

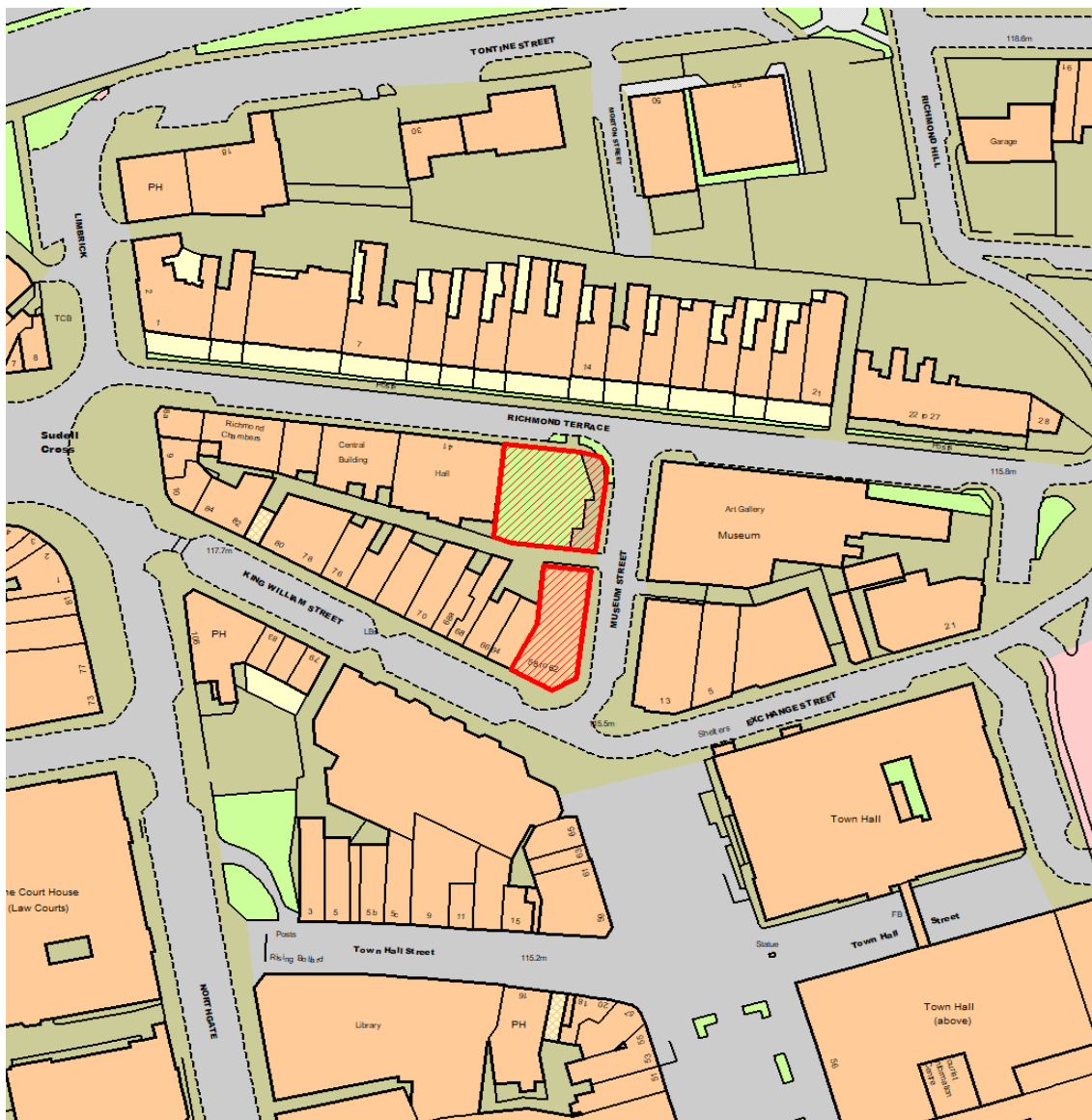
Proposed development: Full Planning Application (Regulation 4) for Creation of a car park

**Site address:
Land at Museum Street
Blackburn
BB1 7AJ**

Applicant: Ajaii Limited

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

2.1.1 The application is reported to the Committee in accordance with the Scheme of Delegation as the application site is Council owned land and the applicant was the successful bidder for a long term lease in a tender. The final detail/terms of the land transfer has yet to be finalised, but as land owner the Council will retain some interest in the land.

