were received.

7.0 **CONTACT OFFICER: Tom Wiggans, Planning Officer**

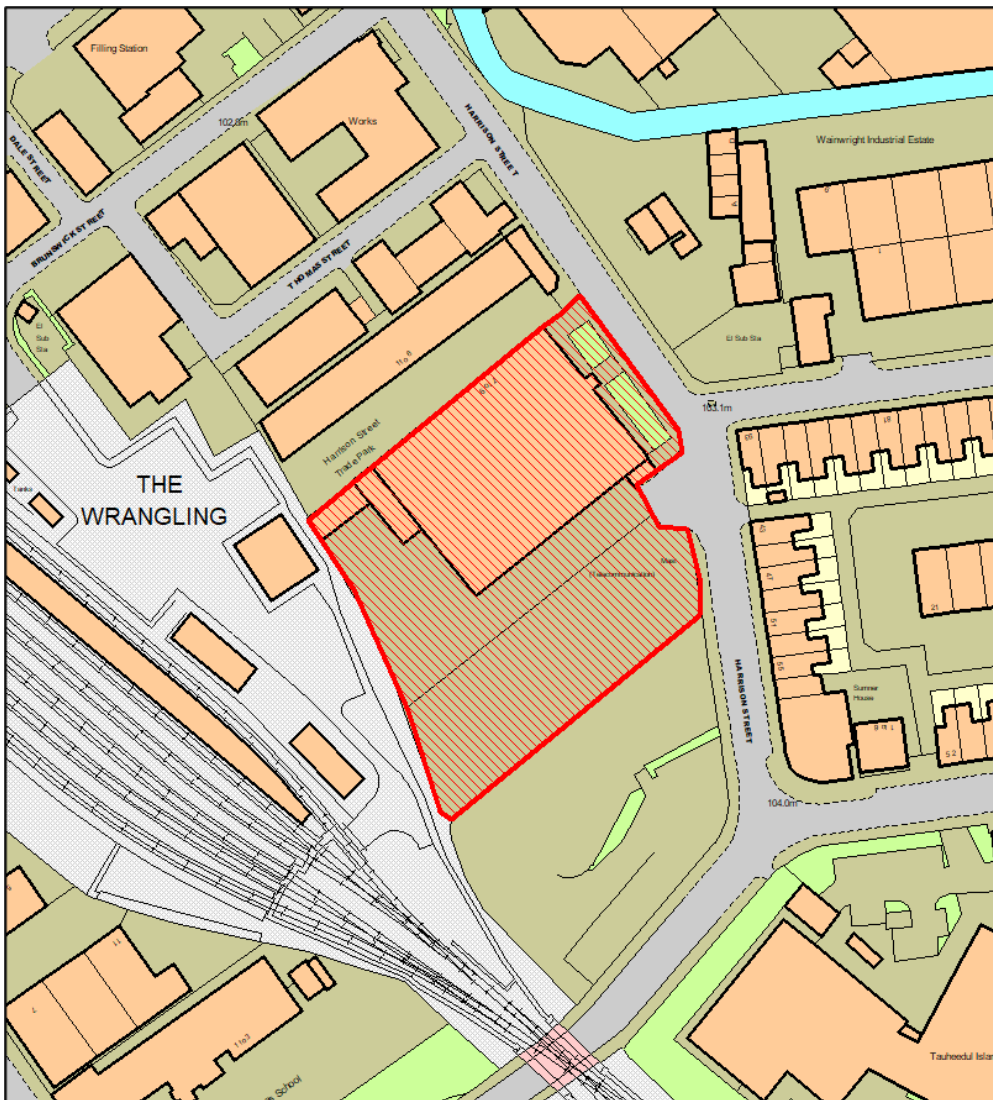
**DATE PREPARED:
28th March 2024.**

**Proposed development: Removal of Condition / Minor Material Amendment:
Removal of condition 2 "temporary permission" pursuant to planning
application 10/21/1320 to allow permanent opening between the hours of 11:00
to 23:00 (retrospective).**

**Site Address:
The Grand Venue
Unit 2 Harrison Street Trade Parks
Harrison Street
Blackburn
BB2 2JE**

Applicant: Mr Sajid Patel

**Ward: Blackburn Central
Councillor Zamir Khan,
Councillor Mahfooz Hussain
Councillor Samim Desai**



1.0 SUMMARY OF RECOMMENDATION

1.1 Approve, subject to conditions set out in paragraph 4.1 of this report.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 The application is reported to Committee as minor material amendment to a previous Committee determined application. This is in accordance with the Council's adopted Scheme of Delegation.

2.2 The application is submitted under the provisions of Section 73 of the Town and Country Planning Act 1990 (as amended). Permission is sought to permanently vary the opening hours to between 11:00 to 23:00, by means of removing the following condition (no. 2) attached to the grant of planning permission on 17th March 2022 (ref. 10/21/1320):

2. The development hereby approved shall be for a temporary period only and shall cease on or before 17th March 2023.

REASON: In order that the effect of the development upon the amenities of the surrounding area can be assessed during this period, and that any future application can be decided based on this assessment, in accordance with the National Planning Policy Framework and Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

2.3 Taking account of all material circumstances, in the context of the planning policy framework, Members are recommended to approve the application, detailed assessment of which finds that the proposal, on balance, corresponds with the Council's development management objectives of the Local Plan 2021 – 2037. All technical issues have been addressed through the application or are capable of being controlled or mitigated by planning conditions.

2.4 Members are advised that the original planning permission establishes the principal of the development and other associated matters. This recommendation is limited to the merits of the proposed amended hours of use. No other matters are to be considered.

2.5 Support for the application would result in the premises being able to lawfully operate between 11:00hrs and 23:00hrs, on a permanent basis, subject to continued compliance with all other conditions. It should be recognised that dischargeable conditions have been discharged under the discharge of condition process.

3.0 RATIONALE

3.1 The summary background to this application is as follows:

- 3.2 The host application (10/21/1320) was submitted and subsequently approved by Committee following complaints received by the Council's Planning Enforcement and Public Protection teams, in August 2018. Complaints from local residents at that time alleged late-night opening, beyond the originally permitted 7pm closure time, as secured via condition attached to the original grant of planning permission on 20th October 2017 (ref. 10/16/1208). A subsequent joint investigation involving night-time monitoring established a breach of opening hours. Consequently, a Breach of Condition Notice (BCN) was issued on 19th September 2018 requiring cessation of the unauthorised opening hours. An application to extend opening hours to between 11:00 and 23:00 was subsequently submitted (ref. 10/18/0959). This application was approved on 20th June 2019 for a temporary twelve-month period, to allow monitoring of late evening noise impacts. Due to the arrival of the global pandemic, in early 2020, the premises ceased operating and a full twelve-month monitoring period proved impossible. The situation was, therefore, held in abeyance.
- 3.3 Approval of application 10/21/1320 on 18th March 2022 revived the twelve-month permission for extended opening hours (11:00 to 23:00) to allow monitoring in the context of a Noise Management Plan which was secured via condition.
- 3.4 The temporary twelve-month permission expired on 17th March 2023. Throughout the period from reopening after the pandemic, to the present date, the premises has operated between the extended hours, notwithstanding that, from the 18th March 2023, those hours have been unauthorised and in breach of condition. It is unfortunate that the matter has taken until submission of the subject application, on 4th March 2024, for the unauthorised hours of opening to be addressed. Notwithstanding the delay, Members are advised that no complaints alleging noise disturbance / breach of opening hours have been received from local residents by the Council's Planning Enforcement team.
- 3.5 Members are also advised that the applicants / operators of the Grand Venue annually fund a residents only parking scheme, which was introduced as a conditional requirement of planning permission granted under ref. 10/18/0959.
- 3.6 For additional context, Members are reminded of a recent grant of planning permission by Committee, on 21st March 2024, for the change of use of a former builder's yard to a car park to serve the Grand Venue, including land level alterations (ref. 10/23/0769). The use is recognised as beneficial for the business and the wider community by alleviating the issue of authorised and unauthorised on street parking.

3.1 Site and Surroundings

- 3.1.1 The application site is The Grand Venue and associated outdoor car parking /servicing areas. The building is a large former industrial warehouse, located to the west of Harrison Street, Blackburn. Whilst a range of commercial uses dominate the immediate locality, residential uses are located in close proximity to the application site, to the south-west.

3.2 Proposed Development

3.2.1 Removal of the following condition (temporary permission), pursuant to planning application 10/21/1320, to allow permanent opening between the hours of 11:00 to 23:00:

2. The development hereby approved shall be for a temporary period only and shall cease on or before 17th March 2023.

REASON: In order that the effect of the development upon the amenities of the surrounding area can be assessed during this period, and that any future application can be decided based on this assessment, in accordance with the National Planning Policy Framework and Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

3.3 Development Plan

3.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise.

3.3.2 For the purpose of this assessment, the Development Plan comprises the Blackburn with Darwen Borough Council Local Plan 2021 – 2037 (adopted January 2024). The following policies are of relevance:

- Policy CP1: A Balanced Growth Strategy
- Policy DM02: Protecting Living and Working Environments

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (NPPF).

3.4.2 National Planning Policy Guidance (NPPG).

3.5 Assessment

3.5.1 In assessing this application the following range of important material matters must be considered:

- Strategic growth objectives
- Amenity / Protecting Living and Working Environments

3.5.2 Amenity

Policy DM02 requires development to contribute positively to the overall physical, social, environmental and economic character of the area. It is also required to secure a satisfactory level of amenity and safety for surrounding

uses and for occupants or users of the development itself, including reference to noise nuisance.

- 3.5.3 Since the lifting of Covid restrictions and re-introduction of the operational use of The Grand Venue, around the summer of 2021, noise nuisance is not evidently excessive. Whilst it should be acknowledged that noise complaints were received by the Local Planning Authority in July 2021, intervention by the Councils' Planning Enforcement, in consultation with Public Protection, has resulted in the introduction of stringent noise management measures, in the form of a Noise Management Plan (NMP) (Miller Goodhall Ltd), adherence to which by the Grand Venue management, is a condition of planning permission granted under application ref. 10/21/1320. In summary, the NMP requires the following mitigation / control measures:

Best Practicable Means (BPM) for Noise

The Operator should employ best practicable means for the control of noise, particularly management controls which strive to minimise noise associated with venue attendees outside of the building.

