

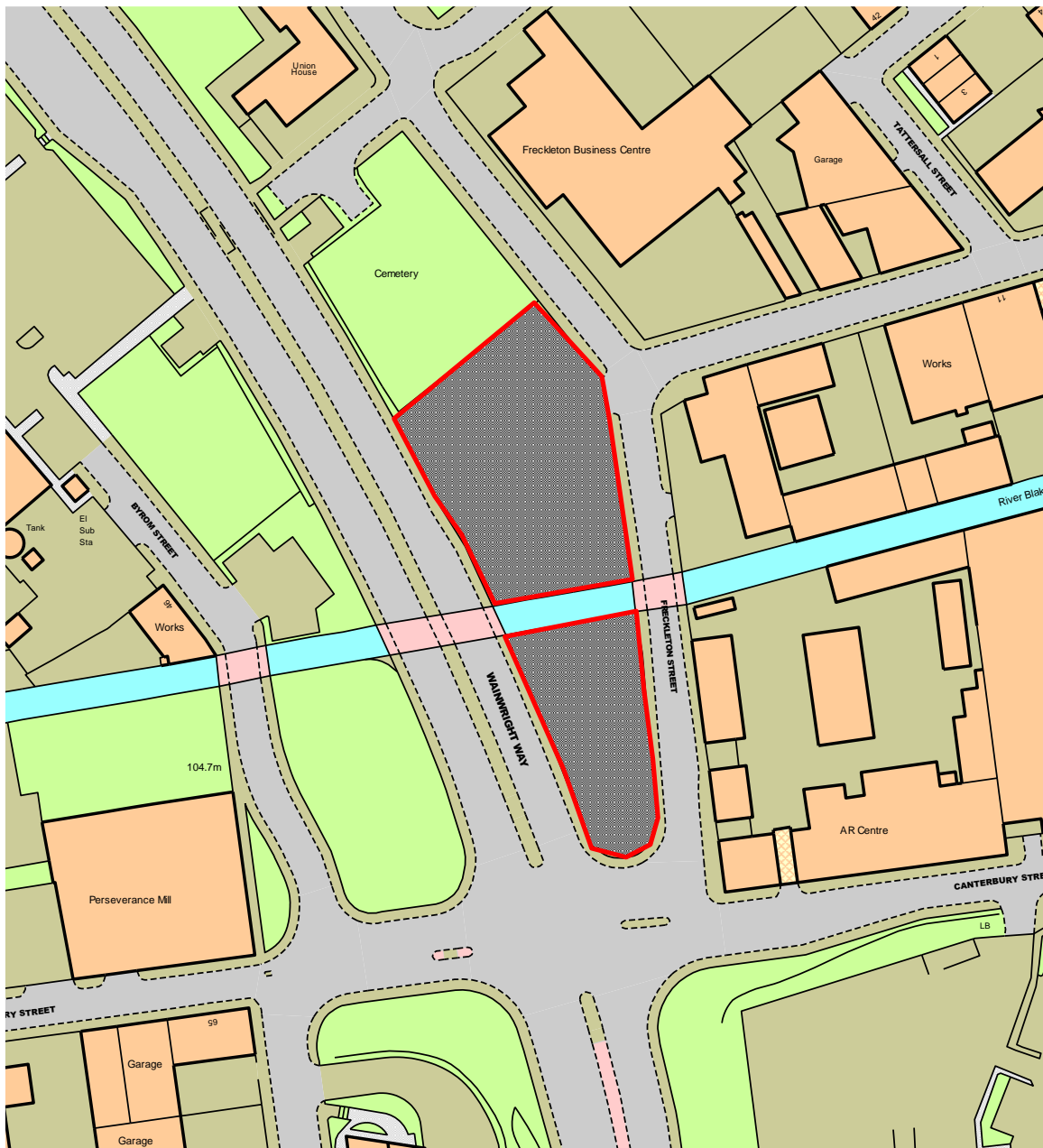
Proposed Development: Construction of a new health centre providing services for dental care, opticians and hearing assistance (E(e)) including the formation of a new site access, associated landscaping and car parking