2.1.2 The application relates to the creation of a surfaced car park, which has been submitted by the owners of the former Royal Bank of Scotland building on King William Street. The car park is intended for the exclusive use of owner/occupiers of the former RBS building. Control over the use of the car park will be delivered through the lease.

2.1.3 The proposal has been subject to various amendments, requested by the case officer, during the assessment of the application, to address initial concerns. Amendments included:

- Improving highway & pedestrian safety & access (including relocating the previously proposed access point closer to Richmond Terrace, removing the previously proposed barrier, removal of parking space to ensure adequate parking spaces dimensions and room for manoeuvring, etc.); and

- Retention & protection of existing trees, and retention of the vegetation between the footpath and the Museum Street / Richmond Terrace (as well as introducing some new low level landscaping along the Richmond Terrace boundary).

2.1.4 Officers are satisfied that the proposed scheme, as amended, is acceptable. There are considerable regeneration and economic benefits as a result of bringing this prominent site back into use, and that an appropriate balance has been achieved between conflicting interests (eg tree protection / highway safety / visual amenity and boundary treatment, etc).

2.1.5 Assessment of the application finds that the proposal is acceptable, and complies with the relevant policies. In accordance with the presumption in favour of sustainable development as set out in the NPPF, the proposal is recommended for approval.

3.0 RATIONALE

3.1 Site and Surroundings

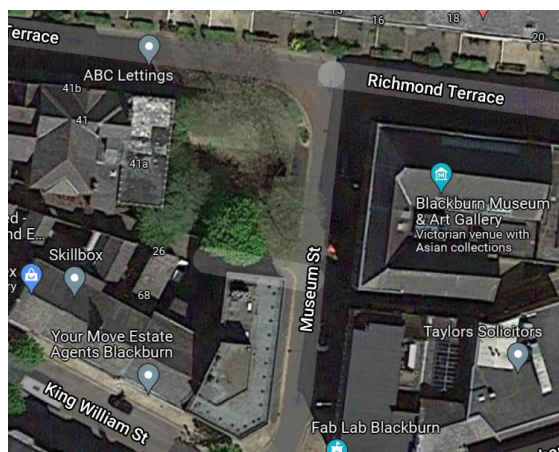
3.1.1 The application site is located on the corner of Richmond Terrace (to the north) and Museum Street (to the east), with the western boundary abutting the

Masonic Hall, and an alleyway (used for rear access to businesses on Richmond Terrace and King William Street) to the south. The former Royal Bank of Scotland building is on the other side of the alleyway.

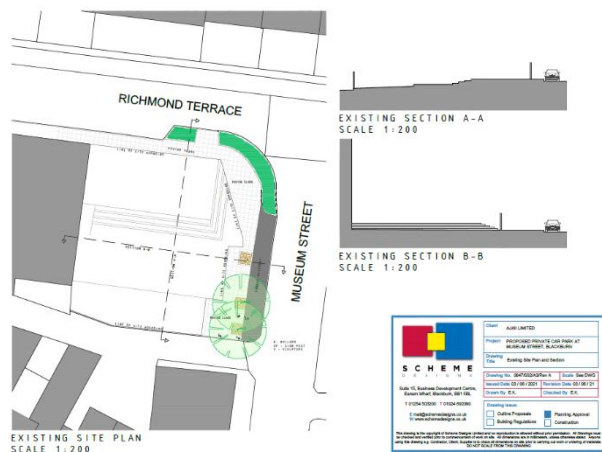
- 3.1.2 The site lies within the Inner Urban Area of Blackburn within the Town Centre Boundary, and BID area. It also lies within the Northgate Conservation Area and adjacent to the Richmond Terrace Conservation Area, within an Article 4 area, and with various listed buildings in close proximity. It is within a Coal Low Risk area.
- 3.1.3 The application site has been vacant for a number of years and is presently screened off with temporary timber fencing, restricting public access. This is of no benefit to the public or the character of the area. At one time the site had substantial tree cover. However, only 2 mature trees remain, which are located on the Museum Street (east) boundary of the site. There is also some street art on this boundary. The corner of Richmond Terrace and Museum Street also benefits from some soft landscaping on the outer edge of the pedestrian footway.
- 3.1.4 The land levels of the site drop down from Richmond Terrace in a southerly direction towards the alleyway / King William Street. The location plan below shows the proposed car park, to the north of the former RBS bank:



- 3.1.4 Below is an aerial view of the site:



3.1.5 The existing site plan, including sections showing the drop in land levels, is shown below:



3.2 Proposed Development

3.2.1 The application, as amended, proposes a 13 space car park, with an open vehicular access point (no barrier), and a timber knee rail boundary fence. The proposed site plan is shown below:



3.2.2 Site photos, taken 15th June 2021 (below):



From Richmond Terrace



From Richmond Terrace



From Museum Street



From Museum Street

3.2.3 Supporting documents submitted with or during the application process include:

- Planning and Heritage Statement
- Arboricultural Impact Assessment (revised)

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 of the Core Strategy (2011) and Local Plan Part 2 – Site Allocations and Development Management Policies (2015). In determining the current proposal the following are considered to be the most relevant policies.

3.3.3 Core Strategy

- Policy CS16: Form and Design of New Development
- Policy CS17: Built and Cultural Heritage

3.3.4 Local Plan Part 2

- Policy 1: The Urban Boundary
- Policy 2: The Inner Urban Area
- Policy 7: Sustainable and Viable Development
- Policy 8: Development & People
- Policy 9: Development and the Environment
- Policy 10: Accessibility & Transport
- Policy 11: Design
- Policy 26: Town Centres: A Framework for Development
- Policy 39: Heritage

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (NPPF)

3.4.2 BwD Parking Standards

3.4.3 Conservation Area Character Appraisals

3.5 Assessment

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

- Principle of proposal
- Visual amenity / Trees
- Heritage
- Highways / Parking / Drainage
- Other matters

3.5.2 Principle of proposal

3.5.3 Policies 1 and 2 of the Blackburn with Darwen Local Plan Part 2 (LP) identify the urban area as the preferred location for new development.

3.5.4 LP Policy 26 refers to sites within Town Centres. Proposals are generally supported if, amongst other things, they involve main town centre uses; including restaurants and cafes; and help to establish a vibrant town centre. The NPPF also emphasises the importance of ensuring the vitality of town centres.

3.5.5 The proposal does not conflict with these aspirations. The site lies within the town centre and inner urban area of Blackburn, within a conservation area, and is a highly prominent site. It has been boarded up since circa 2017 and has been subject to ASB / fly tipping etc. There have also been safety concerns raised about an underground cellar and the site sinking.

3.5.6 There are significant regeneration benefits for bringing this very prominent town centre site back into active use. It will also support local businesses occupying the former RBS building.

3.5.7 Car parking in this area is restricted and the proposed car park would help alleviate the high parking demand in the area. Use of the car park would be restricted for use by owners/occupiers of the former RBS building. The applicant owns the old RBS building, which is/will house different town centre uses including a café (Class E - Sale of food and drink (E(b)). The council would retain an element of control over the private use of the car park.

3.5.8 Given the substantial regeneration benefits outlined above, the proposal is considered acceptable in principle, and complies with LP Policies 1, 2 and 26, and the NPPF.

3.5.9 Visual amenity / Trees

3.5.10 Core Strategy (CS) Policy 16 and LP Policy 11 require a good standard of design and an understanding of the site's wider context. The Design SPD, in relation to siting, scale and appearance, reinforces this.

3.5.11 From a visual amenity perspective, the car park would be an improvement on the existing situation. The existing trees on site contribute positively to the visual amenity and character and appearance of the area. Some trees have already been lost, and it was considered important to retain the remaining trees. Following successful negotiations with the applicant, the trees will now be retained, and appropriate surfacing and tree protection measures will be put in place. A revised Arboricultural Impact Assessment has confirmed the acceptability of the proposals, and the Council's Tree Officer has raised no objections to the scheme as amended (subject to the identified tree protection being in place prior to development commencing). New landscaping would also be introduced along the Richmond Terrace frontage to help soften the impact of the tarmac.

3.5.12 A low timber knee rail fence would act as boundary treatment, and whilst alternative treatment such as black railings would be preferable, the benefits to highway safety/sightlines outweigh the visual impact.

3.5.13 The proposal is therefore considered acceptable from a visual amenity/design perspective, and the impact on the character and appearance of the areas is considered acceptable. Compliance with CS Policy 16 and LP Policy 11 is achieved.

3.5.14 Heritage

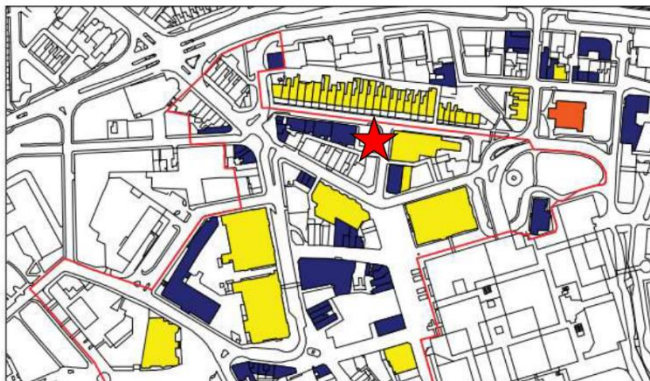
3.5.15 CS Policy 17 and LP Policy 39 seek to sustain or enhance the significance of heritage assets, including their setting. The NPPF adds further weight to the importance of heritage assets.

3.5.16 LP Policy 39 also says, amongst other things, that development that causes some harm or loss can be outweighed by the benefit of bringing the site back into use. Development that will negatively impact on the significance of an asset will only be permitted where the impact is outweighed by the public benefit arising from the development.

3.5.17 The site lies within the Northgate Conservation Area, and although outside the boundary of the Richmond Terrace Conservation Area, the impact on its setting is also a consideration. The site also lies within close proximity to the Grade II Listed Blackburn Museum and Art Gallery and the Grade II Listed Richmond Terrace. The impact on the setting of the listed building is also a consideration.

3.5.18 The heritage assets in the vicinity of the site are shown on the map below (taken from the Heritage statement submitted by the applicant):

■	Grade 1 building/feature
■	Grade II* building/feature
■	Grade II building/feature
■	Notable building/feature



3.5.19 The Council's Heritage consultee (Growth Lancashire) raised an initial objection to the scheme, which was based on the original (now amended) proposal to remove the trees, and without knowledge of the conflicting highway safety issues with regard to the proposed boundary treatment. The subsequent response to the revised plans confirmed that whilst the amendments have slightly improved things, the low level harm from the use remains. The harm should be considered in the planning balance and due weight should be given to it when considering whether the benefits outweigh the harm.

3.5.20 As referred to above, some harm to both the character and appearance of the Northgate Conservation Area, and to the contribution made by the setting on the significance of the Richmond Terrace Conservation Area and the setting of the significance of the listed buildings, was identified.

3.5.21 However, the harm caused by the proposal would only be a low level of harm (less than substantial). Whilst giving this sufficient weight in the decision making process, it is considered that the overall benefits of the scheme outweigh that harm.

3.5.22 The proposal is therefore considered acceptable, and in compliance with Chapter 16 of the NPPF and CS Policy 17 and LP Policy 39.

3.5.23 Highways / Parking / Drainage

3.5.24 LP Policy 10 requires, amongst other things, that road safety and the safe, efficient and convenient movement of all highway users is not prejudiced, and appropriate provision is required for vehicular access, with parking in accordance with the Council's adopted standards.

3.5.25 As previously referred to in this report, the wider justification for this parking scheme is accepted. The regeneration benefits would be substantial, as well as alleviating a current shortage of parking spaces for local business.

3.5.26 The access to the car park from Museum St rather than Richmond Terrace was agreed indicatively with the Council at tender stage. This is to avoid cutting

across existing on street car parking bays on Richmond Terrace, and because of the drop in site level from Richmond Terrace.