General Operational Control Measures

At least one staff personnel shall be present at all times who shall be responsible for enforcing this noise management plan, reminding other staff and workers about their responsibilities in terms of noise management and preventing any undue noise disturbance.

Event Music – shall be limited to background music only unless agreed in writing by the Environmental Protection Service at Blackburn with Darwen Borough Council in respect of specific events held at the Grand Venue.

Control of General Noise from External Activities

No Fireworks - There shall not be any fireworks lit at the Grand Venue premises nor off-site in association with Grand Venue events.

No Queuing Vehicles - There shall not be any vehicles queuing on Harrison Street nor Canterbury Street associated with any Grand Venue event. Stewards must ensure that the site and any associated off-site parking areas are accessible to guests on arrival and direct them immediately to park their vehicles.

One-way traffic management system - This system shall operate at all times during events at the Grand Venue premises.

Taxi/Mini-bus Rank - A rank shall be provided at the rear of the Grand Venue premises for drop-off and pick-up of guests.

Access/Exit Doorways – all doors to the outside areas at the Grand Venue premises shall be fitted with door closing devices and must not be propped open at any time.

Marshalling by Stewards – Stewards shall be employed to marshal guests in the outdoor areas at the Grand Venue premises to maintain order and

prevent noisy occurrences such as revving car engines, sounding car horns, shouting or raised voices of guests and any other noisy behaviour of guests.

At the beginning of events Attendees will be gathered internally for reception of the groom after his vehicle has entered the building at the southwest corner of the building. The roller shutter entrance will be closed immediately after the car has entered the building.

At the end of events Attendees will be reminded by staff to be mindful of noise and not to shout or use their car horns as they exit the venue.

Staff shall supervise the area immediately outside the premises to reduce any unnecessary noise during dispersal. Staff shall supervise the vehicular exit point and will route traffic northwards along Harrison Street to avoid large numbers of vehicles driving passed the residential properties facing onto Harrison Street.

Staff will not use shouting or raised voices outside the premises at any time, except in unforeseen emergency situations. Radios, portable music devices and other audio amplification equipment shall not be used.

Staff to ensure that customers do not leave the premises with bottles or glassware.

Noise From Emptying of Waste After Events

No waste will be disposed of externally after events. All waste handling outside of the building will occur between the hours of 08:00 and 19:00.

Staff will be aware and mindful of the need to minimise the noise they generate when handling waste externally.

Best practical methods will be followed to minimise noise disturbance when disposing of waste externally. In cases where noise is difficult to avoid – such as disposal of quantities of glass – the waste bins will be wheeled inside the building before being filled.

Noise From Metal Entrance Gates

Staff will not cause unnecessary noise through careless operation of the metal gates used on the premises.

All gates used on the premises will be well maintained and inspected periodically to ensure that they are not causing unnecessary noise.

Any gates that are hindered in their movement by the ground or other objects while in use will be modified, repaired or replaced as necessary to avoid making any noise such as scraping or banging sounds.

Hinges, sliders, rods, locks or any other moving parts will be periodically oiled or greased and replaced as necessary to avoid any squeaking or screeching sounds from poorly maintained parts.

Building Services Noise

All building services plant shall be installed, operated and maintained in accordance with manufacturer's instructions.

Every few months the management shall undertake listening tests of the building services plant whilst operating, to listen out for possible noise issues and take action if appropriate.

Staff Training

The Operator shall inform all staff about the noise management plan and the reasons for its implementation.

This will be included as part of staff induction procedures and highlighted at regular staff meetings.

Disobeying the NMP shall be a disciplinary conduct matter.

Signage

Signage will be located next to entrances and exits and at prominent locations inside the premises reminding staff and patrons to ensure that noise is controlled at all times to protect the amenity of local residents.

Good Housekeeping

Good housekeeping practises on site to minimise noise from the site shall include:

- The general maintenance and inspection of building services plant;*
- Replacing and renewing all signage associated with controlling noise emissions;*
- Door seals and self-closing mechanisms fitted to external doors shall be checked periodically and maintained to ensure the highest sound insulation performances are achieved; and*
- General housekeeping and inspection procedures maintained.*

Regular Review of Control Measures

The above noise control measures shall be reviewed annually other than in 5.10.2 below.

The control measures shall be reviewed as a matter of course if:

- A complaint is received; and*
- If planning or licensing conditions are amended.*

Complaints Response

The management shall provide the nearest residences with a contact telephone number and/or email address which can be used to notify the

company about noise complaints. A record of all noise complaints shall be kept by the operator.

The Operator shall have a set procedure for dealing with and responding to complaints. If a noise complaint is made then a complaint form will be filled out (see Appendix 1) and a note made in the site diary. All complaints shall be dealt with promptly and any appropriate remedial action shall be taken. A noise complaint will result in:

- Completion of a complaint form;*
- Source of noise identified, (where possible);*
- Remedial action taken (where possible);*
- Complainant notified of remedial action taken and deadline for action;*
- Relevant staff informed as to the time and nature of each complaint; and*
- Control measures reviewed.*

3.5.4 The NMP is considered a robust means of control, albeit one dependent on effective management by responsible individuals at The Grand Venue. To date, no breach of the NMP has been established and no substantive evidence is available in support of excessive noise disturbance arising from the operational use of the premises or from within the immediate surrounding street network.

3.5.5 Notwithstanding the above, Public Protection offer objection to the proposal for reasons reproduced at paragraph 6.1, below. Although reference is made to complaints received alleging noise nuisance and unacceptable loss of amenity at residential premises, no substantive evidence is offered in support of the position, including an absence of noise recordings from investigating authorities and written records of noise nuisance from any complainant. Moreover, no objection to the application has been received from any of the 72 residents and local businesses consulted regarding this planning application directly by letter and display of site notice.

3.5.6 The purpose of imposing a temporary 12-month permission for extended opening hours, notwithstanding that the temporary period has been exceeded, was to gauge the management response of The Grand Venue and to monitor noise disturbance, both proactively and through receipt of complaints from the local community.

3.5.7 In the circumstances, it is considered that refusing the application would be unreasonable.

3.5.8 As aforementioned, a car park adjacent to the site has recently been approved, which may assist in reducing on street disturbance.

3.5.9 Member's should be assured that receipt of complaints to Planning Enforcement officers will be investigated, and appropriate action taken should a breach of the NMP be established. It should, however, be acknowledged

that noise from dispersing patrons of The Grand Venue can only be controlled where it arises from within the site or the immediate street network adjacent to the site when patrons are arriving or departing. It should also be recognised that statutory noise nuisance provisions of the Environmental Protection Act 1990 would remain available to council officers.

3.5.10 Accordingly, on balance, it is found that satisfactory levels of amenity and safety would be secured for the locality. The development is also considered to contribute positively to the overall physical, social, environmental, and economic character of the area, in accordance with the requirements of Policy DM02 and The Framework.

4.0 RECOMMENDATION

4.1 Approve subject to conditions.

Note: Conditions are re-sequenced from the host permission due removing condition no. 2.

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

1. The development hereby permitted shall be begun before the expiration of three years from 28th October 2017 i.e. date of the original planning permission 10/16/1208.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to the implementation of the development hereby approved, a scheme detailing soundproofing shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development.

REASON: To protect the neighbouring premises from any adverse noise levels in accordance with Policy DM02 of the Blackburn with Darwen Borough Local Plan 2021 – 2037.

3. Prior to the implementation of the development hereby approved, a scheme for the control of cooking odours and fan noise from the premises shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter retained.

REASON: To prevent adverse amenity to occupiers of neighbouring premises from cooking odours and/or extraction system noise in

accordance with Policy DM02 of the Blackburn with Darwen Borough Local Plan 2021 – 2037.

4. There shall be no externally audible "Call to Prayer" from the building or within the application site at any time.

REASON: To protect the neighbouring premises from any adverse noise levels in accordance with Policy DM02 of the Blackburn with Darwen Borough Local Plan 2021 – 2037.

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

Monday to Sunday 11:00 to 23:00.

REASON: To protect the neighbouring premises from any adverse noise levels in accordance with Policy DM02 of the Blackburn with Darwen Borough Local Plan 2021 – 2037.

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

REASON: To protect the health of future occupiers of the site in accordance with Policy DM02 of the Blackburn with Darwen Borough Local Plan 2021 – 2037.

7. Prior to the implementation of the development hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing provision of an electrical vehicle charging point. The approved scheme shall be implemented prior to first occupation of the development.

REASON: In the interests of air quality management and protection of health, in accordance with Policy DM02 of the Blackburn with Darwen Borough Local Plan 2021 – 2037.

8. Prior to the implementation of the development hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the offer of a minibus service for the transportation of attendees to and from the venue. The scheme shall detail when the service is to be made available and details of its management and monitoring. The scheme shall be implemented in accordance with the approved details.

REASON: In order to promote an alternative mode of transportation to and from the venue, in the interests of minimising highway congestion, in accordance with Policies CP9 and DM29 of the adopted Blackburn with

Darwen Borough Local Plan 2021 – 2037 and National Planning Policy Framework.

9. Notwithstanding the submitted details, prior to the implementation of the 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 Policies CP8 and DM27 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037 and National Planning Policy Framework.

10. The submitted amended 'Noise Management Plan' produced by Miller Goodhall, dated 19th January 2022 (Version 2), shall be implemented with immediate effect.

REASON: To safeguard the amenities of nearby residential premises and the area generally in accordance with Policy DM02 of the Blackburn with Darwen Borough Local Plan 2021 – 2037.

11. Within 28 days of the date of this approval, an application shall be made to the Local Highway's Authority for a Traffic Regulation Order (TRO) to introduce residents only parking along Harrison Street, Canterbury Street and Sumner Street. All associated costs, which are to be borne by the applicant, shall include TRO advertising / publication; road markings and signage; and 1 annual permit per property for the duration of the approved use.

REASON: To safeguard the amenities of nearby residential premises and the area generally and in the interest of highway efficiency in accordance with Policies CP9 and DM29 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037 and National Planning Policy Framework.

12. Prior to the erection of the extension hereby approved to the rear of the building, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the adjacent operational railway infrastructure shall be submitted to and approved in writing by the Local/ Planning Authority. The approved Risk Assessment and Method Statement shall be adhered to throughout construction works.

