

Proposed Development: Temporary siting of modular accommodation for education use during period of works for refurbishment of the Victoria Building

Site Address: Blackburn College, Blakey Moor, Blackburn, BB2 1LH

Applicant: The Department for Education c/o BAM Construction

Ward: Blackburn Central

**Councillor Samim Desai
Councillor Mahfooz Hussain
Councillor Zamir Khan**



1.0 SUMMARY OF RECOMMENDATION

- 1.1 The proposed development is recommended to be granted planning permission, subject to the conditions and informative note detailed in Section 5.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Council's scheme of delegation, and given that it is classed as 'major' development due to the floorarea involved. In addition, some of the land included within the application site boundary is within the ownership of the Council. No public comments have been received for the application so far. Should any comments be made ahead of the committee meeting, they will be presented as part of an Update Report.
- 2.2 The proposed development has been publicised through letters to residents and occupants of the nearest 45 adjacent properties, on 30th September 2022. In addition, a site notice was displayed outside of the site, on 11th October 2022.
- 2.3 The Council's development plan supports new educational development and associated works, provided they constitute sustainable development and accord with the development plan when taken as a whole.
- 2.4 The proposals would deliver temporary accommodation in support of the refurbishment of the Victoria Building. The submitted plans show a three-storey building providing 17 classrooms with ancillary functions. The development would be formed from a number of connected modular buildings.
- 2.5 On balance, the proposals would be satisfactory from a technical point of view, with all issues having been addressed during the course of the application process, or capable of being controlled or mitigated through appropriately worded planning conditions.
- 2.6 The key issues to be assessed in determining this application are as follows;
- Establishing the principle of development
 - Assessing impacts on visual amenity and heritage assets
 - Safeguarded the residential amenities of the closest neighbours
 - Ensuring adverse impacts on the local highway network are avoided
 - Ensuring the parking capacity of the site is not adversely diminished
 - Finalising the foul and surface water drainage systems to be installed

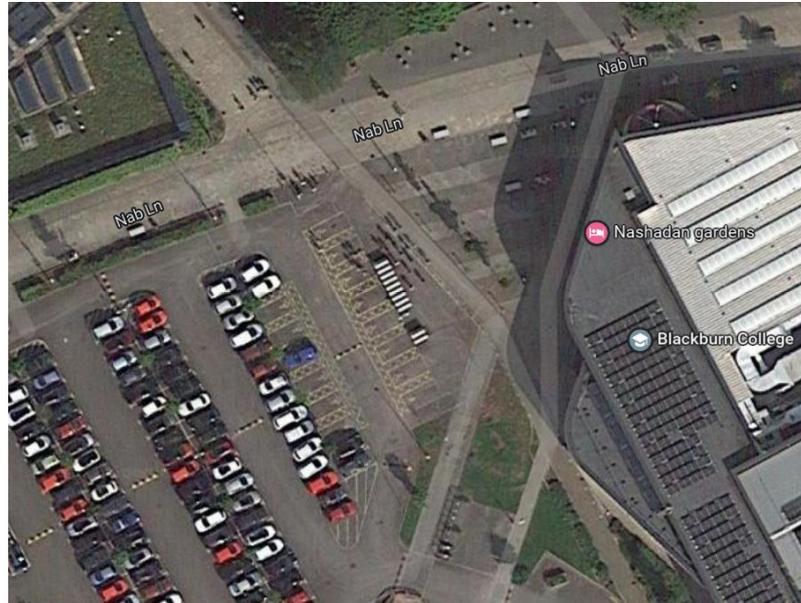
3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site forms part of a large carpark and open space areas that serve a tertiary educational building. The site is located within the defined Urban Boundary and Blackburn Town Centre. The Northgate Conservation Area is