- 3.5.27 Initial concerns raised by the Council's Highways consultee included the impact of a barriered access; traffic flow, visibility, highway safety, and sub standard parking spaces. Amendments made to the scheme during the application process include: Gap between the two rows of parking reduced; removal of entrance barrier (now an open access, likely to be replaced with a "Private parking only" sign); Access repositioned away from the trees (& trees retained); a wider access; and amendments to the dimensions and number of parking spaces (now 13 spaces in total). As amended, the Highways consultee is now satisfied that the concerns initially raised have been appropriately addressed, subject to some further minor revisions which can be secured by condition.
- 3.5.28 The Highways consultee has requested further detail be supplied with regard to the final layout, to include a disabled parking bay, and revised vehicle sightlines with appropriate splays. A construction method statement will also be required. Appropriate conditions have therefore been attached to ensure these concerns are addressed.
- 3.5.29 The proposed low timber knee rail fence was considered necessary to retain (rather than a more visually pleasing alternative such as black railings) due to the increased visibility the low level fencing would provide.
- 3.5.30 The size of the car parking area was also amended / reduced slightly to ensure the continuation of the footpath on the corner of Richmond Terrace and Museum Street, including the retention of an existing soft landscaped area separating pedestrians from the highway.
- 3.5.31 There is presently some street art along the Museum Street boundary, which will be relocated. The street art will need to be removed to allow access in to the site. However, the Council will ensure this is relocated and is looking into options.
- 3.5.32 The Council will also ensure that parking is for businesses occupying former RBS only and a restrictive covenant will ensure this. Control over the use of the car park will be delivered through the lease. The applicant has clarified that no service vehicles will use the car park to support the businesses. Any potential damage to the highway as a result of the proposed development can be covered within the lease agreement.
- 3.5.33 Following an initial objection by the Drainage team (LLFA), the applicant was asked to submit a drainage scheme, with particular concerns raised about potential for surface water run-off. United Utilities have requested that a condition is attached to ensure drainage is appropriately addressed. The applicant has subsequently confirmed that a drainage scheme will be submitted post-decision.
- 3.5.34 The proposal as amended is considered acceptable, and highway safety would not be comprised. Compliance with Policy 10 of the LP and the adopted BwD Parking Standards is therefore achieved.

3.5.35 Other matters

3.5.36 Whilst this planning application assesses the planning impacts and benefits of the proposal, the Council as land owner will also ensure issues such as maintenance of pavements adjoining the site etc. are addressed.

3.5.37 There are cellars below the application site, and the site is known to be sinking. However, the Council is retaining a long term interest in the land, and an agreement is in place for this to be addressed.

3.5.38 The overall benefits of the scheme outweigh any harm identified, and the proposal is recommended for approval, subject to conditions, as set out below.

4.0 **RECOMMENDATION**

4.1 **APPROVE subject to the conditions below:**

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:
Location plan: Drawing No. 0647/001/A4/Rev A.
Proposed site plan: Drawing no. BB327-200-D, @A2.
“Arboricultural Impact Assessment with Tree Protection Measures” by Pennine Ecological (Robert Godwin MSc, MA ArborA. Arboriculturist, dated 18th November 2021).

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

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.

3. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme 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;
(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); and
(iii) A timetable for its implementation.
The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.
The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

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

4. Prior to the commencement of any development on site, the tree protection measures as set out in the “Arboricultural Impact Assessment with Tree Protection Measures” by Pennine Ecological (Robert Godwin MSc, MArborA. Arboriculturist, dated 18th November 2021), shall be erected around the trees to be retained. The protective fencing shall remain in place for the duration of the site preparation and demolition and/or construction period, and no excavation, materials storage, waste disposal or other activities shall take place within the fenced-off area. The development shall proceed in full accordance with the approved details.

REASON: To secure the protection, throughout the time that the development is being carried out, of trees within or adjacent to the site which are of amenity value to the area, in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

5. The low level soft landscaping shown on the approved site plan Drawing no. BB327-200-D, @A2, shall be planted on the site in accordance with the approved details during the first available planting season following completion of the works, and thereafter retained. 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. The landscaping shall be maintained and retained thereafter to the satisfaction of the local planning authority.

REASON: To ensure that there is a well laid scheme of healthy trees and shrubs in the interests of amenity in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

6. Prior to the car park hereby approved being first brought into use, the final layout of the car parking shall be submitted for approval, laid out in accordance with the approved details and thereafter permanently retained. The approved layout shall include a disabled parking bay, and revised vehicle sightlines with appropriate splays.

REASON: To ensure all matters in relation to the layout and surfacing of the car park (including gradients) are carried out to the Council's standards and requirements, in accordance with Policy 10 of the Blackburn With Darwen Borough Local Plan Part 2, and the adopted Blackburn With Darwen parking standards.

7. 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:

- I) the parking of vehicles of site operatives and visitors
- II) loading and unloading of plant and materials
- III) storage of plant and materials used in constructing the development
- IV) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- V) wheel washing facilities
- VI) measures to control the emission of dust and dirt during construction
- VII) a scheme for recycling/disposing of waste resulting from demolition and construction works.

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 order to protect the visual amenities of the locality and to comply with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

5.0 PLANNING HISTORY

- 5.1 1977_2019: Change of use to retail (non food), storage and offices.

6.0 CONSULTATIONS

- 6.1.1 A valid planning application was received by the Local Planning Authority (LPA) on 3rd June 2021. 21 Neighbour consultation letters were sent out on 14th June 2021, including all addresses adjoining the application site. A site notice was displayed on 15th June 2021. An advert was also published in the Lancashire Evening Telegraph on 23rd June 2021.
- 6.1.2 In response to the publicity, 1 letter of objection was received, from neighbouring premises (see summary of representations).
- 6.1.3 Following revisions to the layout received on 19th November 2021, a re-consultation was undertaken, giving 14 days for comments to be submitted. A site notice was displayed on 19th November 2021.
- 6.1.4 The re-consultation expiry date was 3rd December 2021. Aside from written comments from the Highways consultee, no further comments were received.
- 6.1.5 **Growth Lancashire (Council consultee for Conservation / Heritage):**

Response to revised scheme:

Amended Scheme – further comments

The below comments should be read in conjunction to the earlier comments contained in the response dated 16 July 2021.

I note the scheme to create the car parking area has been slightly amended and that some changes have been made to the proposal. The revised details are shown on the amended site plan ref: BB327-200-D dated September 2021.

Having considered the revised details I accept that the retention of the 2 frontage trees, realignment of the access and provision of some landscaping along the Richmond terrace frontage provide a slight improvement to the originally submitted scheme.

As indicated in my previous comments the LPA need to consider:

- 1. Whether the proposed development will harm the character or appearance of the Northgate Conservation Area*
- 2. Whether the proposed development will harm the contribution made by the setting to the character or appearance of the Richmond Terrace Conservation Area*
- 3. Whether the proposed development will harm the contribution made by the setting to the nearby Grade II listed buildings.*

In all three aspects, as indicated above, whilst I recognise some improvement in the scheme I still retain the view that the provision of the car park is not a positive intervention in the area and that it will still detract (to some degree) from the appearance of the immediate area and impact upon the appreciation of the principle buildings within their historic setting.

*That said the harm or loss of significance to those identified heritage assets should be regarded as **being slight or low**.*

It is down to the LPA to consider the level of harm within its planning balance. P.202 of the NPPF explains that harm to designated heritage can be weighed against the public benefits of the proposal.

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.

I consider that the revised proposal would still not meet the statutory test 'to preserve' and would cause some limited low level harm to those identified heritage assets.

*Regardless should the LPA consider **the benefits to outweigh the limited harm** then the proposal would meet the objectives of Chapter 16 of the NPPF and conform with Policy CS17 (Built and Cultural Heritage) and Policy 39 of the Local Plan.*

6.1.6 **BwD Tree Officer**

Final comments (following receipt of revised plans addressing the initial objection):

The arb information is fine to approve. Please advise the agent that the important aspect is that the tree protective fencing needs to be in place prior to the start of any development on the site. This info can be found on the 'Tree Protection Plan' that is part of the document.