REASON: In the interests of public safety, in accordance with Policy DM02 of the Blackburn with Darwen Borough Local Plan 2021 – 2037.

13. This consent relates to the submitted details marked received on 7th November 2016; amended plans marked received 12th April 2017 and 14th June 2017; amended details received 1st October 2018; Noise

Management Plan dated 18th January 2019, and amendments received 26th November 2021, including amended Noise Management Plan, dated 22nd January 2022; any subsequent amendments approved in writing by the Local Planning Authority.

REASON: To clarify the terms of this consent.

5.0 PLANNING HISTORY

- 5.1 10/23/0769: Change of use of former builders yard to a car park to serve the Grand Venue, including land level alterations (part retrospective). Approved 21/03/2024.
- 5.2 10/21/1320: Variation of condition nos. 2 and 11 pursuant to planning application 10/18/0959 to permit a further 12-month temporary permission and revision to the Noise Management Plan, respectively. Approved 18/03/2022.
- 5.3 10/21/1091: Retention of an external shelter and canopy. Approved 17/11/2021.
- 5.4 10/19/1063: Discharge Condition Nos 2, 3 and 7 pursuant to planning application 10/16/1208. Approved 15/02/2022.
- 5.5 10/18/0959: Variation of condition No. 5 pursuant to planning application 10/16/1208 - to amend the opening hours to Monday -Sunday 11:00 - 23:00. Approved 20/06/2019.
- 5.6 10/17/1412: Discharge of Condition Nos 2, 3, 8, 9, and 10 pursuant to planning application 10/16/1208. Split decision 19/03/2018.
- 5.7 10/16/1208: Change of use from existing B1/B2 use to D2 Banqueting Suite with single storey front extension and external alterations and additional car parking. Approved 20/10/2017.

6.0 CONSULTATIONS

6.1 BwD Public Protection

With reference to the above application, I recommend that planning permission be refused for the following reasons:

Comments: Noise Disturbance Loss of Residential Amenity.

During the period of temporary approval, and since the temporary approval expired, I have continued to receive residential amenity noise nuisance complaints. Unfortunately, the stewards employed at the Grand Venue are unable to adequately control customer noise both at the premises & in the street. A wide variety of noisy incidents have arisen during the late evening & night-time including car horns

sounding, revving engines & car doors slamming, shouting & raised voices of customers, fireworks and amplified music. I have also received complaints about the use of drums associated with wedding events during the early evening. All of these noisy activities cause unacceptable loss of amenity at residential premises.

6.2 Public consultation

72 letters were posted to the local community on 6th March 2024 and a site notice was displayed. No comments were received.

7.0 CONTACT OFFICER: Nick Blackledge, Principal Planning Officer.

8.0 DATE PREPARED: 4th April 2024.

REPORT OF THE STRATEGIC DIRECTOR

Plan Nos: 10/24/0259
and 10/24/0261

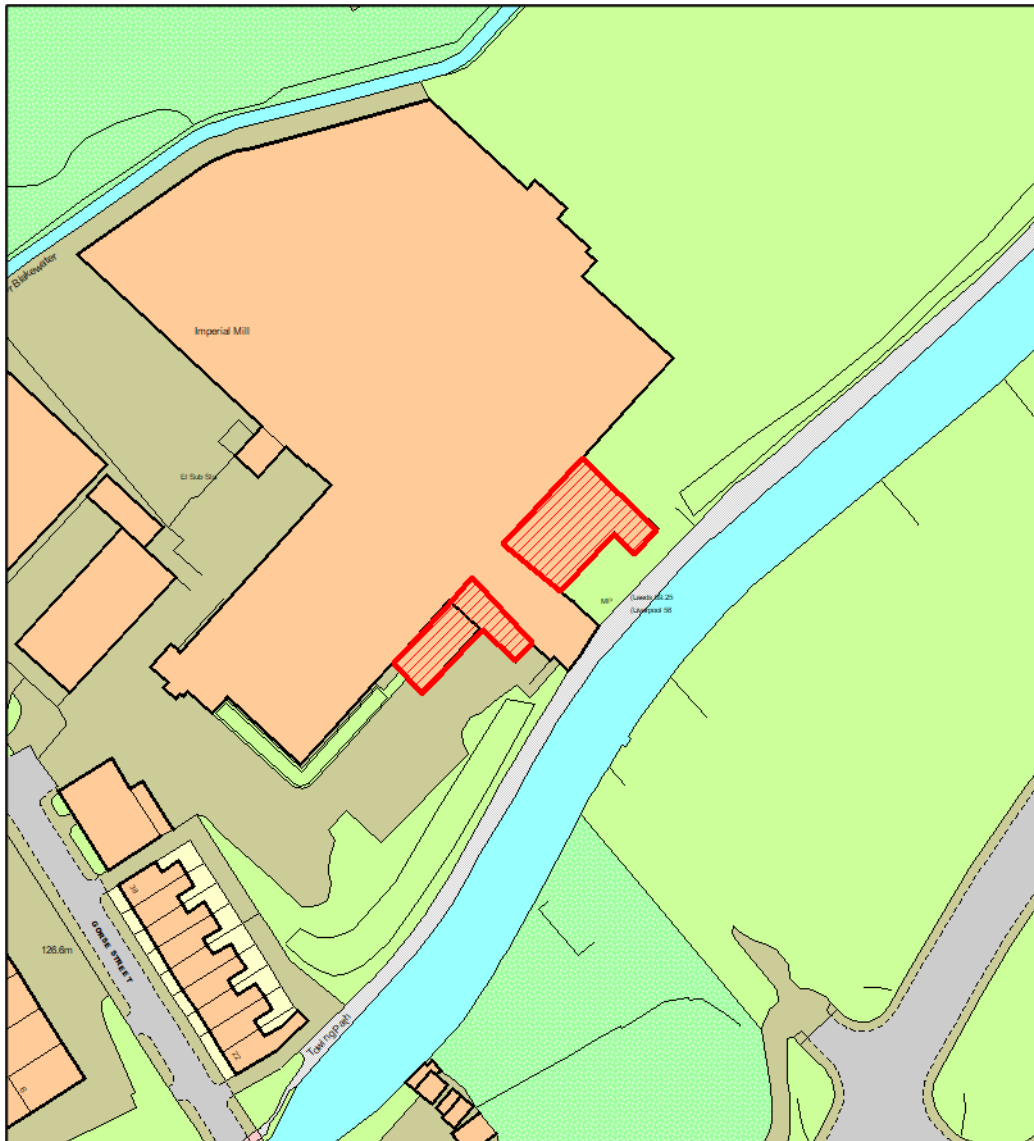
Proposed Development: Full Planning Permission and Listed Building Consent: Works to Imperial Mill to solely consist of the demolition of the boiler house, engine room extension, masonry annex and steel structure.

Site Address: Imperial Mill, Gorse Street, Blackburn BB1 3EU

Applicant: Blackburn with Darwen Borough Council

Ward: Little Harwood & Whitebirk

Councillor Mustafa Desai
Councillor Sonia Khan
Councillor Abdul Patel



1.0 SUMMARY OF RECOMMENDATION

- 1.1 The proposed development is recommended to be granted both Full Planning Permission (10/24/0259) and Listed Building Consent (10/24/0261), subject to the conditions and informative note detailed in Section 5.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 These applications are presented to the Planning and Highways Committee, in accordance with the Council's Constitution, and given that the applications are made on behalf of the Council.
- 2.2 The proposed development has been publicised through letters to residents and occupants of the nearest 12 adjacent properties on 18th March 2024. In addition, four site notices were displayed on 19th March 2024, and a press notice was advertised in the local newspaper on the 4th April 2024. No public comments have been received for the application so far. Should any comments be received ahead of the committee meeting they will be presented as part of a committee update report.
- 2.3 The Council's development plan supports new employment and heritage developments, provided they constitute sustainable development and accord with the development plan when taken as a whole.
- 2.4 The proposed developments are in relation to a programme of works regarding the demolition of structurally unsafe elements of Imperial Mill, and such demolition is necessary to remove those elements which pose a serious risk to health and safety, in particular, the Boiler House, Engine Room Extension, Masonry Annex and Steel Structure. Members are advised that the works the subject of the applications presented to the meeting, are the first element of a programme of regeneration which will restore the important listed Imperial Mill building, that is an important building to the borough, due to its position and prominence along the Blackburn Townscape adjacent to the Leeds and Liverpool Canal, and the ongoing regeneration along Carl Fogarty Way to the south.
- 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
 - Heritage Assets
 - Archaeology
 - Residential Amenity
 - Highways and Parking
 - Ecological Considerations

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site is a Grade II listed building (designated in 1974) four storeys in height that is currently in a state of disrepair. The site is located within a predominately commercial area, which is bounded by commercial uses to the north, north-west, open space to the east and north-east, Leeds and Liverpool Canal to the south, and a residential terrace to the south-west on Gorse Street. Imperial Mill was formally opened in 1901 as a cotton mill, with spinning in the mill ceasing in 1980. The mill was subsequently acquired by Lancashire Saw Company who operate from the first floor of the building, with the remaining floors being vacant, and in 2023 the Council came to an agreement with the company transferring ownership to the Council, with a 15 year lease to the company to continue operating from the existing part of the building.

3.1.2 The Boiler House which is positioned to the north of the Engine Room raised the steam required to power the engine, utilising water from the canal. There is also a small single storey extension to the Engine Room. The Masonry Annex is positioned on the opposite side of the Engine Room to the Boiler House along the south side of the main building. The external steel structure is alongside the south elevation of the main building, which appears to have been used for external storage. Figure one below identifies the buildings, which are subject of the applications, with a red line boundary.