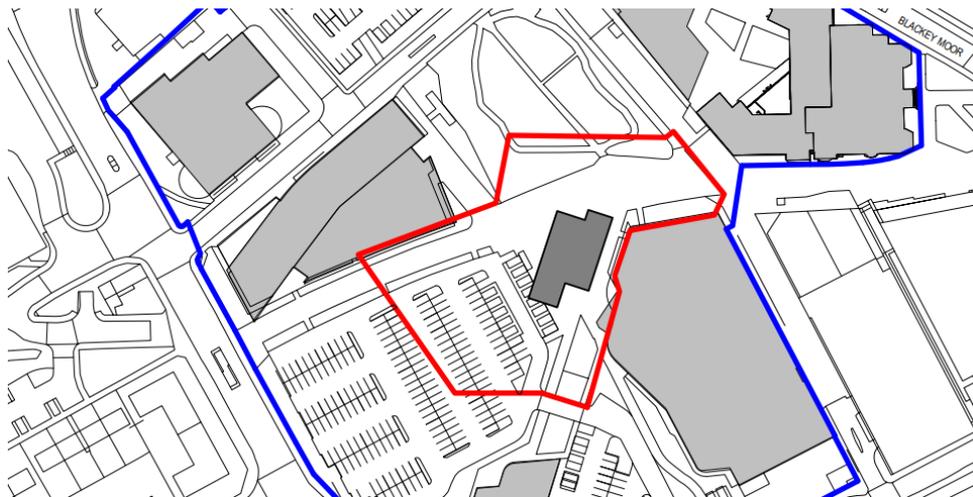
also positioned adjacent. Benches and planters are currently in place where the building is proposed together with a small number of mobility impaired parking bays.

Figure One – Satellite image of the site



3.1.2 The site covers an area of circa 1 acre. The remainder of the carpark is positioned to the south and west with a large leisure centre positioned directly to the east. Open amenity land is positioned to the north with a college building located further afield to the south. Land within the wider site is edged in blue on the submitted Location Plan.

Figure Two – Location Plan showing the general extent of the site



3.2 Proposed Development

3.2.1 As detailed above, this application involves the siting of temporary accommodation for the provision of classrooms spread over a three-storey building. A small number of parking bays would be covered by the building. The provision is required in order to decant the teaching rooms of the Victoria Building, which is proposed to undergo major refurbishment under applications 10/22/0912 and 10/22/0913. A requirement period of 22 months is detailed within the submitted Supporting Statement and a three-year temporary permission has been applied for.

Figure Three – Proposed Site Plan



3.2.2 The building would have a footprint of circa 500 square metres, a total height of 10.4m and a combined floorarea of 1430 square metres. 17 classrooms would be provided together with toilet facilities on the ground and first floors. The building would have a grey external coating with white uPVC doors and windows installed.

Figure Four – Proposed Side Elevation



3.3 Case Officer Site Photos



3.4 Development Plan

3.4.1 Core Strategy Part 1 (2011):

- Policy CS2: Typology of Employment Land
- Policy CS11: Services and Facilities

3.4.2 Local Plan Part 2 (2015):

- Policy 1: The 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 26 Town Centres – A Framework for Development
- Policy 39: Heritage

3.4.3 Blackburn with Darwen Parking Standards (2014)

- Further and Higher Education: 1 car space per 2 full-time staff

3.4.4 Conservation Areas Supplementary Planning Guidance (SPG)

4.0 **ASSESSMENT**

4.1 Principle of Development

- 4.1.1 As detailed above, the site is located within the Urban Boundary, as defined by Policy 1. Those locations are identified as the preferred location for all new development. Policy CS2 states that town centres will be considered a suitable

location for employment development, including education. Policy CS11 states that the range and quality of public services and facilities will be expanded and enhanced within town centres

4.1.2 In addition, Policy 26 involves expanding the role of town centres and supports proposals which deliver supporting community services, such as education. The proposals are consistent with those policy directions and the principle of development is therefore acceptable, in compliance with Policies CS2, CS11, 1 and 26.

4.1.3 In accordance with the presumption in favour of sustainable development detailed within the Framework, and Policy 7, 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 Design and Visual Amenity

4.2.1 The site is a standalone aspect within the town centre and its character is derived from a number of large buildings that are predominantly of a modern architectural style. Policy 11 requires all development proposals to represent a good standard of design through demonstrating an understanding of the site's wider context and making a positive contribution to visual amenity.

4.2.2 The development arguably would not align with those design requirements given its appearance. The building would form a prominent feature within its immediate setting and its style would not correspond with those of adjacent buildings. That said, such an outcome is usually the case with temporary modular buildings and any visual implications caused from the development would only be for a limited period.

4.2.3 A condition is recommended to limit the permission to a three-year period alone, as per the submitted Supporting Statement. Such a condition is necessary on design grounds in order to prevent the permanent siting of a visually inappropriate building. Subject to compliance with that condition, the proposed development would be acceptable with reference to design and visual amenity, in accordance with Policy 11.

4.3 Heritage Assets

4.3.1 As detailed above, the site is positioned adjacent to the Northgate Conservation Area, which is a designated heritage asset. Policy 39 requires all development proposals with the potential to affect any designated heritage asset, either directly or indirectly including by reference to their setting, to sustain or enhance the significance of the asset. The Conservation Areas SPG reiterates those requirements.

4.3.2 Comments are yet to be provided by the BwD Heritage Advisor and they will be added as part of an Update Report. No concerns have been raised verbally given the temporary nature of the development. The appearance of the

development would fail to sustain or enhance the setting of the conservation area. Therefore, the condition recommended to limit the timeframe of the development is also necessary on heritage grounds. Subject to compliance with that condition, the proposed development would be acceptable with reference to heritage assets, in accordance with Policy 39 together with the guidance of the Conservation Areas SPG.

4.4 Residential Amenity

4.4.1 The setting of the site is predominantly non-residential yet there are some residential properties nearby along Montague Street. Policy 8 requires all development proposals to secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself, with reference to noise, vibration, odour, light, dust, other pollution or nuisance, and the general relationship between buildings.

4.4.2 Owing to ample separation, the only residential amenity assessments applicable to this development involve the construction phase. BwD Public Protection have reviewed the merits of the application and no objections have been raised. Three conditions have been advised in order to control impacts on neighbours from external lighting sources and during the construction phase. A condition to control external lighting sources is not necessary given the distances involved between the closest neighbours.

4.4.3 The construction phase for this development is likely to be relatively short as it only involves the transportation and merging of modular buildings alongside minor associated works. That said, a condition is recommended in order to control the logistics of that phase through the submission of a Construction Method Statement given the scale of the development. A further condition is recommended to limit construction working hours. Subject to compliance with those conditions, the proposed development would be acceptable with reference to residential amenity, in accordance with Policy 8.

4.5 Highways and Parking

4.5.1 The development would be partly sited within a large carpark area and would involve the temporary loss of 4 mobility impaired spaces. Policy 10 requires all development proposals to not prejudice road safety or the safe, efficient and convenient movement of all highways users. Parking should also be provided in accordance with the BwD Parking Standards.

4.5.2 As detailed above, a condition is recommended in order to control the logistics of the construction phase. The condition is also necessary on highways grounds in order to minimise disruptions for pedestrians navigating the site. The location of contractor parking and any necessary storage areas should also be agreed via that mechanism. BwD Highways, Strategic Planning and the Town Centre Manager have all reviewed the application. They are supportive of such an approach alongside the development as a whole.

4.5.3 Although 4 mobility impaired spaces would be temporarily lost the development, 3 alternate spaces would be remarked for such a purpose. A further condition is recommended in order to ensure those alternate arrangements are provided prior to the siting of any buildings. Such a condition is necessary in order to maintain an adequate number of mobility impaired spaces on site. Subject to compliance with those conditions, the proposed development would be acceptable with reference to highways and parking, in accordance with Policy 10.

4.6 Flooding and Drainage

4.6.1 The application site is positioned entirely within Flood Zone 1 and has a low vulnerability to sources of fluvial flooding. Policy 9 requires all development proposals to avoid unacceptable impacts on environmental interests, including flood risk. Wider requirements concerning the provision of adequate drainage systems are also detailed within the policy. A Proposed Drainage Layout has been submitted in support of the application detailing foul and surface water drainage connections. The submitted drainage layout and development as a whole has been reviewed by BwD Drainage. No objections have been raised, subject to United Utilities being supportive.

4.6.2 Comments have been received from United Utilities and some reservations have been raised regarding the proximity of the development to the public sewer network. Further information has been requested ahead of the determination yet a pre-commencement condition has been advised to ensure the public sewer is protected from damage as a result of the development. It is recommended that such a condition be added to prevent such an outcome.

4.6.3 In relation to drainage, a further condition has been advised regarding the submission of a sustainable surface water drainage scheme and a foul water drainage scheme. The condition advised is typically applied to non-temporary forms of development and the implementation of sustainable drainage systems can often lead to significant works, which may not be viable in the context of these temporary proposals. It should be noted that the building is proposed within an area of the site that is predominantly covered in hardstanding and any additional runoff created would be minimal.

4.6.4 The condition advised by United Utilities has therefore been altered slightly to allow for the use of a combined system for foul and surface waters in the event that an alternate system is not feasible. A request has also been made to review their comments given the temporary nature of the development. Any further comments provided will be added as part of an Update Report. Subject to compliance with those conditions, the proposed development would be acceptable with reference to flooding and drainage, in accordance with Policy 9.

4.7 Arboricultural Assessments

4.7.1 The proposals would involve the loss of three ornamental trees. Further requirements within Policy 9 state that development will be expected to

incorporate existing trees into the design and layout of the scheme. However, such an outcome is not achievable with these proposals given the fixed position of the building and the need to minimise impacts on vehicle parking. It is likely the College will replace any lost landscaping once the development has been removed in order to maintain the aesthetical value of the site.

4.7.2 Moreover, damage to mature trees within the site can be adequately avoided through the submission and implementation of a Construction Method Statement, which is recommended above. Subject to compliance with that condition, the proposed development would be acceptable with reference to arboricultural assessments, in accordance with Policy 9.

4.8 Crime Management

4.8.1 Further requirements within Policy 8 state that all development proposals should incorporate positive measures aimed at reducing crime and improving community safety. Lancashire Police have reviewed the merits of the application and no objections have been raised, subject to the development being implemented in accordance with the Secured by Design standards. An informative note is recommended to ensure those standards are followed.

4.9 Summary

4.9.1 This application seeks temporary consent for the siting of modular accommodation for educational purposes. Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies and guidance notes detailed in Section 3.4.

4.9.2 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 proposal would be acceptable in principle and with reference to design and visual amenity, heritage assets, highways and parking, flooding and drainage, arboricultural assessments, and crime management.

4.9.3 The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

5.0 **RECOMMENDATION:**

Delegated authority is given to the Strategic Director of Growth and Development to approve planning permission, subject to the following conditions and informative note;

5.1 This permission covers a temporary 3 year period alone the development hereby approved shall be entirely removed on or before 01/12/2025, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to ensure the development is not retained indefinitely, in the interests of visual amenity and preventing harm to the setting of the conservation area, and to comply with the requirements of Policies 11 and 39 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.2 Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: Location Plan (ADP-TA-00-D-A-0920), 35419-PML-B1-XX-DR-A-0001, 35419-PML-B1-XX-DR-A-0060, 35419-PML-B1-XX-DR-A-0925 and 35419-PML-B1-XX-DR-A-0930.

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

- 5.3 The external materials to be used for the construction of the development hereby approved shall be as stated on the submitted application form and approved drawings and those materials shall not be varied without the prior written consent of the Local Planning Authority.

REASON: Those materials are acceptable for this development and site, in the interests of visual amenity, and to comply with the requirements of Policy 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.4 No development shall commence on site unless and until, a Construction 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) Details of the sizes and types of vehicles to be visiting the site;
- c) The loading and unloading of plant and construction materials;
- d) The siting of any required cranes;
- e) The storage of plant and construction materials;
- f) Wheel washing facilities;
- g) A scheme for the recycling/disposing of waste, where relevant, and;
- h) Details of the type, position and height of any required external lighting.

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

REASON: In order to control the logistics of the construction phase, in the interests of residential amenity, preventing harm to mature trees, and minimising disruptions on the local highway network, and to comply with the requirements of Policies 8, 9 and 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5.5 All construction works associated with the development hereby approved shall only take place between the following hours;

- a) Monday – Friday: 08:00 – 18:00 hours
- b) Saturday: 09:00 - 13:00 hour
- c) No such works shall take place on any Sundays or Bank Holidays

REASON: In order to minimise the potential for noise pollution to occur for the immediate neighbours from the construction phase, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5.6 Prior to the siting of any modular accommodation on site, the revised parking layout as detailed on the approved plan '35419-PML-B1-XX-DR-A-0930' shall have been provided entirely in accordance with that plan. Any revised parking provided shall thereafter remain in perpetuity with the development, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to ensure an adequate level of mobility impaired spaces are provided, 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).

5.7 No development shall commence on site unless and until, details of the means of ensuring the public sewer that is laid within the site boundary is protected from damage as a result of the development have first been submitted to and approved in writing by the Local Planning Authority. The details shall outline the potential impacts on the public sewer from construction activities and the impacts post completion of the development on the wastewater infrastructure that crosses the site and identify mitigation measures to protect and prevent any damage to the public sewer both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.

REASON: In order to ensure adequate protection is afforded to the public sewer network, in the interests of securing sustainable development, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5.8 No development shall commence on site unless and until, details of a sustainable surface water drainage scheme and a foul water drainage scheme have first been submitted to and approved in writing by the Local Planning Authority. The drainage schemes must as a minimum include:

- a) 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;

- b) 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);
- c) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- d) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- e) Foul and surface water shall drain on separate systems unless information is provided that adequately confirms such a system is not feasible.

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, where relevant.

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: In order to ensure proper drainage and to manage the risk of flooding and pollution, in the interests of securing sustainable development, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

Case Specific Informative Note

- 5.9 We would advocate that the installation be designed and constructed using the security principles and security rated products as stated in the attached SBD 'Commercial Developments 2015' and 'New Schools 2014' Design Guides. Further details about Secured by Design, including application forms and security specifications can be found at www.securedbydesign.com.

6.0 RELEVANT PLANNING HISTORY

- 6.1 10/22/0912 – Comprehensive refurbishment and partial remodelling to address minor changes to the elevations and roof and internal alterations – Pending Consideration.
- 6.2 10/22/0913 – Comprehensive refurbishment and partial remodelling of the Grade II listed Victoria Building to address minor changes to the elevations and roof and internal alterations– Pending Consideration.

7.0 CONSULTATIONS

- 7.1 BwD Highways – The temporary modular building impacts on 4 disabled parking bays on the Blackburn College surface car park. The temporary

measures suggest to convert 3 normal spaces to disabled bays in a convenient location. These are to be returned to existing on completion of the works.

My only concern in relation to the application relates to the suggestion within the Transport Note that contractors will use existing public car parks. I would expect that some contractor vehicle types would not be suited to public car parks and that there would be some impact on-street in and around the college campus. Again, the management measures to minimise indiscriminate contractor parking can be covered in a Construction Method Statement, which can be conditioned. Subject to an appropriate condition being attached requiring such a document to be agreed with the BwD Network Manager, I am supportive of the application.

- 7.2 BwD Heritage Advisor – To follow.
- 7.3 BwD Public Protection – No objections. Should this application be approved, conditions should be imposed to control external lighting sources, the logistics of the construction phase and construction working hours.
- 7.4 BwD Drainage – No objections. Evidence of an agreement between the applicant and United Utilities regarding surface water discharge into the public surface water sewer must be provided before commencement, which can be conditioned. Such a condition is necessary in order to ensure that the development is not at risk of flooding, does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water.
- 7.5 BwD Arboricultural Advisor – The Supporting Statement details ‘There are no trees here nor any landscaping’. However, the site plan refers to the removal of 3 No planters with trees/shrubs, on the site of the proposed temporary building. I do not consider this would equate any notable loss of trees or visual amenity to the location. Any loss of trees or landscaping could be compensated for, following the removal of the temporary building
- To the north of the application site there are a number of mature trees. These trees are some distance from the siting of the proposed temporary building and construction should not impact on these trees. However, you may wish to include a condition for a method statement for tree protection during construction to ensure the area is not used for storage.
- 7.6 BwD Strategic Planning – No objections.
- 7.7 BwD Town Centre Manager – No objections.
- 7.8 BwD Cleansing – No objections.
- 7.9 United Utilities – Following our review of the submitted Proposed Drainage layout drawing Ref: FE013 CUR TA XX D C 920, Rev P01 dated 22/07/22, we can confirm that whilst the proposals are acceptable in principle, United Utilities are concerned about the proximity of the south west corner foundation of the

proposed building to the existing sewer, which is also highlighted as a risk on the proposed plan. We would require the foundation to be at least 500mm away from the edge of the existing sewer and the corner of the foundation should be chamfered off to remove the chance of the foundation acting like a point load on the existing sewer. Therefore, our position must be to object to the proposal.

To demonstrate that this layout can be achieved, and to avoid any unnecessary costs or delays to either the applicant or any future developer, we request that the applicant revises the foundation detail in the south west corner of the proposal and submits an updated layout plan and any other associated documents (e.g. proposed drainage layout). We strongly recommend the matters are resolved prior to determination of the application.

However, should the Council deem this application suitable for approval, which we do not recommend, we request conditions are included in the subsequent Decision Notice to ensure the public sewer that is laid within the site boundary is protected from damage as a result of the development and agree details of a sustainable surface water drainage scheme and a foul water drainage.

7.10 Lancashire Police – We would advocate that the installation be designed and constructed using the security principles and security rated products as stated in the attached Secured by Design ‘Commercial Developments 2015’ and ‘New Schools 2014’ Design Guides.

7.11 Ward Cllrs

7.12 No public responses received

8.0 CONTACT OFFICER: Christian Barton – Planning Officer

9.0 DATE PREPARED: 1st November 2022