Initial objection (prior to amendment of scheme & additional information):

The proposals are to remove two London Plane trees situated within the footpath to facilitate the entrance for a new car parking space. The Arboricultural Impact Assessment (AIA) submitted by Pennine Ecological grades the trees in accordance with BS 5837 and states that the trees are of moderate quality (B Category) and that they could be removed and replaced. This I do not agree with. When a tree is graded as a B Category using the BS every effort should be made to incorporate these trees into the design layout.

As the proposals are situated within the Northgate Conservation Area and the two trees in question make a positive contribution to the character of the area I would suggest that the design layout submitted needs further consideration. I see no valid reason why the trees couldn't be retained and the entrance to the site be situated on Richmond Terrace.

6.1.7 BwD Highways consultee

The PROW – no implications

The submission details have been reviewed, and a site investigation has been undertaken. The proposal seeks Creation of a car park.

Parking

The plans received indicate a new car park for 13 spaces.

The land is currently a public realm area that is presently fenced off.

The intention is to create a car park to support the former RBS building and its occupants.

No specific rational was received as the need for the car parking spaces, when the town centre clearly has sufficient spaces within the vicinity to support short stay parking, as well as long stay parking.

The car park layout would need to conform to council bay standards of 2.4 x 4.8 with 6m manoeuvrability (into and out of the bays) please ensure this is complied with. No information is offered on the surface of the car park. Please attach Highways Condition 4 to ensure all matters in relation to the layout, surface of the car park (including gradients) are carried out to the council's standards and requirements

We had requested one of the bay to be widened to facilitate a disabled parking bay, this has not been forthcoming. Please condition this to the approval.

Access/Layout

A new access is to be created off Museum Street. A two way access point is created, to ensure no vehicles are waiting to turn and can move swiftly into the car park, to avoid causing an obstruction on the highway. The entrance proposed is a dropped kerb proposal, this is acceptable.

The initial plans showed a barrier at the entrance, on the latest plans this has been removed, this is welcomed.

Vehicle sightlines have been provided, however they are not clear as the parking space no 7 would hinder the splay lines they have provided. In fact the splays they have shown are incorrectly drawn. Please condition this for this to be submitted for approval.

A footway around the periphery of the site as the road transition round the bend from Richmond Terrace to Museum Street is provided and retained.

We expect that the highway would sustain some damage as a result of the development, if it does that we respectfully request the applicant is required to undertake the repairs if it's a direct result of their works. To ensure there is clarity ...we would advise a condition survey is undertaken prior to works commencing to take record of the highway status. Please condition. {refer to Property comments in para 6.1.10}.

Servicing

No changes are offered or proposed, please confirm.

Other

No details of a construction method statement is received, please condition accordingly.

General highway principles also to be taken into consideration are as follows:

- All existing street furniture including street lighting should be removed/disconnected at the applicants expense and relocated at locations to be agreed with by the relevant highways officer, (should they be required to do so)*
- Prior to any work commencing that affects the existing adopted highway contact to be made with the Local Highway Authorities office on Tel: 01254 273838 to undertake a condition survey.*
- Any old entrances that are no longer required should be closed and reinstated back to full footway, at the developers expense*
- The highway should not be obstructed, if indeed closure is required contact is to be made with the highway authority on Tel: 01254 273439*

To conclude in principle we would support the application, subject to the above matters being addressed satisfactorily or conditioned accordingly

6.1.8 Bwd Drainage / LLFA

The application form says that they are connecting to the main sewer.

We would need to see a design showing the proposals and if they wish to connect to the sewer then they will need to consult UU who may wish to limit the discharge to a controlled rate. Our objection will be removed if United Utilities have no objections. As United Utilities have recommended a condition relating to a surface water drainage scheme to be submitted for approval, the initial objection is removed.

Initial objection

Lead Local Flood Authority Position

We object to the proposed development for the following reason.

Reason

The drainage proposals submitted with a channel drain discharging to ground is unacceptable as it could lead to surface water flooding off the site.

We may remove our objection if the applicant submits design details for the disposal of surface water which are acceptable.