3.1.3 Figure One – Location Plan and Satellite Image

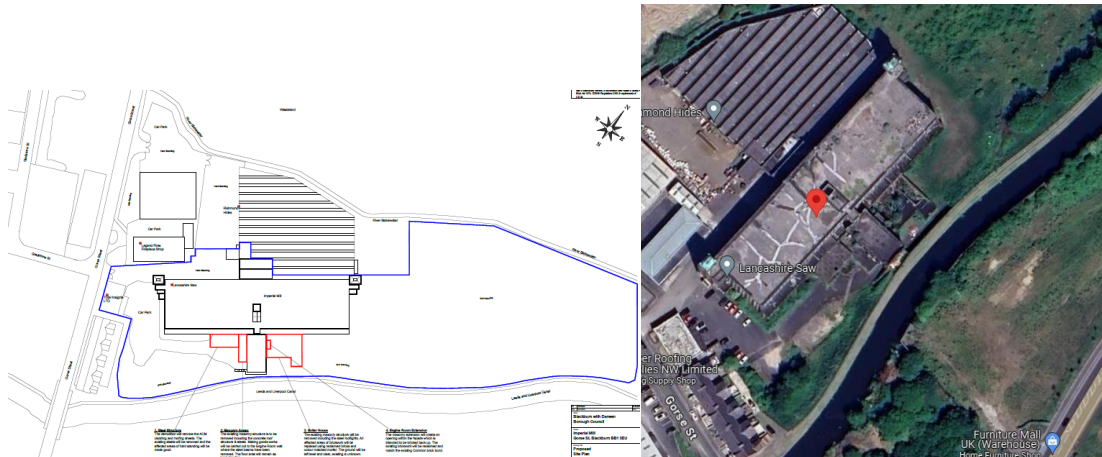


Figure Two - Site Photographs:



Figure 12 – Photograph of Boiler House adjoining the Engine House and main Mill behind



Figure 18 – Photograph of Engine Room Extension



Figure 22 – Photograph of Relationship of Masonry Annex to Engine House



Figure 23 – Photograph of Steel Structure

Photographs extracted from submitted Planning/Heritage Statement, February 2024:

3.1.4 The submitted Heritage Statement refers to the location on which Imperial Mill sits was selected to take note of a significant landmark in the advent of industrial cotton spinning within the UK. The site was stated to be situated close to the location where James Hargreaves invented the 'spinning jenny; which revolutionised cotton spinning, together with being adjacent to the canal, where at that time coal, which provided the energy for the mill, was brought to the mill.

3.2 Proposed Development

3.2.1 As detailed above, the proposal solely consists of the demolition of the boiler house, engine room extension, masonry annex and steel structure to the Grade II listed Imperial Mill building (refer to photographs above), which are in relation to a programme of works regarding the demolition of structurally unsafe elements of Imperial Mil. All of the structures are currently vacant. The structures will be removed from the site. The specific details relating to the proposal are as follows, with the photographs extracted from the submitted 'Demolition Survey Report' – February 2024:

3.2.2 Boiler House:

Figure Three – description and site photographs:



3.2.3 Engine Room Extension:

Figure Four – Description and site photographs:

Description

The engine room extension is constructed of masonry bricks, with a solid wall construction housed beneath a flat roof. There is a perimeter wall to the perimeter.

There are various window openings.

The storeroom is constructed on top of the boiler house structure.

Presumed to be constructed after the initial construction of the Mill.



3.2.4 Masonry Annex:

Figure Five – Description and site photographs:

Description

Single storey masonry annex of solid wall construction housed beneath a reinforced pre-cast concrete flat roof with an asphalt roof covering.

The flat roof is supported by steel joists.

There are various door and window openings.

Presumed to be constructed after the initial construction of the Mill.





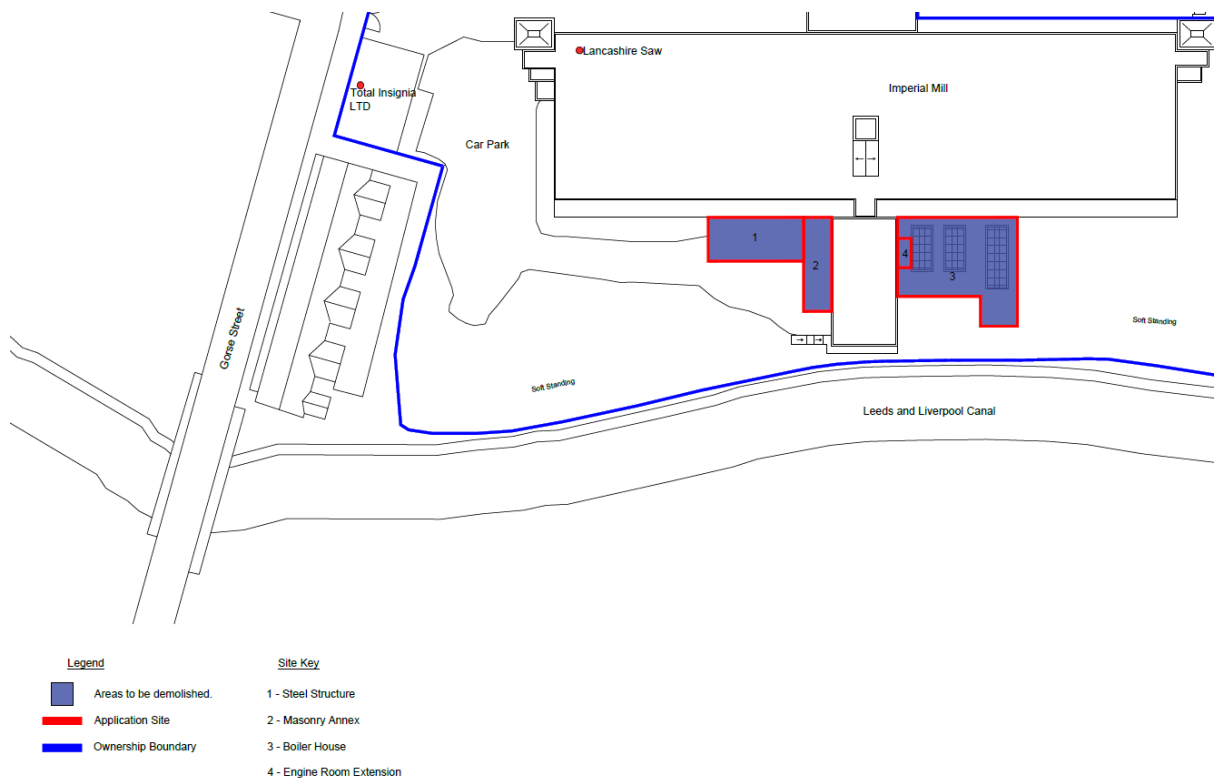
3.1.5 Steel Structure:

Figure Six – Description and site photographs:

<p>Description</p> <p>Steel frame external store structure clad with asbestos cement profile sheets to both the roof and facades.</p> <p><i>Presumed to be constructed after the initial construction of the Mill.</i></p>	



Figure Seven – Proposed Demolition Plan (submitted Proposed Demolition Plan, Drawing No: 12430/L03/P1):



3.1.6 As demonstrated with the photographs in Figures three to six above, it is considered that the proposed demolition of the buildings is necessary due to their poor condition that is evidenced from the submitted demolition survey report with widespread defects throughout. The buildings are now considered to be dangerous and unstable, and there is ongoing evidence of trespass and vandalism.

3.2 Development Plan

3.2.5 Blackburn With Darwen Borough Local Plan 2021-2037:

- Core Policy 7 (CP7): The Historic Environment
- Policy 26 (DM26): Heritage Assets
- Policy 30 (Policy DM30): Primary Employment Area.

3.2.6 National Planning Policy Framework (NPPF)

4 **ASSESSMENT**

4.1 Principle of Development

4.1.5 The application site is located within an area defined as 'Existing Employment Area' under Policy DM30 of the Local Plan, which seeks to retain such sites in employment use. As the proposed development is relating to demolition of existing buildings, and there is no change of use proposed, there is no conflict with the requirements of Policy DM30. In addition, Policy CP7 'The Historic Environment' seeks to proactively protect and enhance the significance, character, and archaeological/historic value of the Borough's heritage assets. Together with the presumption in favour of sustainable development detailed in the Framework, 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 Heritage Assets

4.2.5 As detailed above, Imperial Mill is a Grade II Listed Building, and is a large prominent rectangular three and four storey brick-built mill building, that was constructed around 1900/1901. The principle statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990, is to preserve the special character of heritage assets, including their setting. Sections 16 (2) and 66(1) of the Act state:

"In considering whether to grant listed building and/or planning permission for works which affect a listed building, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

4.2.6 The NPPF requires local planning authorities to take account of the following when determining planning applications:

4.2.7 A) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- B) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- C) The desirability of new development making a positive contribution to local character and distinctiveness.

4.2.8 The following paragraphs of the NPPF are also pertinent to the assessment of the applications:

P.205 states “that when considering the impact of proposals on the significant of a designated heritage asset, great weight should be given to the asset’s conservation. The more the asset, the greater the weight should be applied. This is irrespective of whether any harm is identified as being substantial total loss or less than substantial harm to its significance.”

P.206 requires harm to designated heritage assets to have clear and convincing justification.

P.208 requires that local planning authorities should weigh *less than substantial harm* to heritage assets against the public benefits of the proposal, which includes the optimum viable use.

4.2.9 The proposals under consideration with the applications, have been subject to pre-application site visits and assessment with officers from the Council, and the Council’s Conservation consultee. The fundamental issue to be considered is whether the proposed works which include demolition of buildings/structures will harm the significance of the Grade II listed building.

4.2.10 As referenced above, the proposals involve the demolition of various dilapidated buildings/structures on the south side of the building that faces the canal, including a former brick boiler house and extension, single storey extensions to the engine house, and a modern steel framed structure. The structures to be demolished are identified in Section 3.2 above.

4.2.11 The proposed works are required due to the buildings very poor and dangerous condition, together with the presence of asbestos. The submitted Structural Report confirms the buildings poor condition and the dangers they pose to the general public, as there is evidence of ongoing trespass and vandalism. The recommendations in the report are to urgently demolish the buildings/structures and have the material removed from the site. The Executive Summary of the Report states:

“There is a significant risk of authorised access into and onto these 4no structures which could lead to a fall from height, structural collapse and/or exposure to asbestos containing materials. We recommend that the structures in question are adequately fenced off to prevent unauthorised access. Clear signage should be provided highlighting the hazards of asbestos and dangerous structures. We recommend that this is implemented as an urgent priority item. Many of the windows and door openings are open to the elements, allowing for free access to the inside of the building. There is a significant risk

of arson, which could prove catastrophic to the building occupants and the Mill's status as a heritage asset. We recommend that all openings are suitably covered to prevent unauthorised access and that this is implemented as an urgent priority item. "

4.2.12 The submitted Heritage Statement is considered to provide a good adequate understanding of the significance of the listed building, and provides a Statement of Significance (Section 4), which the Council's Conservation consultee has assessed, and raises no objections.