Site Address: Land at Wainwright Way/Freckleton Street, Blackburn, BB2 2HL

Applicant: Mr Mohammed Kais Ali

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 below 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 application site is currently within the ownership of the Council.
- 2.2 The proposed development has been publicised through letters to residents and occupants of the nearest 74 adjacent properties on 10th May 2023. A site notice was displayed on 31st 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 health developments 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 a new health centre providing services for dental care, an opticians and hearing assistance – Use Class E(e). The proposed health centre would be a three-storey building built in a contemporary style. Two new site access points would be formed from Freckleton Street serving two carparks, which would provide a total of 35 spaces. Supplementary landscaping would also be provided throughout the site.
- 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 for development
 - Finalising the required level of financial contributions
 - Design and assessing visual amenity impacts
 - Assessing impacts on nearby heritage assets
 - Safeguarding the amenities of residential neighbours
 - Assessing highways and parking provisions
 - Assessing the potential for flood risk
 - Foul and surface water drainage considerations
 - Ensuring ecological harm is appropriately minimised
 - Assessing the potential for land contamination
 - Recording any archaeological remains within the site
 - Minimising the proposals impacts on air quality
 - Ensuring the potential for crime is appropriately minimised

3.0 RATIONALE

3.1 Site and Surroundings

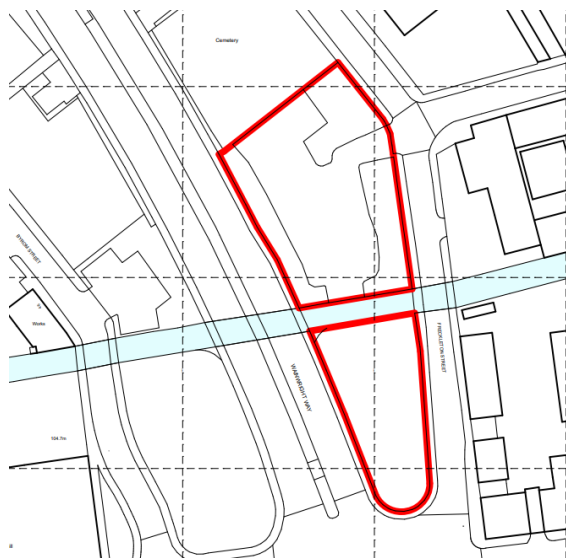
3.1.1 The application site is two plots of vacant land located within the defined inner urban boundary of Blackburn, Blackburn Town Centre and the Freckleton Street Employment Land Allocation. The River Blakewater divides the two parts. The north part is currently covered in hardstanding and grasses with a number of trees and shrubs interspersing its peripheries. The south part is currently covered in grasses with trees and shrubs found adjacent to the river. Signage and a CCTV column is also found within that part.

Figure One – Satellite image of the site



3.1.2 The site has a combined an area of circa 0.75 acres. Commercial buildings, vacant land and the highways network surround to three sides with a historic cemetery positioned immediately to the north. Vehicle access is currently gained to the east off Freckleton Street yet these proposals involve the closure of that existing access point.

Figure Two – Location Plan showing the extent of the site



3.2 Proposed Development

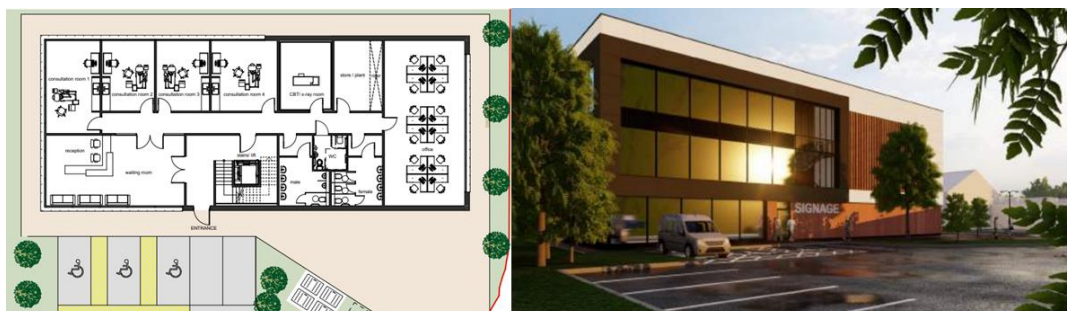
3.2.1 As detailed above, this application seeks full planning permission for the erection of a three-storey health centre providing services for dental care, an opticians and hearing assistance – Use Class E(e). The building would be erected within the north part of the site. A 21 space carpark would be provided adjacent complete with 3 mobility impaired spaces, motorcycle parking spaces, 3 covered cycle storage racks and bin storage areas. New pedestrian and vehicular access points would be formed. A further 14 spaces would be provided within the south part of the site. A new vehicular access point would be formed with a 2m footway either side. Supplementary landscaping would also be provided throughout the site in the form of native and ornamental tree species, low-lying shrubs and grassed areas.

