

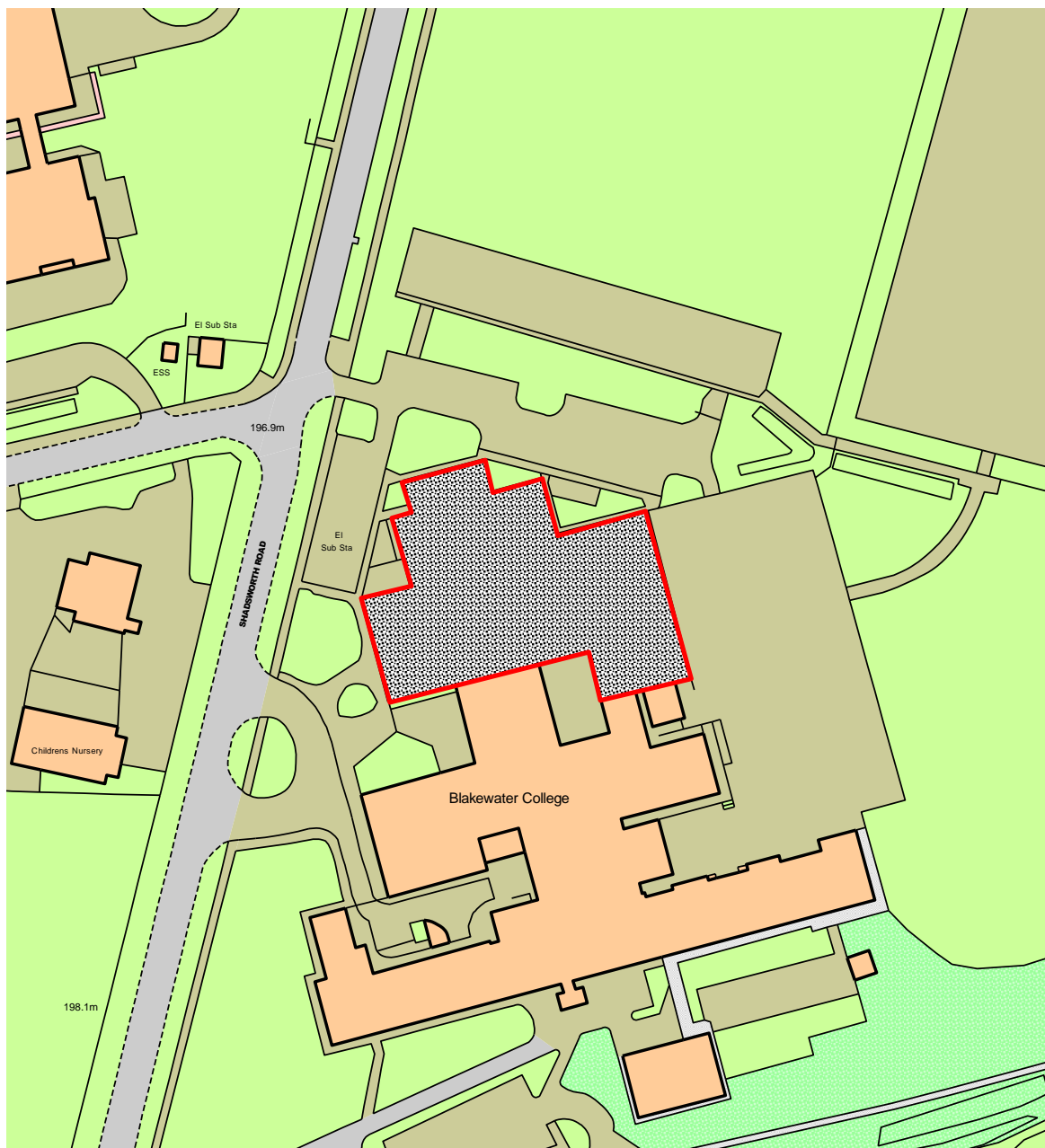
**Proposed Development: Demolition of two-storey Shadsworth Leisure Centre**

**Site Address: Shadsworth Leisure Centre, Shadsworth Road, Blackburn, BB1 2HT**

**Applicant: Blackburn with Darwen Borough Council**

**Ward: Blackburn South East**

**Councillor Tony Humphrys  
Councillor Vicky McGurk  
Councillor Jim Shorrocks**



## **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 The proposed development is recommended to be given prior approval, subject the relevant conditions within Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which is detailed below for clarity.

## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

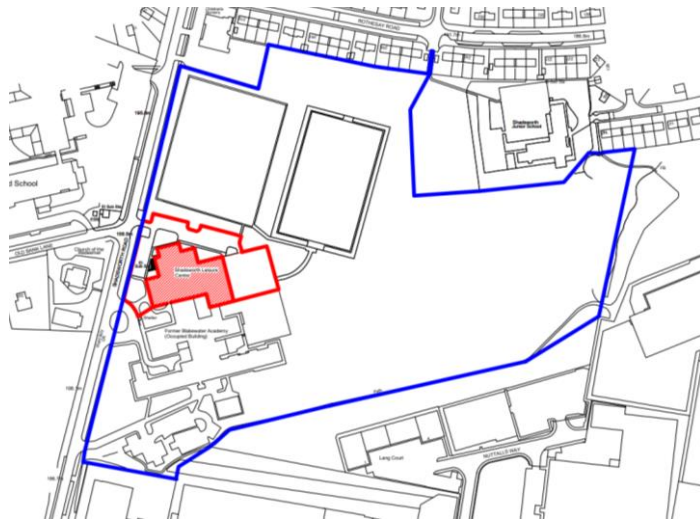
- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Council's Constitution, and given that the Applicant is the Council.
- 2.2 Site notices were displayed by the Applicant, on 23<sup>rd</sup> May 2023. Site notices have been displayed by the Case Officer, on 09<sup>th</sup> June 2023. In addition, the adjoining occupier has been notified by letter, on 26<sup>th</sup> May 2023. Public comments have been received raising concerns regarding the potential for disruptions to be caused during demolition works. Should any further comments be received ahead of the committee meeting they will be presented as part of a committee update report.
- 2.3 The Council's development plan supports demolition developments and associated works, provided they constitute sustainable development and accord with the development plan when taken as a whole.
- 2.4 This application seeks prior approval for the entire demolition of the leisure centre alongside the implementation of various site restoration works.
- 2.5 On balance, the proposals would be satisfactory from a technical point of view, with all issues having been addressed through the application process.
- 2.6 The key issues to be addressed in determining this application are follows;
- Assessing the method of demolition
  - Assessing any proposed restoration of the site

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

- 3.1.1 The application site is a two-storey leisure centre, which is currently vacant and in a state of disrepair. The wider site comprises of a central building together with carparks, playing pitches and landscaped areas. Land within the wider site is edged in blue on the location plan shown below. Open recreational land is positioned to two sides with an educational building adjoining to the south and commercial buildings positioned to the west.