4.2.13 It is clear from the site photographs in Section 3.2, the structures that are proposed to be removed are later additions and contribute little or nothing to the historic or architectural values of the Mill. The structures on the western side of the engine house are lightweight, modern and visually detract from the appearance of the more prominent south elevation. The case officer and the Council's Conservation consultee consider that their removal would be a substantial benefit to the building. Furthermore, the engine room extension and masonry annex are also functional later additions to the building and are considered to be of little importance to the listed building.

4.2.14 The former boiler house is considered to be the one element of the proposal, which could be considered to have the most significant element and interest to the building. It is acknowledged in the submitted Heritage Statement at paragraphs 4.10 – 4.12, that the former boiler house is identified as being of moderate interest to this part of the Mill building. However, its original function is no longer relevant, and its very poor condition has contributed to the reduction in its aesthetic significance. Taking this into account, whilst the proposed demolition will involve some minor loss of understanding of the historic development of the mill, and its use, it is considered this will cause only a negligible level of harm to the Mill building as a whole. Indeed, the removal of the structures will improve the visual appearance of this important prominent south elevation of the building. As such, the Council's Conservation consultee raises no objections.

4.2.15 Conclusively, it is considered that the rationale and justification for the removal of the structures is well reasoned with the submitted documents. On that basis, and subject to compliance with the imposed conditions, the proposed development would be acceptable with reference to heritage assets, in accordance with the relevant requirements Policies CP7 and DM26.

4.3 Archaeology

4.3.5 The site houses an abundance of archaeological remains owing to its former use. Policy DM26 requires development with the potential to affect nationally or locally important archaeological remains is expected to better reveal and increase understanding of those remains and their settings, unless it is demonstrated that this is not possible or desirable.

4.3.6 Lancashire County Council (LCC) Archaeology have reviewed the submitted assessment and the merits of the application as a whole. No objections have

been raised subject to a condition being imposed regarding the submission of a programme of archaeological works and a formal watching brief, which is recommended to be added. Subject to compliance with that condition, the proposed development would be acceptable with reference to archaeology, in accordance with the relevant requirements Policies CP7 and DM26.

4.3.7 In response to the LCC Archaeology's comments, the applicant's agent submitted a draft Written Scheme of Investigation Level 2 Building Recording (March 2024) on the 9th April. This is currently being reviewed by LCC Archaeology, and any further comments will be reported in the Update Report. In addition, the Council of British Archaeology raise no objections to the proposal.

4.4 Residential Amenity, and impact on the Leeds & Liverpool Canal:

4.4.5 Residential buildings are positioned to the west on Gorse Street and safeguarding the amenities of those neighbours is an important material planning consideration. Policy DM2 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.

4.4.6 The impact towards these properties can be adequately controlled with imposition of conditions, such as hours of working, a Construction / Demolition Site Noise, Vibration and Dust to be submitted for approval in consultation with Public Protection officer. Subject to compliance with those conditions, the proposed development would be acceptable with reference to residential amenity, in accordance with the relevant requirements of Policy DM2.

4.4.7 With regards to the Canal which is to the south of the application site, the Canal and River Trust has reviewed the submitted documents. No formal comments have been received at the time of writing the report, however initial dialogue with the Trust has indicated the following needs to be considered:

- *Ensuring the stability of the canal embankment, so providing an exclusion zone at the bottom of the embankment to ensure plant and machinery don't track to close/ensure material is not placed or stored to close i.e a plan showing the provision of temporary heras fencing/hoarding offset from the bottom of the embankment (ideally 5m but that may not be possible, so greatest distance possible).*

- *A Construction Environmental Management Plan (CEMP), particular focused on the containment of dust and windblown debris to prevent these entering the canal.*

- *A method statement to deal with method of demolition and in particular dealing with the asbestos (which could be included in the CEMP).*

4.4.8 Should formal comments be received following the publication of the report, these will be reported in the Update Report, along with any recommended conditions/informatives to be imposed.

4.5 Highways and Parking

4.5.1 From a highways perspective, in addition to the Demolition/Construction Environmental Management Plan to be imposed as a condition, the scheme shall also include an assessment of the vehicle movements generated as a consequence of the materials being taken on/off site (for demolition), together with a programme/duration of works and routes into and out of the site.

4.6 Ecological Considerations

4.6.1 An Ecological Advice Note produced by Bowland Ecology on the 16th February 2024, has been assessed by the Council's ecological advisors. The submitted report assessed the building as having low potential to support roosting bats. In line with good practice guidelines, the ecologist would have recommended that for buildings with low roost suitability; one presence/ absence survey was carried out. The survey should be undertaken between May to August. This presence/absence survey has not yet been provided and the presence of roosting bats within the building cannot be ruled out.

4.6.2 All species of bat and their roosts are protected under UK and European legislation and are a material consideration when determining planning applications. If the development is likely to disturb a potential bat roost then a bat survey should be carried out before the application is determined. If bats are found on site under the Habitats Directive and the Conservation of Habitats and Species Regulations 2010, which enacts the Directive into the UK, a licence is required from the Natural England to derogate the terms of this legislation. If the building needs to be demolished on safety ground before an emergence survey can be completed, then there must be clear evidence that the buildings had to be demolished.

4.6.3 A further supporting statement has been submitted by the applicant's agent, which is read in conjunction with the submitted " Demolition Survey Report" (February 2024), referred to in Section 3.2 above. The statement is as follows:

"In respect to Ecology, I would make the following statement:

No potential bat roosting features were conclusively identified by the ecologist and the internal suitability of the structures for bats is likely limited due to the wet and draughty conditions.

The structures are considered to be unsuitable for bat roosts of higher conservation concern such as hibernation or maternity roosts.

Furthermore, based on the assessment of visible the aspects of the structures, the likelihood of roosting bats is considered to be low.

However, it is acknowledged that without further inspection the presence of roosting bats and suitable roosting features cannot be fully ruled out and the demolition of the structures without any internal checks/emergence surveys deviates from established good practice. This is only being undertaken due to the extremely dangerous condition of the existing building and the potential threat to health and safety.

Given that pre-works checks by an ecologist are not possible due to the condition of the buildings contractors will be made aware of and fully understand the potential, albeit very slight, risk of bats being present.

Given that the demolition technically may result in a reduction in potential roosting opportunities for bat species in the local area, it is recommended that provision for installation of three suitable bat boxes (such as Schwegler 2F, 1FF general purpose boxes or 2FE wall mounted boxes) are incorporated into long term renovation plan for Imperial mill as a whole.

We therefore suggest a condition requiring a scheme for the provision of three suitable bat boxes be submitted and agreed in writing within 12 months of demolition and that the boxes be installed within 3 months of the date of approval unless a wider scheme of ecological enhancement for Imperial Mill and its surroundings has been agreed which supersedes such provision.”

4.6.4 No objections have been raised by the Council’s ecological advisors, subject to the recommendations set in the submitted Advice Note being followed in full.

4.7 Summary

4.7.1 These applications seek Full Planning Permission (10/23/0259) and Listed Building Consent (10/23/0261) the demolition of the boiler house, engine room extension, masonry annex and steel structure to the Grade II listed Imperial Mill building. Subject to appropriate conditions, the proposed developments would be acceptable on all the relevant planning grounds, in accordance with the policies and guidance notes detailed in Section 3.2.

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 proposals would be acceptable in principle and in terms of heritage assets, archaeology, design and visual amenity, residential amenity, highways and parking, ecological considerations, and drainage considerations.

4.7.3 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 RECOMMENDATION:

That delegated authority is given to the Strategic Director of Growth & Development and Deputy Chief Executive to approve permission for the Full Planning Application (10/24/0259) and Listed Building Consent (10/24/0261) applications, subject to the following conditions, and informative:

5.7 Full Planning Application

5.1.2 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.

5.1.3 Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: Location Plan (12430/L01/P1), Existing Site Plan (12430/L02/P1), Existing Left North Elevation (12430/L07/P1), Proposed Left Demo Elevation (12430/L07/P1), Proposed Right (South) Elevation (12430/L11/P1), Proposed Rear (East) Elevation (12430/L12/P1), Proposed Left (North) Elevation (12430/L13/P1), Proposed Rear Demo Elevation (12430/L09/P1), Proposed Right Demo Elevation (12430/L08/P1), Proposed Site Plan (12430/L04/P1), Proposed Demolition Plan (12430/L03/P1), Existing Right (South) Elevation (12430/L05/P1), Existing Rear (East) Elevation (12430/L06/P1), received 11th March 2024, and supporting information: Planning Statement including Heritage Statement, Design and Access Statement, and Flood Risk Assessment, February 2024, Survey Report, Ref: 12430, February 2024, Ecological Advice Note, Ref: BOW17.1571, dated 16th February 2024.

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

5.1.4 No development/demolition shall commence on site unless and until, a Demolition/Construction Environmental Method Statement has first been submitted to and approved in writing by the Local Planning Authority, which 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, including provision of an exclusion zone at the bottom of the embankment to the Leeds and Liverpool Canal i.e. plan showing the provision of temporary heras fencing/hoarding offset from the bottom of the embankment;
- d) The locations of any required scaffolding;
- e) The locations of operational cranes, where relevant;
- f) Measures to control the emissions of dust and dirt, where relevant;
- g) Measures to control noise and vibrations, where relevant;
- h) Details of wheel washing facilities, where relevant;

- i) Method statement relating to the demolition, in particular dealing with the asbestos;
- j) A scheme for the recycling/disposing of waste;
- k) Details of any required security hoardings;
- l) Details of the type, position and height of any required external lighting where relevant,
- m) A compound plan showing the location/arrangement of the above provisions, and
- n) An assessment of the vehicle movements generated as a consequence of the materials taken on/off site (for demolition), together with a programme/duration of works and routes into and out of the site.

The development shall thereafter be implemented in strict accordance with all of the measures detailed within the approved Construction Method Statement.

REASON: In order to control the logistics of the construction phase, in the interests of residential amenity and highway safety, together with safeguarding the stability of the Canal embankment, and to comply with the requirements of Policy DM2 of the Blackburn With Darwen Borough Local Plan 2021-2037.

