

**PLANNING & HIGHWAYS COMMITTEE**  
**THURSDAY 15<sup>th</sup> JULY 2021**  
**UPDATE REPORT.**

The following update content should be read in conjunction with the published Committee Report.

**10/20/1036 Land at Davyfield Farm, Roman Road, Eccleshill, Darwen**

Paragraph 3.5.6 of the main report refers to the former use being Use Class B2, it should read Use Class D2.

Paragraph 3.5.37 refers to the amended highway details requiring further assessment by the highways officer. - With regards to the proposed boundary treatment, the highways officer following a review of the submitted landscaping scheme, still has concerns that the hedging proposed could hinder the sightlines. As such, to resolve the issue, it is recommended that a **condition be imposed that sightlines for both vehicular and pedestrians splays to be kept clear of all obstruction in perpetuity.** In addition, widening of the bends within the internal road layout was requested to allow two cars to pass one another. This has not been provided, and as such, it is recommended that a **condition be imposed requesting details of the internal road layout that will allow two cars to pass one another on the bends, whilst retaining the 5m width and footways on both sides. Details to be submitted before any works commence on the site.**

**Condition No. 6, as amended:**

**No part of the development hereby approved shall commence until a scheme for the construction of the means of vehicular access into the site, including the road width, kerb radii, visibility splays, and the off-site works of highway improvements to the new footway to link up to the existing footway along Roman Road has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority and implemented to the satisfaction of the Local Planning Authority. The approved details of the access shall be completed before the commencement of the development of the land hereby permitted and the sightlines maintained free of all obstruction to visibility above 1.0 metres.**

**REASON: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the necessary highway scheme/works are acceptable before work commences on site in accordance with Policy 10 of the Blackburn with Darwen Local Plan Part 2.**

### **Securing repair works to the Grade II listed Farmhouse.**

The submitted Condition Report indicated a number of repairs are required to Davy Field Farmhouse. However, the report does not provide sufficient detail for Officers to be satisfied that the repair works will be sympathetic to the listed building, hence the reason why Condition 14 has been recommended.

The Agent has challenged the condition as being overly restrictive as the repair works proposed do not (on the face of it) require Listed Building Consent.

Officers consider that it is more than reasonable of the Local Planning Authority to request a Schedule of Works relating to the repair works of the listed building is being put forward as one of the public benefits of the proposals. Therefore an amended condition is put forward securing a methodology and of the repairs proposed and a timeframe in which the repair works are undertaken. The applicant has agreed to the suggested timeframe.

#### **Amend condition no. 14**

**No above-ground works shall begin until, a comprehensive and detailed schedule of works, relating to the repair works to Davy Field Farmhouse, shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall be in accordance with the Condition Survey accompanying the application and include all proposed repair works. The restoration scheme shall thereafter be implemented in accordance with the duly approved details prior to occupation of the 10th dwelling hereby approved.**

**REASON: To repair the integrity of the building's interior in order to safeguard the character and appearance of the Grade II listed building, in accordance with the requirements of Policy 39 of the Blackburn with Darwen Local Plan Part 2 and the National Planning Policy Framework.**

#### **Additional Condition:**

At the request of the Public Protection team the following condition restricting construction of the site to daytime hours is recommended in the interests of nearby occupiers:

*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, in the interests of safeguarding nearby residential amenity, in accordance with Policy 8 of the Blackburn with Darwen Local Plan Part 2.*

From a PROW perspective, the path running through the site is public footpath 9, Eccleshill. This will need a temporary closure during construction. If the path is not accommodated for in the final design a permanent diversion will be required any works done before a diversion is confirmed will be done at the developers risk. The surface of the path must not be changed without authorisation. Discussions are ongoing between the applicants and the PROW team with regards the separate application relating to the public footpath diversion.

