

Proposed Development: Variation of Conditions 1 (Temporary Permission), 2 (Approved plans), 4 (Construction Method Statement), 6 (Parking layout), 7 (Scheme relating to public sewer), 8 (Scheme relating to water main) and 9 (Sustainable surface water drainage scheme) 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/position of the cabins and provide supplementary information relating to technical matters

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 MBE**



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

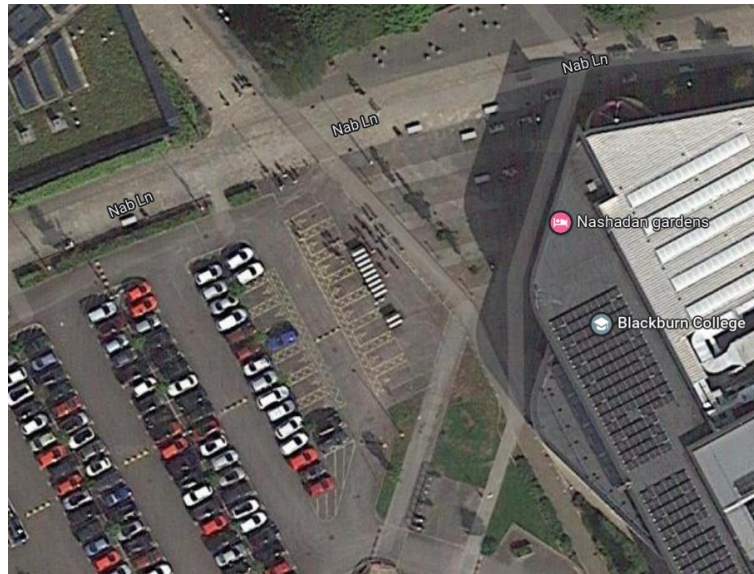
- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Council's Constitution, and given that the previous application (10/22/0921) was presented to the committee for determination in November 2022. In addition, some of the land included within the application site boundary is within the ownership of the Council.
- 2.2 The proposed development has been publicised through letters to residents and occupants of the nearest 45 adjacent properties 24th April 2023. In addition, a site notice was displayed outside of the site 04th May 2023. 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 a committee update report.
- 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 building approved under application 10/22/0921. The application has been submitted given the presence of an adjacent sewer and water main. 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 12 classrooms alongside 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 maintained
 - Safeguarding utilities infrastructure
 - Finalising foul and surface water drainage provisions

3.0 RATIONALE

3.1 Site and Surroundings

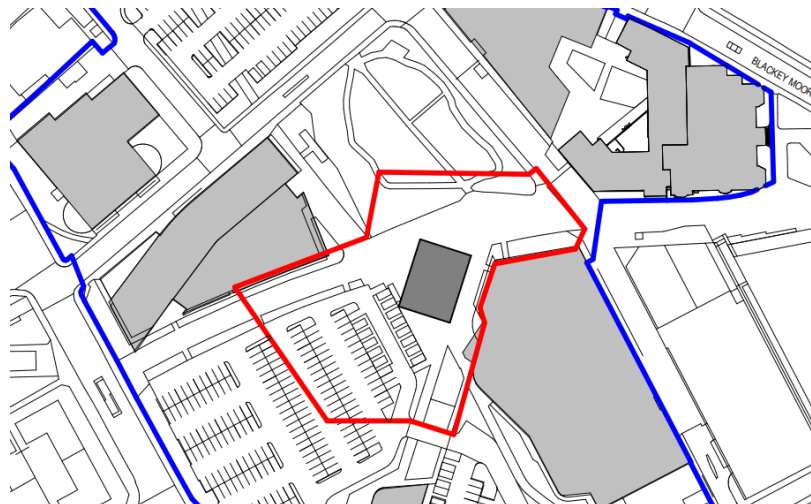
- 3.1.1 The application site forms part of a large carpark and open space areas that serve a tertiary educational building. The site is located within the defined Inner Urban Boundary and Blackburn Town Centre. The Northgate Conservation Area is also positioned adjacent to the east. Benches, planters and bike lockers 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 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, as shown below.