- 5.1.5 Demolition and the associated works shall not be permitted outside the following hours unless otherwise agreed in writing with the LPA (local planning authority):

Monday to Friday 8:00 to 18:00
 Saturday 9:00 to 13:00
 No works on a Sunday or public holiday.

REASON: In order to minimise noise disturbances for neighbours from demolition works, in the interests of residential amenity, and to comply with the requirements of Policy DM2 of the Blackburn with Darwen Borough Council Local Plan 2021-2037.

- 5.1.6 No excavation or ground disturbance works on the application site, including any required for clearance/demolition, site preparation, compounds, services,. shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of building recording, analysis and reporting work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of works should comprise the creation of a Level 1-2 record as set out in "Understanding Historic Buildings" (Historic England 2016). The work must be undertaken by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists. A copy of this record shall be submitted to the Local Planning Authority and the Lancashire Historic Environment Record.

REASON: In order to ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site and to comply with the requirements of Policy CP7 and DM26 of the Blackburn with Darwen Borough Council Local Plan 2021-2037.

- 5.1.7 No development, site clearance, or earth moving shall take place or material or machinery brought on site until a method statement/scheme for the provision of three suitable bat boxes be submitted and agreed in writing within 12 months of demolition and that the boxes be installed within 3 months of the date of approval unless a wider scheme of ecological enhancement for Imperial Mill and its surroundings has been agreed which supersedes such provision.

REASON: In order to ensure adequate measures are put in place for the protected of bats, in the interests of good ecological practice, and to comply with the requirements of Policy DM15 of the Blackburn With Darwen Borough Local Plan 2021-2037.

Case Specific Informative Note:

All bats and their roosts are protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats &c.) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given the relevant contact number for Natural England, which is via the Bat Conservation Trust on 0845 1300 228

5.2 Listed Building Consent

- 5.2.1 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.

- 5.2.2 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 (12430/L01/P1), Existing Site Plan (12430/L02/P1), Existing Left North Elevation (12430/L07/P1), Proposed Left Demo Elevation (12430/L07/P1), Proposed Right (South) Elevation (12430/L11/P1), Proposed Rear (East) Elevation (12430/L12/P1), Proposed

Left (North) Elevation (12430/L13/P1), Proposed Rear Demo Elevation (12430/L09/P1), Proposed Right Demo Elevation (12430/L08/P1), Proposed Site Plan (12430/L04/P1), Proposed Demolition Plan (12430/L03/P1), Existing Right (South) Elevation (12430/L05/P1), Existing Rear (East) Elevation (12430/L06/P1), received 11th March 2024, and supporting information: Planning Statement including Heritage Statement, Design and Access Statement, and Flood Risk Assessment, February 2024, Survey Report, Ref: 12430, February 2024, Ecological Advice Note, Ref: BOW17.1571, dated 16th February 2024.

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

- 5.2.3 No excavation or ground disturbance works on the application site, including any required for clearance/demolition, site preparation, compounds, services, shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of building recording, analysis and reporting work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of works should comprise the creation of a Level 1-2 record as set out in "Understanding Historic Buildings" (Historic England 2016). The work must be undertaken by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists. A copy of this record shall be submitted to the Local Planning Authority and the Lancashire Historic Environment Record.

REASON: In order to ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site and to comply with the requirements of Policy CP7 and DM26 of the Blackburn with Darwen Borough Council Local Plan 2021-2037.

6 PLANNING HISTORY

- 6.2 10/79/0329 - Change of use - Unused canteen to be converted for use as the Headquarters of Blackburn Unit Sea Cadets Corps – Ex Canteen, Imperial Mill, Gorse Street, Blackburn – Approved 30/03/1979.
- 6.3 10/82/1791 – Listed Building Consent – Erection of steel chimney - Imperial Mill, Gorse Street, Blackburn – Consent 21/10/1982.
- 6.4 10/82/1858- Full planning permission – Erection of 100' steel chimney - Imperial Mill, Gorse Street, Blackburn – Approved 21/10/1982.

- 6.5 10/82/1861 – Change of use to car market, workshop and manufacture of fibreglass parts – Imperial Mill, Gorse Street, Blackburn – Approved 24/11/1982.
- 6.6 10/82/2026 – Listed Building Consent - Demolition of old derelict mill chimney – Imperial Mill, Gorse Street, Blackburn – Consent 14/02/1983.
- 6.7 10/82/2420 – Listed Building Consent - Alterations to form access and exit doors – Imperial Mill, Gorse Street, Blackburn – Consent 01/02/1983.
- 6.8 10/83/0751 – Full planning permission - Conversion of mill and land to vehicle and machinery auctions/sales/refurbishing/rebuilding and storage of vehicles and caravans – Imperial Mill, Gorse Street, Blackburn – Approved 27/06/1983.
- 6.9 10/84/0430 – Full planning permission - New carriageway and footpath linking Gorse Street - Gorse Street and Land previously owned by Imperial Mill, Blackburn – Approved 17/04/1984.
- 6.10 10/88/1533 – Listed Building Consent - Demolition of boiler house to provide space for rear access road – Imperial Mill, Gorse Street, Blackburn – Refused 23/03/1989.
- 6.11 10/97/0014 – Full planning permission - Erection of boundary fencing and entrance gate improvements with associated landscaping – Imperial Mill, Gorse Street, Blackburn – Consent 03/03/1997.
- 6.12 10/97/0015 – Full planning permission - Erection of boundary fencing and entrance gate improvements with associated landscaping – Imperial Mill, Gorse Street, Blackburn – Approved 03/03/1997.
- 6.13 10/99/0135 – Full planning permission - Installation of built-up trussed rafters covered with green composite lightweight steel sheeting and box gutters behind parapet - Imperial Mill Offices, Gorse Street, Blackburn – Approved 11/05/1999.
- 6.14 10/99/0136 – Listed Building Consent - Installation of built-up trussed rafters covered with green composite lightweight steel sheeting and box gutters behind parapet - Imperial Mill Offices, Gorse Street, Blackburn – Approved 11/05/1999.
- 6.15 10/06/0683 - Change of use to offices, new disabled access and minor alterations – The Gatehouse, Imperial Mill, Gorse Street, Blackburn – Approved 30/08/2006.
- 6.16 10/13/0378 – Listed Building Consent - Installation of additional roller shutter door – Former weaving shed, Imperial Mill, Gorse Street, Blackburn – Withdrawn 17/07/2013.

7 CONSULTATIONS

7.1 BwD Heritage Advisor –

Assessment

I have reviewed the supporting documents included in the application, which includes a Survey Report and Planning Statement including a Heritage Statement produced by Cassidy & Ashton (dated February 2024).

I confirm that I have previously visited the site.

The key heritage issue for the LPA to consider is whether the proposed works which includes demolition will harm the significance of the Grade II listed building.

The Proposal

The proposals involve the demolition of various dilapidated buildings/structures on the south side of the building including a former brick boiler house and extension, single storey extensions to the engine house and a modern steel framed structure.

The structures to be demolished are clearly shown on the submission drawings.

The demolition works will form the first phase of a programme of regeneration which will restore Imperial Mill.

The works are required due to the buildings very poor and dangerous condition and the presence of asbestos. The Structural report confirms their poor condition and the dangers they pose. The recommendations in the report are to urgently demolish the buildings/structures and have the material removed from site.

Impact on the Listed Building

The issue from a heritage viewpoint is whether the proposal would harm the special interest/significance of Imperial Mill which should be regarded as being of high significance.

The Heritage Statement provides a good understanding of the significance of the building and provides a Statement of Significance (Section 4). I do not disagree with the assessment provided.

Having viewed the structures to be removed they are clearly later additions and contribute little or nothing to the historic or architectural values of the Mill. The structures on the western side of the engine house are lightweight, modern and visually detract from the appearance of the south elevation. I feel their removal will be of benefit to the building.

Similarly, the engine room extension and masonry annex are functional later additions and of little importance.

The former boiler house is perhaps the most significance element. I note that the HS identifies this part of the Mill as being of moderate interest (4.10 - 4.12). However, its original function is no longer relevant, and its very poor condition has reduced its aesthetic significance. In this regard, whilst its demolition will involve some minor loss of understanding of the historic development of the mill and its use, I find that this will cause only a negligible level of harm to the Mill as a whole.

As noted in paragraphs 4.26 – 4.30 the works do not represent any significance level of harm and indeed in some regards come provide some visual improvement to the elevation. Any minor level of harm caused largely by the removal of the Boiler house will need to be considered under P.208 of the NPPF.

Overall, I find that the reasons for the removal of the structures is well reasoned and justified. I agree with the conclusions provided in the submission documents and raise no objections to the work.

I note reference is made to recording the structures prior to demolition and would support this action.

Conclusion / recommendation

As I am required to do so, I have given the duty's imposed by s.16(2) and s.66(1) of the P(LBCA) Act 1990 considerable weight in my comments.

As noted above in my assessment I do not consider the four buildings to be removed contribute to any great extent to the significance of Imperial Mill and the demolition works are justified. Whilst *great weight* (NPPF – P.205) will need to be given to the need to preserve heritage, the minor level of *less than substantial* harm caused by the total loss of the Boiler House in particular needs to be weighed by the benefits generated by the works and reasons for the scheme as whole.

If in undertaking this exercise, under P.208 of the NPPF, the LPA consider a positive balance is achieved, then the proposed works would be deemed to have complied with the duty to preserve under the Act and to meet the objectives of Chapter 16 of the NPPF and accord with the relevant heritage policies of the Local Plan.

7.2 LCC Archaeology –

Imperial Mill is a designated heritage asset, a grade II Listed Building, recorded on the Lancashire Historic Environment Record, DLA2097 & PRN16921. A red-brick spinning mill, designed by the architect Sir Philip Sydney Stott, built 1900-01 at a cost of £60,000-£70,000 it was said to be the largest in the world at the time. It is the only designated mill in Blackburn.

The proposed demolition is of later additions to the mill that do not form part of the original design. Although they do demonstrate changes made to the mill over time they are clearly not of a similar standard to the original mill design and are therefore considered to be of lesser significance.