**Figure One – Submitted Location Plan**

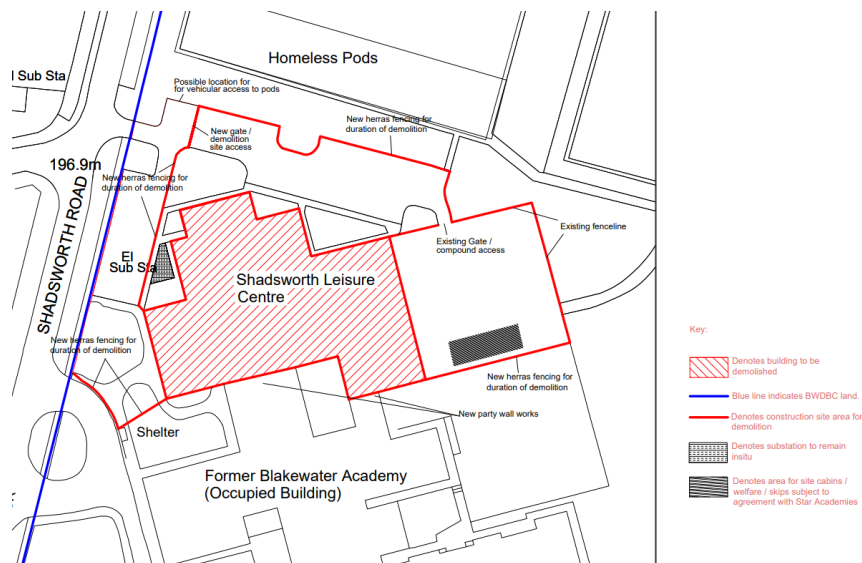


**3.2 Proposed Development**

3.2.1 As detailed above, this application is made under Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order (The GPDO) 2015 (as amended) and it involves the entire demolition of the leisure centre. A Demolition Method Statement and associated plans have been submitted in support of the application. The development will be implemented with the use of a phased demolition programme.

3.2.2 Hand stripping techniques and machinery will both be used. Removal of internal asbestos and mechanical/electrical services will be the first phase of works followed by the removal of external cladding. The leisure centre will then be detached from the adjoining building in order to allow the remaining structure to be demolished with the use of an excavator. That phase of the development is anticipated to take around 2-3 weeks. The foundations will then be grubbed out with any voids filled with soil. The site will then be grassed over.

**Figure Two – Demolition Plan**



### 3.3 Case Officer Site Photos



### 3.4 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (The GPDO)

- Schedule 2, Part 11, Class B – demolition of buildings

### 3.5 Development Plan

#### 3.5.1 Local Plan Part 2 (2015):

- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Transport and Accessibility
- Policy 11: Design

## 4.0 **ASSESSMENT**

### 4.1 Preliminary Matters

4.1.1 Concerns have been raised in public comments relating to the fact that no prior consultation has taken place with neighbours. In addition, it is alleged that no formal agreement has been secured with adjacent occupiers. However, the Applicant has advised that a dialogue has been entered into with the adjoining occupier and that they are aware of the situation. Furthermore, any formal agreements that need to be made regarding the use of leased land to facilitate the development should be secured separate to the assessment of this application.

### 4.2 The GPDO

4.2.1 Schedule 2, Part 11, Class B allows for the demolition of buildings, subject to the following limitations;

4.2.2 The building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support.

**The current condition of the building, its fire risk and presence of large quantities of asbestos both internally and externally results in it being impracticable for the owner to implement works to maintain the building. Therefore, the proposals do not conflict with that limitation.**

4.2.3 The demolition is “relevant demolition” for the purposes of section 196D of the Act (demolition of an unlisted ect. building in a conservation area).

**The proposals do not conflict with that limitation.**

4.2.4 The building is used, or was last used, for a purpose falling within;

- i. Article 3(6)(p) (drinking establishments etc.) of the Use Classes Order; or
- ii. Article 3(6)(q) (drinking establishments with expanded food provision) of that Order;

**The proposals do not conflict with that limitation.**

4.2.5 The building is used, or was last used, for the purpose of;

- i. A concert hall;
- ii. A venue for live music performance; or
- iii. A theatre; or

**The proposals do not conflict with that limitation.**

4.2.6 The demolition relates to a statue, memorial or monument (“a commemorative structure”) in place for a period of at least 10 years on the date of any proposed demolition, other than a commemorative structure;

- i. That is a listed building;
- ii. That is a scheduled monument;
- iii. Within a cemetery, on consecrated land, or within the curtilage of a place of public worship;
- iv. Within the grounds of a museum or art gallery; or
- v. Within the curtilage of a dwellinghouse

**The proposals do not conflict with that limitation.**

4.2.7 Based on the information provided, the proposed development does not conflict with the above limitations. Accordingly, an assessment must now be undertaken regarding the specific assessment criteria detailed within Schedule 2, Part 11, Class B. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 11, Class B do not specifically require regard be had to the development plan. However, the policies of the

development plan are material considerations as they are relevant to the assessment matters detailed below.

#### 4.3 Method of Demolition

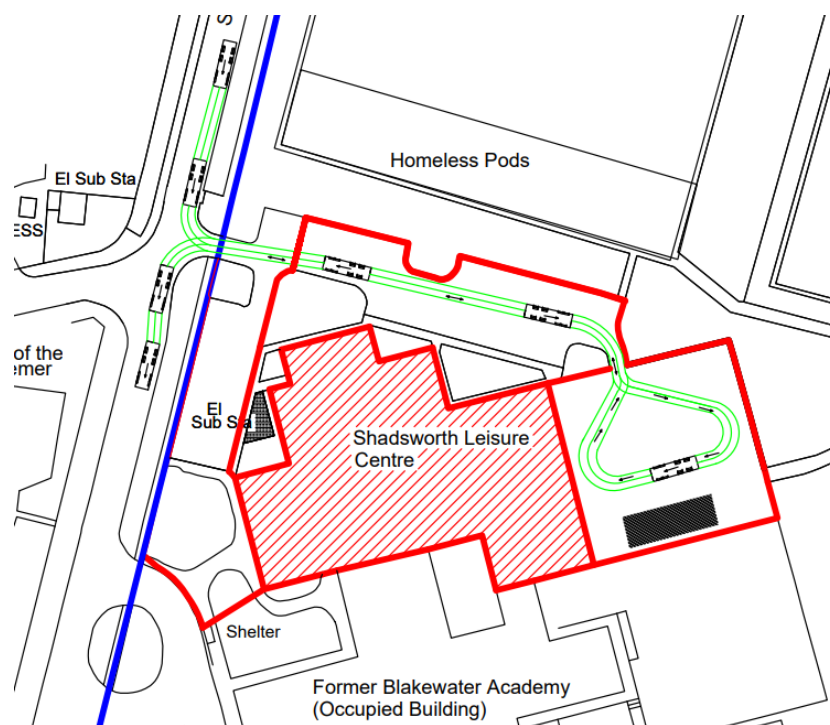
- 4.3.1 As detailed above, a Demolition Method Statement has been submitted in support of the application alongside plans that clarify a number of logistical matters. The submitted statement covers matters in the way of a works schedule, construction working hours, site access details, operative parking, wheel washing facilities, noise management, dust management and the disposal of wastes.
- 4.3.2 Concerns have been raised in public comments relating to a number of aspects of the development alongside the information submitted. Regarding the submitted information, the GPDO only requires this type of application to *be accompanied by a written description of the proposed development, a statement that a notice has been posted...and any fee required to be paid*. All of those requirements have been met as part of the submitted information.
- 4.3.3 Regarding works to weatherproof exposed walls as part of the adjoining building, those are clarified as part of the submitted Demolition Plan. The roof detailing will be modified with thermal improvements and external cladding applied, which is acceptable. Temporary metal fencing is universally used to enclose development sites and it would be financially impractical to use a more permanent boundary treatment.
- 4.3.4 No works are proposed to the adjacent substation, as shown above in Figure Two. The proposed working hours are in accordance with the relevant British Standards. Again, it would be financially impractical to implement the proposed works outside of those times as the project would take much longer to complete. Additional disruptions would also be caused for residential neighbours were the works to be undertaken during more sensitive times.
- 4.3.5 Dust management has been appraised as part of the submitted Demolition Management Plan. Spoil will be dampened down during dry weather conditions and all vehicles leaving the site will be appropriately sheeted. Demolition of the building will have some transient noise impacts associated with it. That said, the majority of the works are limited to hand stripping techniques. Dropping the main shell of the building is likely to be the most noise intrusive phase yet that aspects of the demolition is only anticipated to take around 2-3 weeks.
- 4.3.6 A review of the proposals has been undertaken by BwD Public Protection and BwD Drainage. No objections have been raised. Conditions have been advised to control demolition working hours, the emission of dust, and any required pile-driving operations (or similar). However, there is no mechanism to impose conditions on this type of application and the development must simply be implemented in accordance with the submitted details, as per the requirements of the GPDO. The recommended working hours and dust control measures conditions align with the details within the submitted Demolition Management