#### **10/21/0148 Former Hollins Grove Liberal Club, Falcon Avenue, Darwen**

Members attention is drawn to the following public representation received on the 11<sup>th</sup> July, since publication of the main report:

*Firstly thank you for coming out to see us yesterday, please pass on our thanks also to Stephanie and Brian too, it is appreciated and was helpful.*

*Just to recap:-*

*1. You kindly stated that 'Residents Parking Only' is being applied for which will hopefully alleviate some problems, we are very grateful for this, the cost will be £30 per year for each household, one car plus a 'guest' car. The letters will be sent to the residents on Falcon Avenue and 70% will have to agree. (What will happen if that isn't achieved is there an appeal process, due to the nature of business & problems, also how soon could that be implemented, as loss of parking will occur whilst the build is in process?)*

*The residents with driveways & garages you say will be excluded from this, what happens if they complain as they are unable to use their driveways to park their cars due to size/access issues etc. are they still eligible, as the driveways on the houses at top left hand side of Falcon are quite narrow, this could be a potential problem as they don't appear to be able to use them now, is there leeway on this?*

*2. The bottom 'private' back alley you have kindly managed to get approved, to have bollards installed to prevent 'rat run' cars, this will be helpful for safety reasons and nuisance too.*

*3. We respectfully requested that you please raise in the planning meeting, the need for higher walls/railings/shrubs/bushes to prevent anti-social behaviour on Falcon i.e. to stop people sitting/congregating drinking etc. as this as we know from experience, will be an issue, which we all were in agreement with.*

4. We also respectfully requested, that it be raised in the meeting, to ask for the pedestrian access to the new Co-op on Falcon Avenue to be removed, there is already, it now seems, a pedestrian access on Blackburn Road in the plans, the vehicle access on Falcon Avenue will no doubt be used by pedestrians too, maybe a footpath could be incorporated into the vehicle entrance if it was deemed necessary. We feel this pedestrian access further up on Falcon is not necessary and will only again attract anti-social behaviour, of note too, it is also an easy access/escape route for shoplifters, it also directly overlooks residents houses which is a safety/privacy issue.

5. The opening times you have requested will be 7am to 10pm not 11pm as stated in the plans, this is to help alleviate noise and disruption in evenings, this is as it is now at the current Co-op and we thank you for that.

6. The delivery times you have asked for are to be from 8am to 8pm to avoid noise and early morning disruption to residents, this is also appreciated.

7. Any issues arising after the fact i.e. the increase in volume of traffic that may bring any access/disruption issues or problems on Falcon Avenue/Blackburn Road you stated to contact yourselves and this will be addressed accordingly by yourselves and the Highway's Department should the need arise.

8. We asked if Pitville Street could be looked at, with a view to possibly removing the double yellow lines to allow for further parking for businesses in the area etc. as these lines it appears are no longer necessary as the old George Pub is now flats, so no delivery wagons anymore, this also shouldn't encroach on residents there.

Thank you again for your help and time in this matter, hopefully the matters raised will help us all have a new improved Co-op with a safer and improved Falcon Avenue.

We look forward to hearing from you.

In response and with reference to a Residents Only Parking Scheme, the applicant (Co-op) has agreed to fund road markings and signage to facilitate the scheme. **These will be secured via condition, as an addendum to Condition no. 18 - Traffic Management Scheme - as follows:**

Prior to commencement of above ground works, a Traffic Management Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for:

- Renewed and extended road markings, signage and associated works, as necessary, at the junction of Falcon Avenue and Blackburn Road; and
- Road markings and signage to facilitate a Residents Only Parking Scheme, along a section of Falcon Avenue, as necessary.

The scheme shall be implemented in accordance with the approved detail, prior to commencement of the operational use of the store hereby approved.

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

Future management and enforcement of the Residents Only Parking Scheme will be the responsibility of the Council.

An additional condition is also recommended to those listed at paragraph 4.1, to secure the use to that applied for and to prevent change of use to an alternative non-retail use under the permitted development regime, in the interests of ensuring adequate provision for local shopping needs:

**The premises shall be used for the retail sale of goods - Use Class E(a) - and for no other purpose, including any other purpose in Class E of the Town and Country Planning Use Classes (Order 1987 (as amended by the 2020 Regulations Amendment) and notwithstanding permitted development rights afforded by the Town and Country Planning (General Permitted Development (England) Order 2015 (as amended)).**

**REASON:** To ensure adequate provision for local needs shopping and to safeguard the amenities of the neighbourhood, in accordance with Policies 27 and 8 of the Blackburn with Darwen Borough Local Plan Part 2.