Although the HET would generally advise that the archaeological recording of listed structures should be to Historic England Level 3 (or above) as mentioned in 4.12 of the Planning Statement, the images and health and safety information contained in the Survey Report would appear to show that a Level 2 record of the Boiler House is sufficient, and matches comments made later on in 4.18 of the Planning Statement. The other buildings should, for the sake of completeness also be recorded, but only to Level 1.

The HET would therefore advise that should the Council be minded to grant planning permission and listed building consent that such recording works are secured by means of the following condition:

Condition: No site preparation, clearance or demolition works shall take place until the applicant or their agent or successors in title has secured the implementation of a programme of building recording, analysis and reporting work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of works should comprise the creation of a Level 1-2 record as set out in "Understanding Historic Buildings" (Historic England 2016). The work must be undertaken by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists. A copy of this record shall be submitted to the Local Planning Authority and the Lancashire Historic Environment Record.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.

Notes: Relevant archaeological standards and lists of potential contractors can be found on the ClfA web pages: <http://www.archaeologists.net> and the BAJR Directory: <http://www.bajr.org>. 'Understanding Historic Buildings' can be accessed online at <https://historicengland.org.uk/images-books/publications/understanding-historicbuildings/>.

This is in accordance with National Planning Policy Framework (MoHCLG 2023) paragraph 211: "Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible".

In light of the fact that the current proposals are seen as "the first element of a programme of regeneration which will restore Imperial Mill" (see Cassidy + Ashton's Planning Statement, section 1.2), the HET would like to take this opportunity to advise that it is likely to consider the need for a Level 3 record of the remainder of the mill to form part of the documentation required to accompany any future applications for planning permission or listed building consent.

Yours sincerely

Doug Moir

Planning Officer
Historic Environment Team

7.3 Historic Buildings and Places –

Hello Gavin

Address: Imperial Mill, Gorse Street, Blackburn, BB1 3EU

Application Ref: 10/24/0261 - Works to Imperial Mill to solely consist of the demolition of the boiler house, engine room extension, masonry annex and steel structure.

Statutory Remit: Historic Buildings & Places (HB&P) is a consultee for Listed Building Consent applications, as per the *Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021*. We are concerned with historic assets of all types and all ages, including conservation areas and undesignated heritage.

Comments: Thank you for notifying HB&P about the above applications for listed building consent. HB&P do not object to the works proposed in these applications and recognise they will help secure the remaining historic building fabric and future of this grade II heritage asset.

We advise that any approval should be conditioned to require an appropriate recording of the mill, particularly the structures that are to be removed / demolished, in accordance with Historic England's *Understanding Historic Buildings: A Guide to Good Recording Practice*. The recording should be lodged with the local Historic Environment Record.

Regards

Ross Anthony

Case Work



7.4 Historic England – No comments received.

7.5 BwD Highways – No objections, subject to details relating to an assessment of the vehicle movements generated as a consequence of the materials taken on/off site (for demolition), together with a programme/duration of works and routes into and out of the site, to be included within the Demolition/Construction Environmental Plan scheme to be conditioned.

7.6 BwD Public Protection –

We have no objections to the proposed demolition proposals.

There are however some residential premises in the wider locality.

The impact on them can be managed in the usual with some demolition conditions required an hours restriction and an appropriate management plan.

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

Condition – Construction / Demolition Site Noise, Vibration and Dust

Demolition or construction work shall not begin until a scheme for protecting the surrounding residential premises from noise, vibration and dust from the site during these works has been submitted to and approved in writing by the Local Planning Authority. All measures which form part of the approved scheme shall be adhered to throughout the period of demolition and/or construction.

Reason: To safeguard the amenity of neighbouring properties by reducing the noise/vibration levels emitted from the site.

Condition - Redevelopment working hours

Demolition works shall not be permitted outside the following hours unless otherwise agreed in writing with the LPA (local planning authority):

Monday to Friday 8:00 to 18:00
Saturday 9:00 to 13:00
No works on a Sunday or public holiday.

Reason- to limit noisy activity to within normal working hours.

7.7 BwD Drainage – no comments received at time of writing the report.

7.8 BwD Ecological Advisor –

Dear Gavin,

The surveying ecologist (Bowland Ecology Feb 2024) has assessed the building as having low potential to support roosting bats. In line with good practice guidelines, the ecologist would have recommended that for buildings with low roost suitability; one presence/ absence survey was carried out. The survey should be undertaken between May to August. This presence/absence survey has not yet been provided and the presence of roosting bats within the building cannot be ruled out.

All species of bat and their roosts are protected under UK and European legislation and are a material consideration when determining planning applications. If the development is likely to disturb a potential bat roost then a bat survey should be carried out before the application is determined. If bats are found on site under the

Habitats Directive and the Conservation of Habitats and Species Regulations 2010, which enacts the Directive into the UK, a licence is required from the Natural England to derogate the terms of this legislation. Before a licence can be granted three tests must be satisfied. These are:

- i) That the development is “in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment”;
- ii) That there is “no satisfactory alternative”;
- iii) That the derogation is “not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range”.

In considering planning applications that may affect European Protected Species, Local Planning Authorities are bound by Regulation 9(1) and 9(5) of the Conservation of Habitats and Species Regulations 2010 to have regard to the Habitats Directive when exercising their function. Defra Circular 2/2002 gives guidance to local authorities on how these issues should be considered. All three tests must be satisfied before planning permission is granted on a site. The application should therefore not be determined until a bat survey is submitted. Such a survey should be undertaken by a licensed bat specialist and at an appropriate time of year. If bats are found then appropriate mitigation would need to be proposed and the other two tests considered by the Local Authority.

If the building needs to be demolished on safety ground before an emergence survey can be completed, then there must be clear evidence that the buildings had to be demolished. We would recommend that alternative roost provision for bats is put in place, where safe to do so, before any potential emergency demolition takes place. Details of this can be found on page 4, paragraph 3 of the Ecological Advice Note (Bowland Ecology Feb 2024)

Further guidance that may reduce the potential for harm to bats is outlined on page 4, paragraph 2 of the Ecological Advice Note (Bowland Ecology Feb 2024) and should be followed in full, where safe to do so.

7.9 Environment Agency –.

Dear Gavin

Thank you for consulting the Environment Agency on the above planning application. We have screened the application and it is deemed as low risk, therefore we will not be providing a bespoke comment this time.

Kind regards

Dana Binns

Sustainable Places Advisor, Environment Agency Cumbria and Lancashire

- 7.10 BwD Property Services – No objections.
- 7.11 Canal & River Trust – No formal comments received at time of writing the report.
- 7.12 Health & Safety Executive – HSE were consulted as a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/pipelines. The HSE confirmed they do not wish to advise on safety grounds.
- 7.13 Council for British Archaeology –



A National Amenity Society

Mr Gavin J Prescott
Planning Case Officer
Blackburn with Darwen Borough Council
By email: planning@blackburn.gov.uk

9th April 2024

Imperial Mill, Gorse Street, Blackburn, BB1 3EU. Application No. 10/24/0261

Dear Mr Prescott,

Thank you for notifying the Council for British Archaeology (CBA) about the above application. Based on the information supplied with this application, we offer the following observations and advice to assist your authority in determining the application.

Significance

The national importance of Imperial Mill is established by its designation at Grade II (NHLE No. 1273825). Its significance is well articulated in the Heritage Statement that accompanies this application. Mill complexes draw significance from the group value of the inter-related built components which hold evidential value and their related functions within the manufacturing process.

Comments

This application proposes the demolition of four auxiliary structures associated with Imperial Mill, referred to as the Boiler House, Storeroom, Steel Structure and Annex. A structural survey establishes the extremely poor condition of these structures as justification for their demolition within the broader context of a series of applications seeking to regenerate the site. We are satisfied that the advanced state of structural failure of these components and their relatively low significance in the context of the wider Imperial Mill complex justifies their demolition as part of the regeneration of Imperial Mill.

Whilst the CBA would usually advocate against the demolition of built components that contribute to the evidential value of an industrial site, in this instance it is clear that the steel structure makes minimal contribution towards the site's legibility and the other three structures are in such an advanced state of dereliction that their demolition does appear justified within the context of adaptively reusing the principal structures on site.

The CBA note the comments made by the Historic Environment Team at Lancashire County Council. As these comments align closely with the CBA's view of these proposals we do not wish to comment separately in detail. Instead we would like to echo the recommendations made in their advice regarding recording these structures prior to their demolition.

I trust these comments are useful to you; please keep the CBA informed of any developments with this case.

Kind Regards,

Catherine Bell. MA (cons), ACIFA
Listed Buildings Caseworker

The Council for British Archaeology (CBA) is the national amenity society concerned with protection of the archaeological interest in heritage assets. Local planning authorities have a duty to notify the CBA of applications for listed building consent involving partial or total demolition, under the procedures set out in, Arrangements for handling heritage applications – notification To Historic England and National Amenity Societies and the Secretary of state (England) direction 2021.

7.14 No public responses received.

8 CONTACT OFFICER: Gavin Prescott, Planning Manager

9 DATE PREPARED: 9th April 2024

10 SUMMARY OF PUBLIC REPRESENTATIONS

10.1 None received.

ORIGINATING DIVISION: HIGHWAYS AND TRANSPORTATION

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

DATE: 18th April 2024

TITLE: Proposed Stopping Up of part Blakey Moor o/s 11-19
to facilitate disabled access ramp provision to new
building

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

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 a small section of highway at Blakey Moor, Blackburn which is required to facilitate disabled access ramp provision to a new building. 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

Following damage caused by Storm Gladys, one of the buildings in The Blakey Moor Terrace project, part of the wider Townscape Heritage Project, had to be demolished and is being rebuilt with an improved design.

The original building consisted of five terraced properties that each stepped up the road gradually. As the scheme converted these properties in to one large unit, to address the differing levels the architect reduced the number of steps within the building and adjusted for this externally within the footprint of the original building, which now provides a slightly sunken yard area.

In order to accommodate DDA access to this slightly sunken yard area, the landscaping design needed to incorporate a ramp into it. Whilst other options were considered the most practical solution was to provide this ramp along the frontage of the original building footprint, i.e. encroach into the adopted highway.

In this area of Blakey Moor the adopted footway is some 5.6m wide. In order to incorporate the DDA compliant access ramp and associated steps between 1.8m and 2.2m of this footway is required. Whilst this is undoubtedly a well-used pedestrian route between Blackburn College and the town centre, officers believe, with a 3.6m wide footway still available, that there will be minimal impact on users of the highway.