Plan. Furthermore, no foundations are proposed as part of these works and there is no requirement to assess impacts in the way of pile-driving operations (or similar). For those reasons, the proposals would be acceptable in relation to neighbour impacts.

4.3.7 Regarding highways logistics, the submitted information confirms that vehicles of up to 10m in length will be used to transport wastes off site. A compound area will be provided to the north and east of the building, which is adequate in size to enable such a type of vehicle to safely manoeuvre, as detailed below in Figure Three. Designated areas will also be provided for site operative parking.

4.3.8 BwD Highways have raised no objections to the proposals and I concur with their findings. Conditions have been advised yet none are recommended. That said, conditions cannot be imposed on this type of application and the highways details provided as part of the submitted information are adequate to control any consequential highways related impacts, as discussed above. For those reasons, the proposals would be acceptable in relation to highways impacts.

Figure Three – Vehicle Tracking Plan



4.3.9 Regarding bat roosting potential, a Preliminary Roost Assessment has been submitted in support of the application. Although a low roosting potential has been identified within the building, the assessment identifies that at least one evening emergence survey is required to be undertaken during May – September.

4.3.10 The survey is scheduled for 06<sup>th</sup> July 2023 and its findings will be presented as part of a committee update report. Subject to the ecologist being satisfied that the proposals would not lead to unacceptable impacts on roosting bats, the



proposed method of demolition would be acceptable, in accordance with the relevant requirements of Policies 8, 9 and 10.

#### 4.4 Proposed restoration of the site

4.4.1 As detailed above, the proposed restoration works involve infilling any voids from the foundations. Grass will then be used as the surfacing treatment. The site will be enclosed by temporary metal fencing until it is redeveloped. Those measures are relatively standard practice for a development of this type. On that basis, the proposed restoration of the site is acceptable, in accordance with the relevant requirements of Policy 11.

#### 4.5 Summary

4.5.1 This application is made under Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order (The GPDO) 2015 (as amended) and it involves the entire demolition of the leisure centre alongside site restoration works.

4.5.2 Subject to adverse impacts on roosting bats being adequately avoided, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies detailed in Section 3.4.

4.5.3 The proposed development therefore complies with the relevant requirements of the GPDO alongside those of 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 give prior approval, subject to the relevant conditions contained within Schedule 2, Part 11, Class B of the GPDO, as follows;**

5.1 The development must, except to the extent that the local planning authority otherwise agree in writing, be carried out, where prior approval is required, in accordance with the details approved.

REASON: In order to ensure compliance with the relevant requirements of Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order (The GPDO) 2015 (as amended).

5.2 The development must be carried out, where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given.

REASON: In order to ensure compliance with the relevant requirements of Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order (The GPDO) 2015 (as amended).



## **6.0 PLANNING HISTORY**

6.1 No relevant planning history.

## **7.0 CONSULTATIONS**

7.1 BwD Public Protection – No objections. Should this application be approved, conditions should be imposed to control demolition working hours, the emission of dust, and any required pile-driving operations (or similar).

7.2 BwD Highways – As part of the application the applicant has provided a general method statement amongst other documents for the demolition works and has stated how the appointed contractor will provide some of the more specific location details that are unknown at this stage. The applicant has made an attempt to address highway concerns which for the most part provide an understanding of the methodology proposed for the works on site.

7.3 However, should the application find that prior approval is a requirement for the proposed works, then conditions attached to any approval that may be granted would allow the proposal to be carried out in a more rigorously controlled manner in respect of highway safety. Overall, the Local Highway Authority would raise no objection to the proposed works.

7.4 BwD Drainage – No objections.

7.5 Ward Cllrs

7.6 Summary of public responses:

- No prior consultation has taken place with neighbours.
- No formal agreement has been secured with adjacent occupiers.
- Minimal technical details have been submitted in support of the application.
- Minimal details have been provided regarding weather proofing and how the party walls are to be made good.
- The use of temporary metal fencing will be inadequate to prevent future vandalism and trespassing.
- No details have been provided regarding works to the electricity substation.
- The proposed demolition will be undertaken during normal office hours.
- The subsequent noise, dust and vibration will cause significant disruptions for neighbours.

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

**9.0 DATE PREPARED:** 3<sup>rd</sup> July 2023

## **10.0 SUMMARY OF REPRESENTATIONS**

**Objection – Star Academies, Shadsworth Road, Blackburn, BB1 2HT. Received: 16/06/2023**

I acknowledge receipt of the planning application notice for demolition of the two storey Shadsworth Leisure Centre (reference **10/23/0445** dated 26<sup>th</sup> May).

Star Academies occupy the adjacent former school premises by way of a 5-year lease from the Council ending 31<sup>st</sup> August 2026. The former school is Star Academies' head office, with a workforce of approximately 60 staff on site. We also share the building with the National Institute of Teaching ("NIOT"), who are the Department for Education's preferred body for teacher training in the Northwest region. At any one time we could have up to 150 teachers/students on site for teacher training.

Although we are generally supportive of the proposal and wish to facilitate this, we need to ensure that there is proper consultation, a full understanding of what the implications will be for us and the NIOT and then steps agreed to mitigate the impact on our business and operations.

Our main concerns are:

1. We have not had any prior consultation in relation to the proposal and its potential impact on us.
2. Other than preliminary plans and an outline method statement, there is very little detail on the planning portal for us to consider.
3. The leisure centre and former school are physically attached by way of various party walls. Following demolition, these walls will be exposed to the elements and we have yet to see any detail relating to structure, weather proofing and how the party walls are to be made good.
4. We note the proposal to erect a Herras fence around the site for security purposes during the works. However, it is unclear whether this is to be upgraded or whether any other physical security arrangements will be provided post demolition. In our opinion, a Heras fence line will not be appropriate or fit for purpose in the long term, given that the premises has been a target for vandals and trespassers for many years. This is especially so as the demolition will open up some of the less secure areas of our current demise.
5. The electricity supply for our premises is fed through a switch room within the leisure centre and may be disrupted during the works. We require a continuous electricity supply for our IT equipment. No detail has been provided as to how this important electricity supply is to be maintained or managed over the demolition phase. There may be other services effected. However, again no survey reports have been made available. We also do not have the information in relation to how the switch room will be left as I understand the proposal is to retain it.

6. It's noted that the proposed demolition will be undertaken during normal office hours. The subsequent noise, dust and vibration will cause significant disruption to our normal operation. We will need to agree a programme which will minimise the impact on our staff and the teacher training being delivered on site. We may be able to have our staff work remotely for a period of time but this will all need to be agreed and coordinated with the applicant and then communicated to staff.
  
7. It is proposed to use an area within our demise for the demolition. This has yet to be formally agreed.

In summary, we are very concerned that the demolition works will cause a significant amount of disruption and disturbance to ourselves and the NIOT, particularly because there has been no articulation as to how such disturbance may be mitigated. In light of this and the lack of other information available for us to consider we request that the planning application and works are postponed in order to give us time for the above concerns to be addressed.