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



3.2 Proposed Development

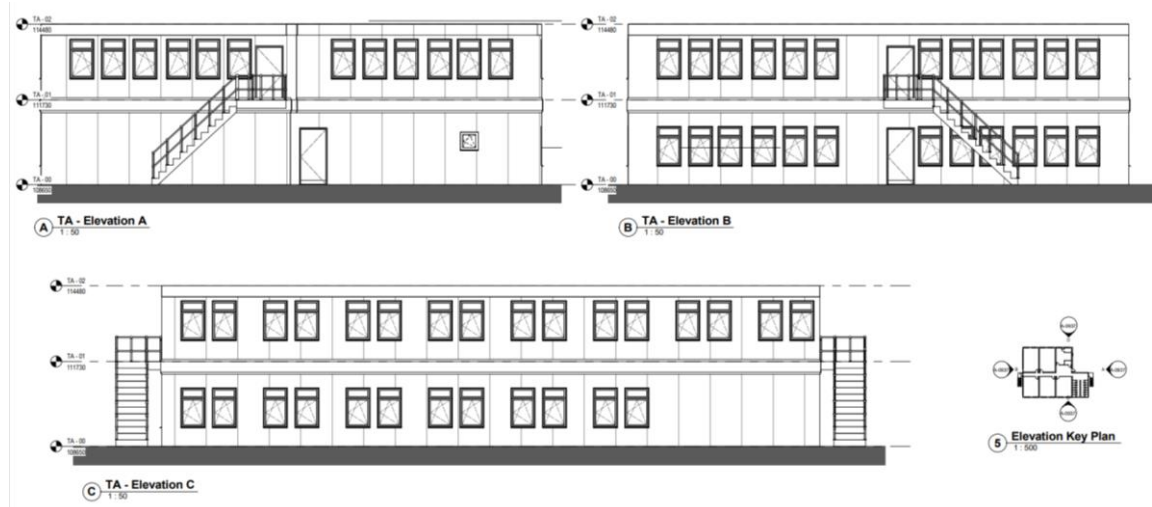
- 3.2.1 As detailed above, this application seeks to amend the size and design of a temporary modular building for the provision of classrooms. The provision is required in order to decant the teaching rooms of the Victoria Building, which is to undergo major refurbishment under applications 10/22/0912 and 10/22/0913. An initial 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. This application involves extending that timeframe to four years given changes to the project delivery schedule.

Figure Three – Amended Proposed Site Plan



- 3.2.2 The amended building would have a footprint of circa 387 square metres and a flat roof 11.5m in height. 5 classrooms would be provided on the ground floor together with toilet facilities and a staff room. 7 classrooms would be provided on the first floor. Access to the first floor would be gained by a pair of black metal external staircases, which would be installed to the north and south elevations. The building would have a grey external coating with white uPVC doors and windows installed.

Figure Four – Amended Proposed Elevations



3.2.3 Additional technical information has been submitted in support of Conditions 4, 7, 8 and 9 in the form of a Project Management Plan, foundations plans/cross-sections and a foul and surface water drainage scheme. A revised parking layout has also been submitted in support of Condition 6 to allow for changes to the footprint of the building.

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

4.0 ASSESSMENT

4.1 Principle of Development

- 4.1.1 The amended proposals would not affect 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 It is recommended that an amended version of Condition 1 is duplicated from the previous consent in order to limit the permission. 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 site is positioned adjacent to the Northgate Conservation Area, which is a designated heritage asset. 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 A condition to limit the timeframe of the development is also necessary on heritage grounds in order to prevent the permanent siting of a visually inappropriate building adjacent to the conservation area. Subject to compliance with that condition, the proposed amendments would be acceptable with reference to heritage assets, in accordance with Policy 39.

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. It is recommended that Condition 5 be duplicated from the previous consent in order to control construction working hours. Subject to compliance with that condition, 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 for the previous applications. Condition 4 imposed on application 10/22/0921 related to the submission of a Construction Method Statement. The Agent has emphasised an urgency to commence works on site in the coming weeks in order to meet project deadlines and information has been submitted to satisfy that condition in the form of a Project Management Plan and Compound Plan.
- 4.5.2 The Project Management Plan adequately appraises the parking of vehicles of site operatives and visitors and details of the sizes and types of vehicle to be visiting the site. Given the modular nature of the proposed building, the unloading and storage of plant and materials would be minimal. The same outcome is also applicable in relation to waste management. All of those operations would be undertaken within the compound area shown below in Figure Five, which is acceptable.

Figure Five – Submitted Compound Plan



- 4.5.3 The components of the building would be unloaded with the use of a loader crane and the position of that vehicle will vary as the project phase progresses. Excavations are required to allow for foundations. Minimal details in the way of wheel washing facilities have been provided. That said, the works are to take place within a college campus and any surface mud caused by construction works will be frequently cleaned given the nature of the site.
- 4.5.4 For those reasons, the details submitted as part of the Project Management Plan and Compound Plan provide assurance that the logistics of the construction phase will be adequately controlled. It is therefore recommended that Condition 4 is reworded in order to take account of those documents.

4.5.5 In addition, it is recommended that Condition 6 is reworded to take account of the amended layout. The condition is necessary 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.

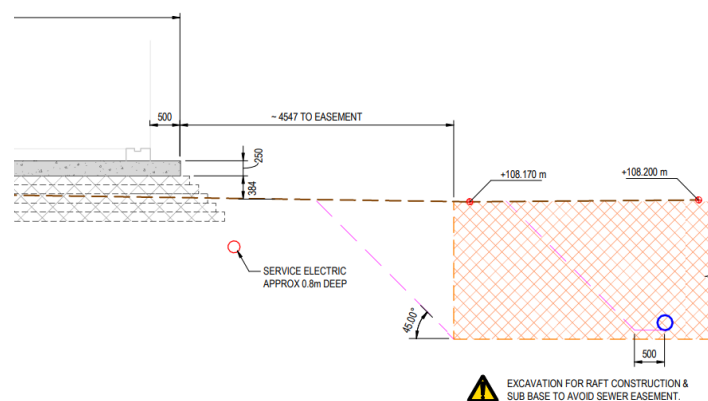
4.6 Flooding, Drainage and Utilities Infrastructure

4.6.1 The amended proposals would not lead to any additional impacts in the way of flood risk. Comments are yet to be provided by BwD Drainage. No objections were raised by them for the previous applications and the same position is likely to be maintained. Any comments provided will be added as part of the committee update report.

4.6.2 A review of the amended proposals has been undertaken by United Utilities and some concerns have been raised. Their concerns essentially relate to the potential for a sewer and water main running adjacent to the site to be compromised through construction of the foundations. The Agent has submitted an abundance of additional information in response to those concerns. Further comments are yet to be provided by United Utilities. Should any further comments be made ahead of the committee meeting they will be presented as part of a committee update report.

4.6.3 Regarding Conditions 7 and 8, it should be initially noted that the footprint of the building has been reduced to take account of the adjacent sewer and water main. A cross-section of the foundations has been submitted, as shown below in Figure Six. The plan confirms that the required foundations will be outside of the 45-degree zone of influence in relation to the sewer easement that runs to the north of the site. In addition, the foundations are outside of the easement zone for the water main that runs to the east of the site. For those reasons, it is recommended that Conditions 7 and 8 are reworded in order to ensure the development is implemented in accordance with the submitted foundations specifications.

Figure Six – Cross section of foundations showing position of sewer



4.6.4 Regarding Condition 9, the Agent has submitted a connection agreement from United Utilities. Although their planning team has requested information, their connections team has agreed the submitted layout in February 2023. Such details are sufficient to disregard their request for further information in support of Condition 9. It is therefore recommended that Condition 9 is reworded in order to ensure the development is implemented in accordance with the submitted drainage scheme.