Indeed, the recent public realm scheme which significantly increased the width of the pavement area, did so with the intention of creating space for outdoor pavement café seating whilst also accommodating the free flow of pedestrians. The closure of this short length of the footway to allow DDA

compliant access to the sunken yard area which is off highway will in fact have much less impact than the envisaged original pavement café.

A plan showing the proposed area to be stopped up is 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 that it is unnecessary.

4.0 IMPLICATIONS

Customer	None
Financial	The costs of progressing the order will be met by the relevant project.
Anti-poverty	None
Crime and Disorder	None

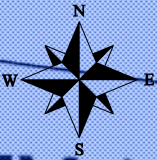
5.0 CONSULTATION

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 highways described above and shown on the attached plan 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 Plan
7.0 CONTACT OFFICERS:	George Bell, Julia Simpson
8.0 DATE PREPARED:	29 th February 2024



BLAKEY MOOR

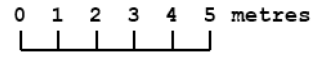
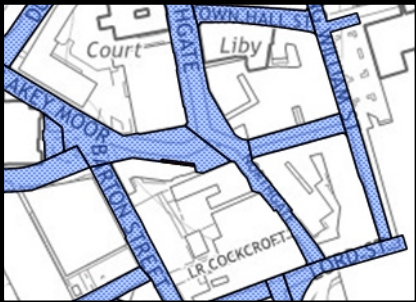
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Page 131



19

11 to 17



-  Proposed Stopping Up
-  Adopted Highways

**Proposed Street Closure
o/s 11 - 19 Blakey Moor
to facilitate disabled access ramp provision**

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DEPARTMENT OF RESOURCES

ORIGINATING DIVISION: Highways and Operations

REPORT TO: Blackburn with Darwen Borough Council

Planning and Highways Committee

COMMITTEE DATE: 18th April 2024

TITLE: Progress St., Darwen – Objection to the proposed Traffic Regulation Order

WARDS: Darwen South Ward

COUNCILLORS: Kevin Connor, Matthew Jackson, Anthony Shaw

1. PURPOSE OF THE REPORT

To advise the Executive Member for Environment & Operations of the receipt of one letter of objection to the proposed Traffic Regulation Order (TRO) to support new Electric Vehicle parking bays.

2. BACKGROUND

Following the Executive Member decision to authorise the advertising of the proposed TRO for the Blackburn with Darwen Electric Vehicle Charge Point - Parking Places (Pilot 1) on Lambeth St. Blackburn, Pringle St. Blackburn and Progress St. Darwen – a press advertisement was arranged, and the site notices displayed.

One letter of objection to the proposed TRO was received from a resident who lives on Progress St., Darwen. NB - There have been no other objections received.

Below are the main points raised in the letter of objection...

- 2.1 There is already limited parking for the residents in the evening and feel people waiting for an EV point to become available will only add to the parking problem.
- 2.2 We have a major problem with litter dumping and fly tipping in this area. [...] people often see fit to dump their extra bin bags, mattresses and whatever else in this area.
- 2.3 I strongly believe this littering and dumping will become worse as people will maybe visit the nearby chippy while they wait for their vehicle to charge.
- 2.4 This part of town has seen a steady decline in recent years, and this will only push it further down.

The response to each of these objections is as follows:

- 2.1 Regarding parking, the development of the EV bays on Progress St will bring some private council land into the adopted highway. This development will turn a space that would fit two horizontally parked cars into four vertical parking bays.

As regards the objector's point about people waiting, the EV bays will be relatively low power because they are intended for residents of the immediate area. Coupled with the nearby high-powered chargers in Darwen town centre and Junction 4, it would be suggested that the demand for the EV bays would be unlikely to be that high, to cause the need for people to be waiting.

- 2.2 Following the review of this objection, the Highways Authority will arrange for signage to be put up as part of this construction, warning offenders of the consequences of fly tipping.
- 2.3 In relation to the problem of litter dumping and fly tipping, the Highway Authority believes that this type of anti-social behaviour would decrease once EV charging provision is installed, with the fact that the area would be in-use by residents using the charge points.

The additional movements of the EV users will reduce the opportunity for someone to unload unobserved and therefore the introduction of these bay, is most likely to have a positive reduction in fly-tipping.

- 2.4 It is suggested that the installation of modern EV charging facilities into a residential area would be a positive feature for the people who live nearby. While currently electric vehicle charging isn't at a point of high demand, this is expected to steadily change over time, and in the future will become a major benefit to people who don't currently have access to off-street parking.

Further Background Information

A Council Officer tried to engage with the objector to provide further information and background. The objector openly admitted that he is anti-electric vehicles. During the conversation the objector commented that EVs were a 'waste of money' and that 'all EVs would need to be scrapped because the vehicles battery would be too expensive to replace'.

3. LAW

- 3.1 The necessary legal powers to implement this TRO are within the Road Traffic Regulations Act 1984.

4. DETAILS

- 4.1 No risks arising from the proposed TRO have been identified. The proposal is of benefit to the social and economic well-being of the Borough, through its association with Electric Vehicles Charging points.

There is the intention that the TRO covering the Progress St EV site will enable to EV charging facilities to be able to be used as intended – due to the TRO parking restriction preventing none EV cars from being able to park within the EV charging bays if not actively charging.

- 4.2 This site is part of the EV pilot and results from the pilot will be used to aid the Councils application to the LEVI fund for £1.6million. If the site is not able to be used as intended, it may diminish the effectiveness of the pilot scheme.

5. FINANCIAL IMPLICATIONS

- 5.1 The cost of making and advertising this TRO will be approximately £1,000.

6. RECOMMENDATION

- 6.1 That the Planning and Highways Committee:

Supports the officer recommendations that: -

- the objection is overruled.
- the TRO is made as planned.

BACKGROUND PAPERS
CONTACT OFFICER
DATE PREPARED

Approved TRO Exec Board Decision
Matthew Lambert – Project Manager
4th April 2024



EXECUTIVE MEMBER DECISION

REPORT OF:	Executive Member for Growth and Development
LEAD OFFICERS:	Strategic Director of Environment & Operations
DATE:	22/01/2024

PORTFOLIO/S AFFECTED:	Growth and Development
WARD/S AFFECTED:	Audley & Queen's Park, Darwen South Ward

SUBJECT: Proposed Traffic Regulation Order (TRO) for the BwD Electric Vehicle Charge Point - Parking Places (Pilot 1) on Lambeth Street and Pringle Street in Blackburn and Progress Street in Darwen.

1. EXECUTIVE SUMMARY

The Council is proposing to advertise a Traffic Regulation Order to support new Electric Vehicle parking bays. This is in accordance with the approved EV strategy, as detailed below and seek approval to restrict parking within the designated EV charging bays to be only available for electric vehicles.

These EV charging points form part of a pilot scheme that will install charge points at five locations around the borough. The pilot scheme will help generate evidence and test our processes to be used for the Local Electric Vehicle Infrastructure (LEVI) funding application due in April 2024. The LEVI funding of £1.6million is to be spent on forming new charge points in predominantly residential areas with low or no off-street parking. The pilot will be key evidence for the LEVI bid.

2. RECOMMENDATIONS

That the Executive Member:

Authorise the Deputy Director of Legal and Governance to advertise the proposed Traffic Regulation Order as per the attached schedule contained in appendix 1.

Authorise the Deputy Director of Legal and Governance to then make the Traffic Regulation Order should no objections be made.

Note that any unresolved objections to the Traffic Regulation Order will be reported to a meeting of the Planning and Highways Committee.

3. BACKGROUND

It has been identified in the published Electric Vehicle charging strategy document that there is a need for EV charging bays to be provided in areas where residents have no access to off-street parking. In order to facilitate this requirement, the Council will be applying for funding to install EV charging points in Blackburn, Darwen and the Rural areas.

A pilot scheme is being trialled at five locations within Blackburn with Darwen to understand the process of providing EV charging points in residential areas in more detail. This pilot scheme will provide insight to allow the main EV project to be completed successfully.

This TRO covers three of the five sites on Lambeth Street and Pringle Street in Blackburn and Progress Street in Darwen. Once this TRO is passed, future locations in which EV charging sites are located can be added to the order via amendments to this TRO, providing no existing restrictions need to be revoked.

Due to the type of housing and the general lack of available parking, we intend to enhance the parking offer for residents. This will be achieved by adding additional Electric Vehicle parking spaces into available vacant land that was not previously open to the public.

The new spaces will be contiguous with the highway where possible and will look like charging hubs alongside the street, without removing significant available parking space for non-EV users.

The aim is that these charging hubs will serve all properties within a five-minute walk from the hub. Each car that utilises one of these EV spaces will reduce the number of cars parked in busy terraced streets.

4. KEY ISSUES & RISKS

No risks arising from this proposal have been identified. The proposal is of benefit to the social and economic well-being of the Borough.

NB – all EV charging points will be installed in accordance with the IET Code of Practice that outlines specific safety guidelines.

5. POLICY IMPLICATIONS

The proposal to make a new Traffic Regulation Order requires delegated approval from the Executive Member for Environment & Operations and Chief Officer. Traffic Regulation Orders are required to be published in the local press and on site to comply with the Road Traffic Regulations Act 1984. Directly affected properties are consulted in line with current procedure.

6. FINANCIAL IMPLICATIONS

The cost of making and advertising this Traffic Regulation Order will be approximately £1000 and will be funded by Highways from within existing budgets.

7. LEGAL IMPLICATIONS

The necessary legal powers to implement this scheme are within the Road Traffic Regulations Act 1984. The advertising of the proposals will provide the public the opportunity to comment/object which will be considered appropriately by officers and if any objections cannot be agreed then they will be brought back for a decision by the Executive Member.

8. RESOURCE IMPLICATIONS

None

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

10. CONSULTATIONS

Members of the public will be given the opportunity to object to or comment on the proposal following statutory advertising on the council's website.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

VERSION:	1
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CONTACT OFFICER:	Paul Withington
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DATE:	22/01/2024
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BACKGROUND PAPER:	Appendix 1 Schedule Appendix 2 Plan 1, Plan 2 Appendix 3 Statement of reasons
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By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted