

Proposed Development: Variation of Condition 2 pursuant to planning application 10/22/0921 'Temporary siting of modular accommodation for education use during period of works for refurbishment of the Victoria Building' to amend layout and position of the cabins

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

Applicant: The Department for Education

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

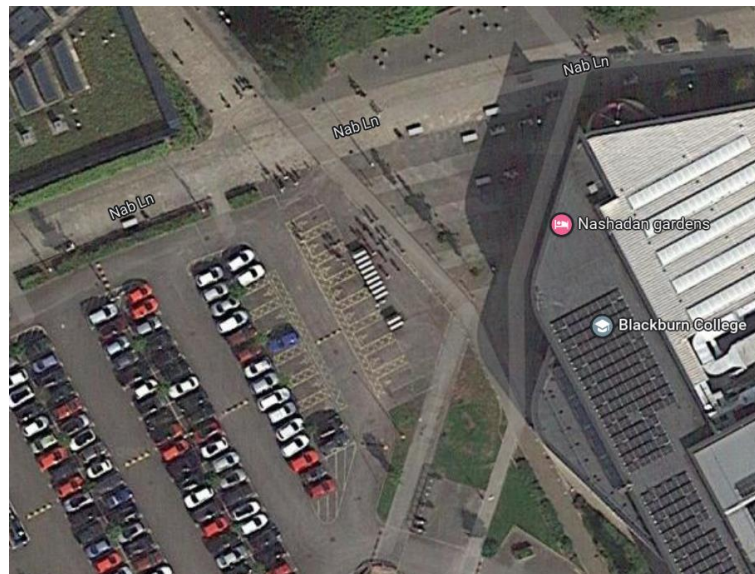
- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Council's scheme of delegation, and given that the previous application (10/22/0921) was presented to Committee for determination in November 2022. In addition, some of the land included within the application 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 14th December 2022. In addition, a site notice was displayed outside of the site, on 21st December 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 This application is made under Section 73 of the Town and Country Planning Act (1990). The application involves various amendments to a modular accommodation building, approved under application 10/22/0921. The proposals would deliver temporary accommodation in support of the refurbishment of the adjacent Victoria Building. The submitted plans show a two-storey building providing 14 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
 - Assessing impacts on 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

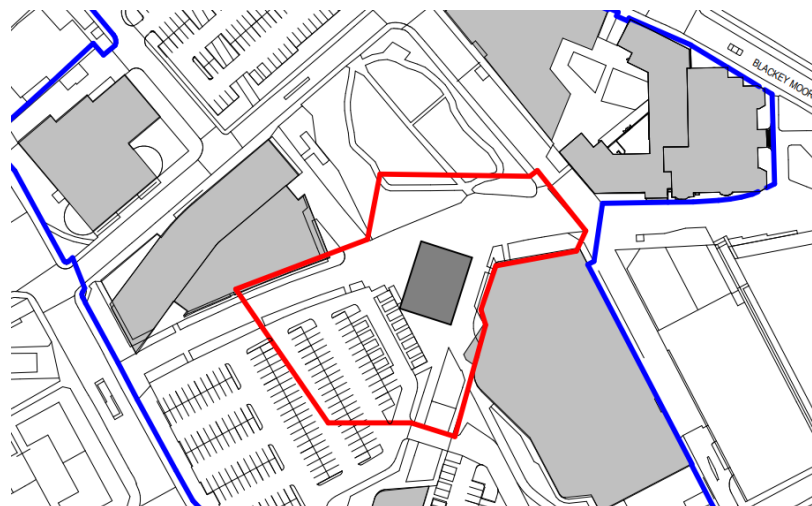
3.1.1 The application site forms part of a large carpark and open space areas that serve a tertiary educational building. The site is located within the defined Urban Boundary and Blackburn Town Centre. The Northgate Conservation Area is also positioned adjacent. Benches and planters are currently in 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.

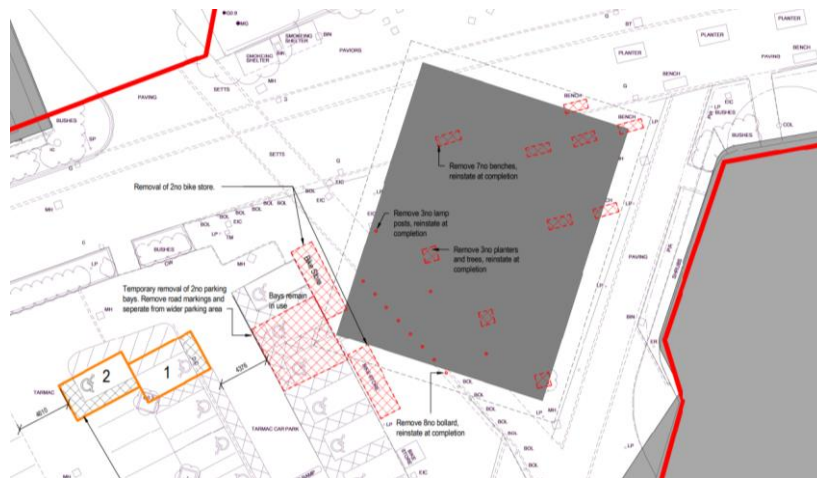
Figure Two – Location Plan showing the general extent of the site



3.2 Proposed Development

3.2.1 As detailed above, this application seeks to amend the size, design and general position of a temporary accommodation building for the provision of classrooms spread over a two-storey building. A small number of parking bays and amenity areas would be covered by the building. The provision is required in order to decant the teaching rooms of the Victoria Building, which is to undergo major refurbishment under applications 10/22/0912 and 10/22/0913. A requirement period of 22 months was detailed within the submitted Supporting Statement for application 10/22/0921 and a three-year temporary permission was applied for.

Figure Three – Amended Proposed Site Plan



3.2.2 The amended building would have a footprint of circa 440 square metres, a total height of 5.8m and a combined floorarea of circa 870 square metres. 14 classrooms would be provided together with toilet facilities and a staff room on the ground floor. Access to the first floor would be gained by a pair of black metal external staircases. The building would have a grey external coating with white uPVC doors and windows installed.

Figure Four – Amended Proposed Elevations



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 The amended proposals would not effect the principle of development as the same type of the building is proposed in the same general location. The proposed amendments therefore comply with Policies CS2, CS11, 1 and 26.

4.1.2 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 amended proposals involve a reduction in the height and overall scale of the modular building, thereby providing design improvements when compared with application 10/22/0921. Moreover, the same external materials are proposed.

4.2.2 A condition has been duplicated from the previous consent to limit the permission to a three-year period alone. 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 amendments 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 amended proposals involve design improvements. No comments have been provided by the BwD Heritage Advisor yet no objections were raised by them for application 10/22/0921. These amended proposals would ultimately have no additional impacts on the adjacent conservation when compared with the consent already in place.

4.3.2 The condition recommended to limit the timeframe of the development has been duplicated, which is also necessary on heritage grounds. Subject to compliance with that condition, the proposed amendments 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 amended proposals would not lead to any additional impacts on the amenities of the closest residential neighbours. Conditions have been duplicated from the previous consent in order to control the logistics of the construction phase and construction working hours. Subject to compliance with those conditions, the proposed amendments would be acceptable with reference to residential amenity, in accordance with the relevant requirements of Policy 8.

4.5 Highways and Parking

4.5.1 The amended proposals would not lead to any additional impacts on the local highways network. No objections have been raised by BwD Highways. As detailed above, a condition has been duplicated from the previous consent in

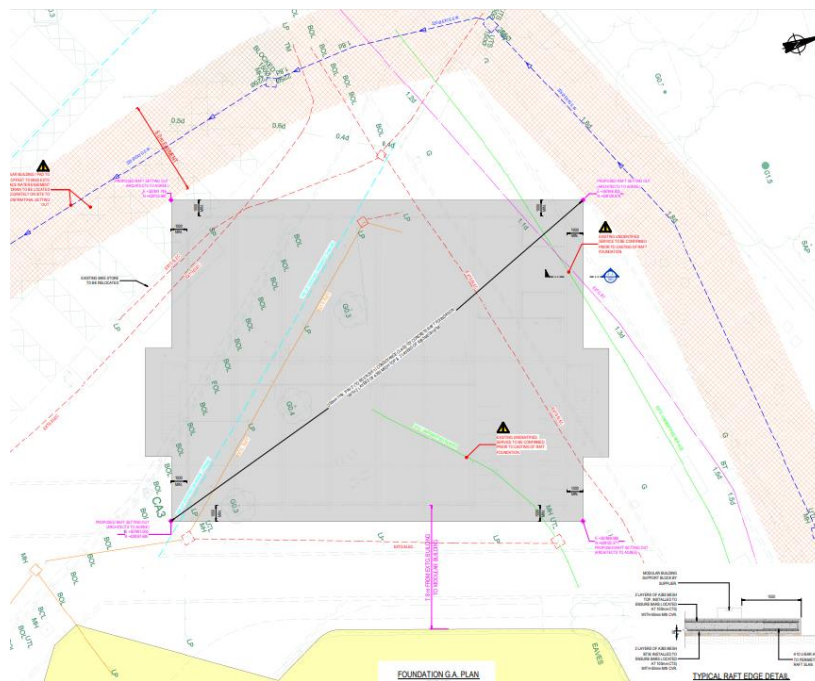
order to control the logistics of the construction phase, which is also necessary on highways grounds.

4.5.2 A modified version of a further condition is recommended to ensure temporary parking arrangements are provided in accordance with the submitted amended proposed site plan in order to maintain an adequate number of mobility impaired spaces on site. Subject to compliance with those conditions, the proposed amendments would be acceptable with reference to highways and parking, in accordance with Policy 10.

4.6 Flooding and Drainage

4.6.1 The amended proposals would not lead to any additional impacts in the way of flood risk. No objections have been raised by BwD Drainage. A review of the amended proposals has been undertaken by United Utilities and some initial concerns have been raised. However, submission of the plan below has partly addressed those concerns as it confirms the relationship between the amended foundations construction (grey) and the sewer easement zone (pink).

Figure Five – Plan showing foundations in relation to sewer easement zone



4.6.2 Conditions were imposed on the previous consent regarding the submission of a scheme to control foul and surface water drainage and prevent damage to sewerage infrastructure. Those conditions alongside a further condition concerning a water main have been advised by United Utilities following a review of the amended submission. Although some residual concerns have been identified by United Utilities, they are satisfied that any outstanding matters can be adequately controlled by planning conditions. That stance was also taken for application 10/22/0921.

4.6.3 It is recommended that all of those conditions are added in order to finalise the drainage design and ensure damage to sewers and water mains infrastructure is appropriately avoided. Subject to compliance with the attached conditions, the proposed amendments would be acceptable with reference to flooding and drainage, in accordance with the relevant requirements of Policy 9.

4.7 Arboricultural Assessments

4.7.1 The amended proposals would not lead to any additional impacts in the way of arboricultural degradation. No objections have been raised by the BwD Arboricultural Advisor. The condition duplicated from the previous consent is adequate in order to maintain that position and ensure the logistics of the construction phase do not cause harm to trees on site. Subject to compliance with that condition, the proposed amendments would be acceptable with reference to arboricultural assessments, in accordance with the relevant requirements of Policy 9.

4.8 Crime Management

4.8.1 The amended proposals would not lead to any additional impacts in the way of crime risk. An Informative Note was added to the previous approval regarding the need to implement the development in accordance with the Secured by Design standards, which will be duplicated. Subject to those obligations being followed, the proposed amendments would be acceptable with reference to crime risk, in accordance with the relevant requirements of Policy 8.

4.9 Proximity to the Leisure Centre

4.9.1 Concerns have been raised by BwD Leisure regarding the proximity of the building in relation to the Leisure Centre (refer to paragraph 7.6). The east edge of the proposed building would be circa 8m away from the Leisure Centre. However, these amended proposals involve a shorter building that is positioned further away from the Leisure Centre when compared with the location approved under application 10/22/0921, as shown below. Such an amendment would be an improvement when considering losses of light for the Leisure Centre.

Figure Six – Comparison of approved (left) and amended (right) building positions in relation to the Leisure Centre



4.9.2 The entrance points to the building would be positioned on the north and south elevations, which is shown above in Figure Four. Such an arrangement would minimise conflict with footfall associated with the Leisure Centre. The potential for congregations of students to gather around the building should be managed by the College. The same approach should also be taken should any antisocial behaviour be conducted around the building.

4.10 Summary

4.10.1 This application involves amendments to a 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.

4.10.2 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.

4.10.3 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 – Revision P3), ADP-TA-00-D A-0925 – Revision P1, ADP-TA-00-D A-0930 – Revision P3, 111184-D-001A, 111184-D-002A and FE013-CUR-TA-F1-D-S-1601 Revision P03.

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 'ADP-TA-00-D A-0930 – Revision P3' 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 the means of ensuring the water main 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 water main from construction activities and the impacts post completion of the development on the mains water infrastructure that crosses the site and identify mitigation measures to protect and prevent any damage to the water main 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 water main, 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 10/22/0921 – Temporary siting of modular accommodation for education use during period of works for refurbishment of the Victoria Building – Approved, with conditions (committee decision) – November 2022.
- 6.2 10/22/0912 – Comprehensive refurbishment and partial remodelling to address minor changes to the elevations and roof and internal alterations – Approved, with conditions (committee decision) – November 2022.

- 6.3 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 – Approved, with conditions (committee decision) – November 2022.

7.0 CONSULTATIONS

- 7.1 BwD Highways – The proposal would not raise any highway concerns, as such, we would therefore raise no objection to the proposal on highway safety grounds.
- 7.2 BwD Arboricultural Advisor – There are no new landscape or tree considerations. As per previous comments you may wish to consider a condition for tree protection.
- 7.3 BwD Drainage – No objections.
- 7.4 BwD Cleansing – No objections.
- 7.5 BwD Property Services – No objections.
- 7.6 BwD Leisure – The edge of the building is still less than 10m from the front door of the Leisure centre.

It is not known where the entrance to the classroom building is, this needs to be at the opposite side of the proposed build to the Leisure centre, otherwise in the case of an emergency evacuation both buildings will be evacuating people into the same area and it will cause issues.

In addition to the emergency evacuation, if the classroom entrance is opposite the Leisure centre entrance, we will get students congregating in the entrances and making it difficult for people to access the Leisure centre, plus if they are smoking (and it's not always just cigarettes) then we do not want this smoke/smell drifting into the Leisure centre which is there to promote healthy living.

Finally, having the building in this area and so close to the Leisure centre will result in natural light being taken away from the entrance area to the centre and also take the natural light from both the small and large swimming pools which is unfortunate.

- 7.7 United Utilities – Due to the proximity of proposed development to United Utilities assets and apparatus, our current position is that we must OBJECT to this scheme. To overcome this objection, the applicant must contact our Developer Services team to investigate a satisfactory resolution. Evidence of any proposed agreement or resolution of this matter, agreed between the applicant and our Developer Services team, should be submitted to the Local Planning Authority before our objection can be removed.

All other comments made within this letter should be taken into consideration but do not override our current objection. Should the Council be minded to grant permission for this scheme, please note our request for specific planning conditions to be added, which relate to the provision of a foul and surface water drainage strategy, a scheme for the protection of sewerage infrastructure and a scheme for the protection of a water mains.

(Update) A public sewer crosses the site and we will not permit building over it. We require an access strip for maintenance or replacement and this access must not be compromised in any way. The minimum distances that might be acceptable to United Utilities are detailed within Part H of the Building Regulations however, we recommend the applicant determines the precise location, size, depth and condition of the pipeline as this is likely to influence the required stand-off distance from any structure.

Following our review of the amended site layout ADP-TA-00-D-A-0930 Rev P3 and the drawing of Foundation G.A. Plan, ref: FE013-CUR-TA-F1-D-S-1601 Revision P03 dated 28/11/2022, we can confirm that the proposal is now acceptable and our wastewater objection can be removed. The conditions recommended above should be imposed on any approvals issued.

We have noted that there are conditions relating to construction management, drainage and foundations on the decision notice. Please could you consult with United Utilities on these applications when they are submitted?

7.8 Lancashire Fire and Rescue

7.9 Lancashire Constabulary

7.10 Ward Cllrs

7.11 No public responses received

8.0 CONTACT OFFICER: Christian Barton – Planning Officer

9.0 DATE PREPARED: 3rd February 2023