**10/21/0341 Land adjacent to Royal Blackburn Teaching Hospital, East Lancs Hospitals NHS Trust, Old Bank Lane, Blackburn**

It is recommended that **Condition no. 3** of those listed at paragraph 4.1 of the main report is **amended** to a compliance condition, requiring the development to be implemented in accordance with submitted external walling and roofing materials, as follows:

**The development hereby approved shall be constructed in accordance with the external walling and roofing materials**

specified in the submitted drawing numbered: AL07 Rev A and the submitted Design and Access Statement produced by Diaverum, dated March 2021.

**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.

#### 10/21/0371 Lammack Primary School, Lammack Road, Blackburn

##### Members

An incorrect Cllr name (Julie Taylor) was detailed on page 1 of the Committee Report. The correct list of members for the ward of Billinge and Beardwood is as follows;

Councillor Mohammed Irfan  
Councillor Tasleem Fazal  
Councillor Jackie Flloyd

##### Highways and Parking (Section 4.4)

A **further condition** is recommended in order to agree the position of the security gates proposed for the new access point off Whinney Lane. Such a condition is necessary in order to ensure vehicles can turn around and egress the site in a forward gear when the gates are locked, and to prevent anti-social behaviour in relation to the access road between the two adjacent properties, when the school is closed. For reference, a zoomed extract of the area of the site in question is shown below in Figure one.

Figure one – Initially proposed position of security gate



The further recommended condition is as follows:

**Notwithstanding the submitted details shown on the approved plan 'LPS-HWAYS-001 – Revision D', and prior to their installation, a scheme relating to the precise location of any required gates at the Whinney Lane access point shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved scheme, unless otherwise agreed in writing.**

**REASON:** In order to ensure vehicles can egress the site in a forward gear when the access gates are locked, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

#### Ecological Considerations (Section 4.5)

A final Bat Survey Report was submitted on 14<sup>th</sup> July 2021. A section of the concluding points within that report are detailed below.

*Given the low numbers of bats observed during the surveys, and none recorded during the final survey, it is likely that roosting features on sections 1 and 4 of the school building are used by small numbers of individual bats on an intermittent basis. The evidence is considered sufficient to confirm that there was no maternity roost present. Therefore, sections 1 and 4 are considered to be of low conservation significance, in accordance with Natural England's Bat Mitigation Guidelines (Mitchell-Jones, 2004). The loss of these roosts can be mitigated for with the use of bat boxes and access into the new buildings, as detailed in Figure 4 in the Bat Mitigation Guidelines (Mitchell-Jones, 2004), Guidelines for proportionate mitigation. If works were to proceed without any mitigation, this would result in the loss day roosts utilised by a small number of common pipistrelles, as well as the injury and death of individual bats. These actions would constitute an offence under both the Wildlife & Countryside Act (1981), as amended and the Conservation of Habitats and Species Regulations (2017).*

The report goes on to detail a number of measures of mitigation and enhancements in order to offset the impacts of development on local bat populations. Final comments from BwD Ecology (GMEU) are yet to be received in relation to the appropriateness of the advised measures. A further condition is therefore recommended to enable them review the final Bat Survey Report together with any recommended measures of mitigation.

The further recommended condition is as follows;

**No development shall commence on site unless and until, a Method Statement has been submitted to and approved in writing by the**

**Local Planning Authority detailing measures to be taken to avoid any possible harm to bats during demolition and construction works. The development shall be implemented in strict accordance with the approved Method Statement, unless otherwise agreed in writing.**

**REASON: In order to ensure the protection of bats, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).**

#### Contamination (Section 4.7)

In relation to the required contaminated land conditions, following production of the Committee Report extensive discussions have taken place between BwD Public Protection and the Environmental Consultant (LK Group). As per the further comments provided however, there are still discrepancies with the data and information presented insofar. Retention of the contaminated land conditions detailed in the Committee Report has therefore been advised.

#### Consultee responses (Section 6)

Section 6.11 contains a personal note from the case officer '(More?)' to check for any potentially missed consultee responses, which was erroneously not removed during the final proofread. That comment should be disregarded. There are no further consultee responses to consider as part of this application, aside from those detailed above.

**Gavin Prescott  
Planning Manager (Development)  
15<sup>th</sup> July 2021**