

**Proposed development: Full Planning Application for: Proposed single storey satellite renal dialysis unit, associated parking and services area.
(Revision to previously permitted scheme ref 10/17/0177)**

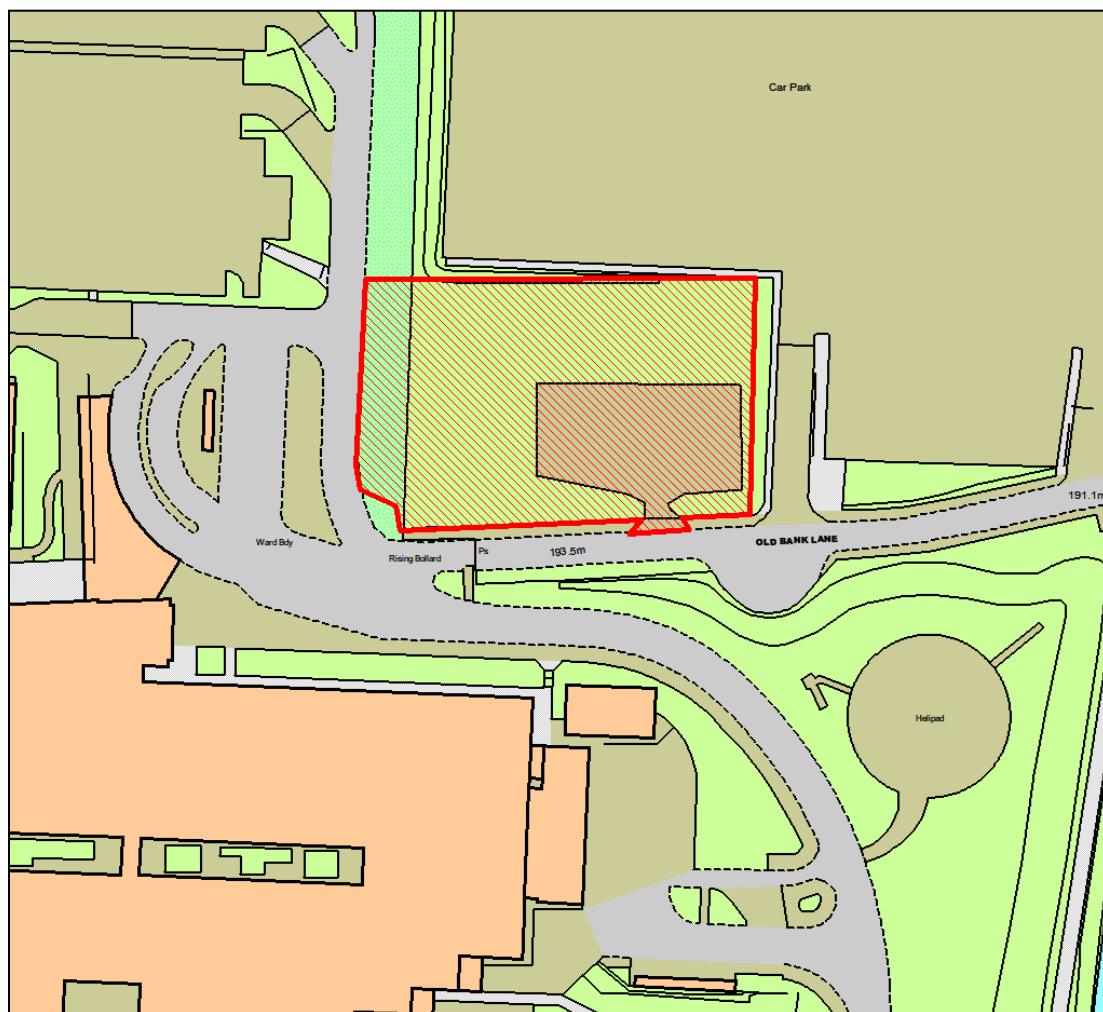
Site address:

**Land Adjacent to Royal Blackburn Teaching Hospital, East Lancs
Hospitals NHS Trust
Old Bank Lane
Blackburn
BB2 3HH**

Applicant: Diaverum Facilities Management Ltd

Ward: Audley & Queens Park

**Councillor Yusuf Jan-Virmani
Councillor Salim Sidat
Councillor Altaf Ibrahim-Patel**



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The application is reported to Committee due to it being a major application type (over 1000sqm of floor space) on land that is unallocated in the Local Development Plan. This is in accordance with the Council's adopted scheme of delegation.
- 2.2 Assessment of the application finds that the proposal will deliver a high quality, specialist health care facility that will provide essential life-saving care for patients with chronic kidney disease, closer to their homes. This is in accordance with the Council's strategic aims and objectives for economic growth and expansion of public facilities and services. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application or capable of being controlled or mitigated through planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site (the site) comprises approximately 0.4 hectares of land, rectangular in shape, on the north side of Old Bank Lane. The site has recently been in use as a temporary car park for contractor's vehicles in connection with building work taking place within the wider hospital complex.
- 3.1.2 The site falls outside the defined confines of the Royal Blackburn Hospital but is positioned immediately adjacent, to the north east of the main hospital campus. Adjacent to this site (to the east) is Newfield School with the surrounding area comprising of mixed use residential, industrial and office use buildings. To the north of the site is Queen's Park, a grassland park and to the south are two reservoirs; Fishmoor and Guide reservoirs. To the west and south are facilities associated with the hospital, including parking areas, a helipad and buildings. To the north and east of the site is open undeveloped land, comprising mainly rough ground.
- 3.1.3 The surrounding area is of mixed use dominated by the Royal Blackburn Teaching Hospital with parcels of new build housing and commercial properties on the edge of a large industrial area to the south.
- 3.1.4 The aerial image below identifies the application site and its immediate surroundings:



Extracted from Knightsplc Planning Statement, March 2021.

3.2 Proposed Development

- 3.2.1 Full planning permission is sought for a single storey satellite renal dialysis unit, comprising 24 stations, with associated parking (18no. spaces) and services area, as set out in the submitted drawings and supported documents.
- 3.2.2 This application is effectively a resubmission of a previously permitted scheme for the erection of a new renal dialysis unit at the application site. with the design of the unit amended to take account of the change in operator of the unit and latest good practice in terms of the operation / layout of units of this nature. The previous scheme (ref. 10/17/0177, approved on 25 April 2017) was not implemented within three years and so has expired. This expired application is an important material consideration in the assessment and determination of this application.
- 3.2.3 The purpose of the proposal is to provide a permanent purpose built renal unit to replace a temporary prefabricated unit located near the site, within the grounds of Royal Blackburn Teaching Hospital, for which planning permission was granted in February 2011 (ref. 10/11/0153).
- 3.2.4 Recognising the rationale of the proposal; it is submitted that there is an existing comprehensive service for end stage renal failure, which is currently provided within the temporary unit which is now not suitable for use for patients, as it is too small and with no scope for expansion. Satellite renal units of this nature are aimed at providing essential life-saving care closer to patients' homes, which is vital given how frequently they need treatment and how long it lasts on each visit. Consequently providing such specialist units in suitable locations results in significant reductions in travel time which therefore enhances the patients' quality of life. Additionally, the increase in number of renal stations would also provide more healthcare away from acute hospital settings and closer to home. This is encouraged in the NHS Five Year Forward View, with the aim of providing better care for patients within their local communities, reducing the number of unplanned bed days in hospital and reducing net costs to the healthcare system.

- 3.2.5 The applicants asserts their intention to commence work as soon as possible, given the pressing local need for the new unit.
- 3.2.6 The proposed building is illustrated in the following images, extracted from the submitted Design & Access Statement (Diaverum, Marc 2021).



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

3.3.3 Core Strategy:

- Policy CS1: A Targeted Growth Strategy
- Policy CS11: Facilities and Services
- Policy CS13: Environmental Strategy
- Policy CS16: Form and Design of New Development
- Policy CS22: Accessibility Strategy

3.3.4 Local Plan Part 2 (LPP2):

- Policy 2: The Inner Urban Boundary
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 36: Climate Change

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (The Framework):

The Framework sets out the government's aims and objectives against which planning policy and decision making should be considered. At its heart is a 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. The following sections of the Framework are considered relevant to assessment of the proposal:

- Section 6: Building a strong, competitive economy
- Section 8: Promoting healthy and safe communities
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places

3.4.2 National Planning Policy Guidance (NPPG)

3.4 Assessment

3.5.1 The Development Plan reaffirms The Framework's principles of sustainability which includes support for sustainable economic development and encouragement of effective re-use of land; subject to the principles of high quality design and securing a good standard of amenity for all existing and future occupants of land and buildings.

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

- Principle of the development;
- Amenity impact;
- Environment impact;
- Highways - Accessibility and Transport; and
- Design – Layout and Character / Appearance.

3.5.3 Principle

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 Amenity

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

3.5.5 The sites relative isolation from any sensitive land uses ensures no amenity threat to the surrounding area.

3.5.6 Geo-environmental reports have been submitted with the application to consider the threat of ground contamination to users of the facility. The reports have been reviewed by the Council's Public Protection consultee, who offers no objection to the proposed remediation strategy which is required to provide a cover system to areas where small deposits of asbestos were found. Validation of remediation will be secured via condition.

3.5.7 Submission of an electric vehicle charging point scheme is recommended by Public Protection. The scheme will be secured via condition.

3.5.8 Accordingly, amenity impact arising from the proposal is found to be in accordance with the requirements of Policy 8 and The Framework.

3.5.9 Environment

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

3.5.10 Ecology:

The Council's ecology consultee has reviewed The Habitat Survey submitted with the 2017 application which is also submitted with this application. An updated survey undertaken in March 2021 is also submitted. The surveys identify that the site is principally formed by tussocky semi-improved grassland. Additional features of ecological interests include scattered trees and small ponds outside of the site's boundary. The submission identifies no species of importance within the site, though does indicate that several habitats may be affected by the development.

3.5.11 The surveys also indicate that the site is within 500m of ponds that have the potential to accommodate great crested newts. The appraisal offers two options; (1) use of a condition requiring 'Recommended Reasonable Avoidance Measures' (2) Pre-determination eDNA survey of the identified ponds to help verify if newts use them – if presence of newts identified, the proposal would then need to proceed in accordance with the avoidance measures. Given that the ponds do not directly affect the site and that surveys undertaken failed to identify the presence, it is considered reasonable to proceed under option (1) with the matter being secured via condition.

3.5.12 The following ecological matters are also recommended to be secured via condition, replicating those applied to the 2017 permission:

- No work to trees or shrubs during bird nesting season (March – August inc);
- Provision of bat and bird boxes; and
- Provision of a landscaping scheme.

3.5.13 Drainage:

A site-specific Flood Risk Assessment and drainage strategy are submitted with the application. These have been reviewed by the Council's Drainage consultee (as Local Lead Flood Authority) and United Utilities, who offer no objection subject to drainage being implemented in accordance with the approved strategy, and submission of maintenance / management scheme for the lifetime of the development. Both matters will be secured via condition.

3.5.14 Trees:

A Tree Survey is submitted with the application. Trees to be lost are limited to low grade scrub and ornamental conifers. The better group of trees to the west of the site are outside the development footprint and are protected by an existing fence. The Council's Arboricultural consultee offers no

objection to the proposal, subject to a landscaping scheme, including replacement tree planting, to mitigate loss of existing trees.

3.5.15 Accordingly, environmental impact arising from the proposal is found to be in accordance with the requirements of Policies 9 and 40, and The Framework.

3.5.16 Highways / Access and Transport

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

3.5.17 The proposal provides for 18 spaces within a dedicated car park area adjacent to the new building. This falls below the Council's adopted standard.

3.5.18 The application is supplemented by a Transport Statement that indicates that 70% of patient will arrive by either organised patient transport service or by friends or relatives (NB: The dialysis process takes in the order of 3 to 4 hours). Further mitigation is provided by the proximity to the hospital's large public car park, the sustainable location of the site and critically that the proposal will replace an existing facility within the hospital grounds.

3.5.19 No objection is offered by the Council's Highways consultee.

3.5.20 Accordingly, the proposal is found to be in accordance with the requirements of Policy 10 and The Framework.

3.5.21 Design / Character and Appearance

Policy 11 requires a good standard of design and will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area. This includes enhance and reinforcing the established character of a locality. Particular aspects of character that must be taken into account and reinforced in new developments include the following:

- Building shapes, plot and block sizes, styles, colours and materials that contribute to the character of streets which should be used to complement local character; and
- Relationship of buildings to the street.

3.5.22 A single storey building with pitched roof is proposed. The entrance to the building is articulated by this section of the building being taller than the remainder, with full height glazing and a mono-pitch roof. Construction materials are shown to include side and vertical hung wall cladding in a range of colours with feature brickwork sections. The roof is constructed with profiled steel cladding.

3.5.23 The general form of the building is broadly consistent with other buildings in the immediate locality (hospital and school) and is without detriment to the character and appearance of the area in general.

3.5.24 Further consideration of the materials / colours will be secured via condition.

3.5.25 Implementation of the above noted landscaping scheme will enhance the development and assist in integrating it within the natural environment.

3.5.26 Accordingly, the development constitutes good design which is found to be in accordance with Policy 11 and The Framework.

3.5.27 Summary

This report assesses the full planning application for the erection of a single storey satellite renal dialysis unit with associated parking and service area. In considering the proposal, a wide range of material considerations have been taken into account. The assessment demonstrates that the planning decision must be made in the context of assessing the merits of the proposal balanced against any potential harm that may arise from its implementation. This report finds that the proposal meets the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, adopted Supplementary Planning Documents and the National Planning Policy Framework.

4.0 RECOMMENDATION

4.1 Approve.

Delegated authority is given to the Strategic Director of Place 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 proposal received 1st April 2021 and with the following drawings numbered: (to be added).

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

3. Prior to the commencement of above ground works, details of all external walling and roofing materials, and their colour to be used in the construction of the building work shall be submitted to and approved in

writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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

4. Prior to the occupation of the development hereby approved, two copies of a comprehensive Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme, as set out in the Phase 2 Ground Investigation, produced by Sladen Associates, dated March 2017. All the installed remediation must be retained for the duration of the approved use, and where necessary, the Local Planning Authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

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

5. Prior to occupation of the development hereby approved, an electric vehicle charging scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved detail upon occupation of the development.

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

6. The development hereby approved shall be undertaken in accordance with the reasonable avoidance measures set out on pages 12 and 13 of the CES Ecology: 'Extended Phase 1 Habitat Survey - February 2017'.

REASON: To ensure the proposal safeguards ecological features and protected species, in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2 and the National Planning Policy Framework.

7. Flood lighting within the application site shall be undertaken in accordance with the recommendations set out in section 5.15 of the CES Ecology: 'Extended Phase 1 Habitat Survey - February 2017', submitted 28th February 2017.

REASON: To ensure the proposal safeguards ecological features and protected species, in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2 and the National Planning Policy Framework.

8. The development hereby approved shall be undertaken in accordance with the working practices set out in sections 5.17 and 5.19 of the CES Ecology: 'Extended Phase 1 Habitat Survey - February 2017' , submitted 28th February 2017

REASON: To ensure the proposal safeguards ecological features and protected species, in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2 and the National Planning Policy Framework.

9. Prior to occupation of development hereby approved, a scheme detailing the provision of bat and bird boxes, including their position and appearance, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented upon occupation of the development and thereafter retained.

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

10. Prior to occupation 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 planting distances, and shall be implemented during the first available planting season after the commencement of development. Trees and shrubs dying or becoming diseased, removed or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs.

REASON: To ensure that there is a well laid scheme in the interests of amenity, in accordance with Policy 9 of the Blackburn With Darwen Borough Local Plan Part 2

11. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment & Drainage Strategy (ref 13626-FRA & Drainage Strategy-02, Issue 02, dated 17/03/2021). For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, no surface water will be permitted to drain directly or indirectly into the public sewer.

The development shall be completed in accordance with the approved details.

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

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

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

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

13. Foul and surface water shall be drained on separate systems.

REASON: To manage the risk of flooding and pollution, in accordance with Policy 9 of the Blackburn With Darwen Borough Local Plan Part 2

14. Construction work shall take place in strict accordance with the details set out in the submitted Construction Method Statement produced by Sandycroft Construction, dated 9th March 2021. All measures which form part of the approved details shall be adhered to throughout the period of construction.

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, to protect the amenity of the occupiers of the adjacent properties and to protect the visual amenities of the locality, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

5.0 PLANNING HISTORY

Current / proposed site:

Reference	Description	Decision & Date
10/17/0177	Development of an existing vacant site to form Satellite Renal Dialysis Unit (use class D1)	Approved 25/04/2017

Site of the temporary renal unit within hospital grounds:

Reference	Description	Decision & Date
10/14/0226	Internal alterations / fit of existing hospital ward to form new renal dialysis unit and external alterations and signage	Approved 12/03/2014
10/13/0116	Variation of Condition 1 on approved application 10/11/0153	Approved 13/03/2013
10/11/0153	Temporary prefabricated unit for use as Renal Dialysis unit	Approved 27/04/2011

Extracted from Planning Statement; Knightsplc, March 2021.

6.0 CONSULTATIONS

6.1 Public Protection

No objection:

Air Quality:

There is no consideration of the AQ planning advice note, although it is understood that traffic increase will not be huge we would expect some provision of EV charging infrastructure. We are aware of EV infrastructure associated with the wider hospital site.

This can be conditioned as it was previously. It would be sensible to include some infrastructure at the facility itself.

Condition – Electric Vehicle Charging Points

Prior to the commencement of the approved use, the applicant shall submit a scheme detailing the provision of electric vehicle charging points to be installed on the hospital site that can be accessed by staff and patients using the dialysis facility. Prior to the commencement of the approved use the agreed scheme shall be implemented and thereafter retained.

Reason – to improve the electrical vehicle charging infrastructure

Informative – the scheme can comprise part of the wider site travel plan.

Contaminated land:

I'm agreement with the conclusions of the Phase 2 report that a limited cover system is required in a small area of the site where asbestos was found in small quantities. As such, were this application to be successful, I **would recommend Blackburn's standard prior to occupation validation contaminated land condition is attached to any resulting Decision Notice.**

In order to satisfy this condition a final Verification Report should be submitted this should include photos of the agreed 600mm cover system with measurements to show it's minimum depth. We routinely request that any top soil used in cover systems is sampled for contamination at a rate of 1/50 tonnes (unknown source) or 1/100 tonnes (certified greenfield). Cover system guidelines are online. In addition if any unexpected contamination required remediation is detected during construction please include details together with any relevant import/export certificates if material is moved on and off site.

6.2 Drainage (BwD – Lead Local Flood Authority)

No objection, subject to implementation of submitted drainage scheme.

6.3 United Utilities

No objection:

Following our review of the submitted Flood Risk Assessment & Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the following condition is attached to any subsequent Decision Notice:

Condition 1 – Surface water

The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment & Drainage Strategy (ref 13626-FRA & Drainage Strategy-02, Issue 02, dated 17/03/2021). For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, no surface water will be permitted to drain directly or indirectly into the public sewer.

The development shall be completed in accordance with the approved details.

6.4 Ecology

No objection:

Summary

Whilst the ecological report is now 4 years old , given the low ecological value of site and construction of a large car park to the north and east, largely isolating the

site from open countryside I am satisfied that no further information or measures are required.

Great Crested Newts

Whilst the likelihood of great crested newts being present is very low given the barriers between the site and the ditch highlighted as having potential, ***I see no reason not to reapply the previously accepted condition 9 relating the reasonable avoidance measures for great crested newts in the CES report.***

Bats

Again the risks are very low that this site is of importance for foraging and commuting bats and presumably lower now a car park has been constructed. ***However again I see no reason not to reapply condition 10 of the existing permission.***

Nesting Birds

A small amount of bird nesting habitat is proposed for removal. No standard nesting bird condition appears to have been applied to the existing condition. I therefore recommend a condition along the following lines is applied to any permission.

No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

Brown Hare, badger and Hedgehog

In 2017 these species were highlighted as potentially using the site, though I suspect this risk was very low. The risk is now even lower and I would say negligible for brown hare and badger now the site has been isolated from open countryside by a car park. The risk of hedgehog being present is also reduced as some of the scrub previously present has been removed and again the site is now relatively isolated. The previously applied condition 11 in my opinion is no longer necessary and an informative will now suffice relating to mammals along the following lines.

The applicant is reminded that, under the Wild Mammal (Protection) Act 1996 it is an offence to inflict unnecessary suffering to wild mammals such as hedgehog and brown hare. Planning consent does not provide a defence against prosecution under this act. And

The applicant is reminded that under the Protection of Badgers Act 1992 it is an offence to intentionally or recklessly interfere with a badger sett. If a badger sett is found on or near the developments site work should cease immediately and a suitably experienced ecologist employed to advise on how best to proceed.

Contributing to and Enhancing the Natural Environment

Section 170 of the NPPF 2019 states that the planning policies and decisions should contribute to and enhance the natural and local environment. Condition 12 of the

existing permission requires provision of bird and bat boxes and 13 landscaping. *Given the proposed layout and impact on habitats and species I am satisfied that these are adequate and can be reapplied.*

6.5 Arboricultural Officer

No objection:

I have no objections to the proposals.

The trees on the site that will be impacted upon are all low grade mostly scrub and ornamental conifers. The better quality group of trees to the west are outside the footprint are protected by way of an existing fence line. In this instance, there is no need for an Arb Method Statement.

We could request, via condition, a mitigating landscaping scheme that covers the loss of trees on the site.

6.6 Public consultation

Neighbourhood consultation was carried out by letter to a single address on 12th April 2021 and by display of site notices. In addition, a press notice was published on 26th April 2021. No comments were received.

7.0 CONTACT OFFICER: Nick Blackledge - [Senior Planner]

8.0 DATE PREPARED: 30th June 2021