4.6.5 Subject to compliance with the attached conditions, the proposed amendments would be acceptable with reference to flooding, drainage and utilities infrastructure 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 on trees. No objections have been raised by the BwD Arboricultural Advisor. The submitted Compound Plan confirms that no construction operations would take place close to the mature trees to the north of the site. On that basis, 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 Summary

4.9.1 This application involves amendments to a temporary building approved under application 10/22/0921. Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies detailed in Section 3.4.

4.9.2 For clarity, it is recommended that Conditions 2, 4, 6, 7, 8 and 9 are varied to accord with the amended building design and submitted technical details. In addition, it is recommended that Condition 1 is varied in order to allow additional time for the wider project involving the Victoria Building to be delivered.

4.9.3 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, drainage and utilities infrastructure, arboricultural assessments, and crime management.

- 4.9.4 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 4 year period alone, the development hereby approved shall be entirely removed on or before 01/12/2026, 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 adjacent 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-S5-P6), ADP-TA-00-D-A-0925-S5-P3, ADP-TA-00-D-A-0930-S5-P6, ADP-TA-00-D-A-0935-S5-P3, ADP-TA-01-D-A-0936-S5-P2, ADP-TA-ZZ-D-A-0937-S5-P2, FE013-CUR-TA-F1-D-S-1601-P07, FE013-CUR-TA-XX-D-C-9201-P04, FE013-CUR-TA-F1-D-S-1602-P02 and FE013-CUR-TA-F1-D-S-1603-P02,

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 The development hereby approved shall be implemented in strict accordance with all of the measures detailed as part of the submitted Project Management Plan (Revision Number 3) and Compound Plan (submitted 26th May 2023).

REASON: In order to control the logistics of the construction phase, in the interests of preventing harm to adjacent mature trees and minimising disruptions on the local highways network, and to comply with the requirements of Policies 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 buildings on site, the revised parking layout as detailed on the approved plan 'ADP-TA-00-D-A-0930-S5-P6' shall have been provided entirely in accordance with that plan. Any revised parking provided shall thereafter remain in perpetuity with the development.

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 The foundations of the development hereby approved shall be implemented in strict accordance with the details on the approved plans 'FE013-CUR-TA-F1-D-S-1602-P02 and FE013-CUR-TA-F1-D-S-1603-P02'.

REASON: In order to ensure adequate protection is afforded to the adjacent public sewer, 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 The foundations of the development hereby approved shall be implemented in strict accordance with the details on the approved plan 'FE013-CUR-TA-F1-D-S-1601-P07'.

REASON: In order to ensure adequate protection is afforded to the adjacent 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).

- 5.9 The development hereby approved shall be implemented in strict accordance with the drainage scheme as detailed on the approved plan 'FE013-CUR-TA-XX-D-C-9201-P04'.

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

- 5.10 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 10/22/1185 – 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 – Approved, with conditions (committee decision) – February 2023.
- 6.2 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.
- 6.3 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.
- 6.4 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 – The proposal will not impact directly on any additional mature tree cover within the site. Trees to be retained can be afforded protection accordingly.
- 7.3 BwD Drainage – To follow.
- 7.4 BwD Cleansing – No objections.

- 7.5 United Utilities – Further to our review of the submitted documents, United Utilities recommends that condition 7 & 9 are not discharged. This is because there is a lack of information on how assets will be protected during works, no detailed proposed drainage plans and no infiltration testing evidence.

Condition 7 – This is because lack of information on how assets will be protected during works. Condition 8 – The 4" water main is not visible on the foundation GA Plan and this should be amended. Condition 9 – No detailed proposed drainage plans and no infiltration testing evidence.

A section showing the top northwest corner of the proposed building foundations and the existing 225mm sewer would be required – this is to enable me to make sure that the forces from the foundation won't affect the nearest point of the 225mm sewer (45 degree zone of influence). This needs to show the zone of influence with levels.

- 7.6 Lancashire Fire and Rescue

- 7.7 Lancashire Constabulary

- 7.8 Ward Cllrs

- 7.9 No public responses received

- 8.0 **CONTACT OFFICER:** Christian Barton – Planning Officer

- 9.0 **DATE PREPARED:** 01st June 2023