Discharge to the ground by infiltration must be designed in accordance with BRE Digest 365.

6.1.9 United Utilities

Drainage

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. We request the following drainage conditions are attached to any subsequent approval to reflect the above approach:

Condition 1 – Surface water

No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme 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;
- (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); and
- (iii) A timetable for its implementation.

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

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

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

The applicant can discuss any of the above with Developer Engineer, Robert Brenton, by email at wastewaterdeveloperservices@uuplc.co.uk.

Please note, United Utilities are 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 main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for Adoption and United Utilities' Asset Standards. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

For schemes of 10 or more units and other major development, we recommend the Local Planning Authority consults with the Lead Local Flood Authority regarding the exact wording of any condition. You may find the below a useful example:

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.

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances.

United Utilities' Property, Assets and Infrastructure

A public sewer crosses this site and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of Part H of the Building Regulations, for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer may be necessary. All costs associated with sewer diversions must be borne by the applicant.

To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Developer Engineer at wastewaterdeveloperservices@uuplc.co.uk as a lengthy lead in period may be required if a sewer diversion proves to be acceptable.

Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

For advice regarding protection of United Utilities assets, the applicant should contact the teams as follows:

Water assets – DeveloperServicesWater@uuplc.co.uk

Wastewater assets – WastewaterDeveloperServices@uuplc.co.uk

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

A number of providers offer a paid for mapping service including United Utilities. To find out how to purchase a sewer and water plan from United Utilities, please visit the Property Searches website; <https://www.unitedutilities.com/property-searches/>

You can also view the plans for free. To make an appointment to view our sewer records at your local authority please contact them direct, alternatively if you wish to view the water and the sewer records at our Lingley Mere offices based in Warrington please ring 0370 751 0101 to book an appointment.

Due to the public sewer transfer in 2011, not all sewers are currently shown on the statutory

sewer records and we do not always show private pipes on our plans. If a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further. Should this planning application be approved the applicant should contact United Utilities regarding a potential water supply or connection to public sewers. Additional information is available on our website <http://www.unitedutilities.com/builders-developers.aspx>

6.1.10 Property:

No objections to the revised scheme. The concerns raised by Highways will be covered in the lease agreement.

7.0 CONTACT OFFICER: Tom Wiggans, Planner

8.0 DATE PREPARED: 3rd December 2021

9.0 SUMMARY OF REPRESENTATIONS

Objection – Blackburn Masonic Hall Co Ltd, 41 Richmond Terrace, Blackburn. Rec – 01/07/2021

Dear Sirs

I write in reply to your letter dated 14 June regarding the above application.

I am concerned that the developer of the site Ajaii Ltd will not stick to the rules in the future and will charge for the use of the site for parking even though this was forbidden in the original tender. Having lost out on tender I will be watching developments to ensure all is done within the original tender rules. Already the time scales have been breached. I realise this has no bearing on the planning application.

Our property is adjacent to the site and as you are aware is a significant building in this conservation area .

The Council is being less than honest in its description of the land as you own it and it has been derelict and boarded up as part of your own policies.

I have concerns regarding the car park which I feel should be enclosed by substantial brick and or stone walls to be in keeping with the area and make it secure. There are problems in the area with homeless sleepers and others and whilst there are not as many break in attempts as was once the case there still are problems with security of property and cars in this area. A knee high timber rail fencing is the cheapest nastiest option available and is out of character with the area. Brick walls line the pavement on the opposite side of Richmond Terrace and if provided here would enhance the area and partially hide the cars from full view . Also there will be a drop behind the timber fence on Richmond Terrace side onto the car park according to section a-a on the plan which has not been taken into account will it be a wall ? If not anyone going over the fence as most lazy people do will have a drop into the car park. Also what is proposed to be done to our adjoining wall on the side of the car park is there to be a garden here or a pavement edge. I also believe there to be cellars under the land which will need attention. With regard to the surface again tarmac is the cheapest option and I think that the applicant is seeking to do everything on the cheap and there is no quality in this application despite it being in a quality area.

I trust my comments will be taken into consideration and my concerns addressed.