Figure Three – Proposed Site Plan and Landscaping Scheme



3.2.2 The proposed health centre would have a footprint of circa 400 square metres and a flat roof 11.7m in height. Cladding of various colours and styles, terracotta render and a black aluminium curtain walling system would be used to externally finish the elevations. A black aluminium door would also be installed to the south elevation. Any new areas of hardstanding would be surfaced in tarmac with block paving used for the pedestrian areas around the health centre. Receptions, waiting rooms, consultation rooms, toilets and offices would be provided on all three levels of the building.

Figure Four – Proposed Ground Floor Plan and CGI Image



3.3 Case Officer Site Photos



3.4 Development Plan

3.4.1 Core Strategy Part 1 (2011):

- Policy CS21: Mitigation of Impacts/Planning Gain

3.4.2 Local Plan Part 2 (adopted December 2015):

- Policy 1: The Urban Boundary
- Policy 2: The Inner 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 12: Developer Contributions
- Policy 13: Employment Land Allocations
- Policy 26: Town Centres – A Framework for Development
- Policy 36: Climate Change

3.4.3 BwD Parking Standards

- Medical and Health Facilities: 1 car space per 2 staff plus 3 per consulting room

3.4.4 Freckleton Street Masterplan Supplementary Planning Document (SPD)

4.0 ASSESSMENT

4.1 Principle of Development

- 4.1.1 As detailed above, the site is located within the defined inner urban boundary of Blackburn, Blackburn Town Centre and the Freckleton Street Employment Land Allocation. The defined urban boundaries are the preferred locations in the Borough for all new employment and commercial development.
- 4.1.2 Regarding the requirements of Policy 13, the development would accord with the relevant requirements of the Freckleton Street SPD. Access would be gained from Freckleton Street and the development would have a good relationship with the link-road (Wainright Way). For clarity, the remaining requirements of Policy 13(4), which relate to land remediation, flood risk and nearby heritage assets, are covered in subsequent sections of this report.
- 4.1.3 Regarding the requirements of Policy 26, support is provided for proposals that deliver supporting community services, such as health facilities. A full review of the proposals has been undertaken by BwD Forward Planning in the context of the current development plan and emerging Local Plan. No objections have been raised to the principle of development and I concur with their findings. The proposed development is therefore acceptable in principle, in accordance with the relevant requirements of Policies 1, 2, 13 and 26 together with the Freckleton Street SPD.
- 4.1.4 In accordance with the presumption in favour of sustainable development detailed in 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 Developer Contributions

- 4.2.1 All relevant new development is expected to contribute to mitigating its impact on infrastructure and services, through s106 contributions, as per the requirements of Policy CS21. Policy 12 requires the Council to seek a financial contribution from a developers where required by policy. Those requirements are also reinforced by Policy 10 in relation to the provision of enhancements for the transport network. In response to those requirements an amount of £20,000 (+ 1% monitoring fee) has been requested from the developer through an s106 agreement
- 4.2.2 The monies will be used for improvements to the sites accessibility for the visual and mobility impaired who may need to access the site for appointments etc. Subject to those details being finalised, the proposed development would be acceptable in relation to developer contributions, in accordance with Policies CS21 and 12 together with the relevant requirements of Policy 10.

4.3 Design and Visual Amenity

- 4.3.1 The site is positioned within an area that has a relatively varied streetscene. In general terms, 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. The site occupies a prominent position in its immediate setting being positioned on open land and adjacent to a main thoroughfare. Any development proposals at this site must therefore be appropriately designed and landscaped.
- 4.3.2 The proposed building would form a statement piece of architecture within its immediate setting through the use of an open glazing arrangement to all four elevations, a flat roof and modern construction materials, which would all provide a distinctly contemporary design. At up to 11.7m in height, it would appear as an overtly prominent building within the streetscene. That said, large commercial buildings form part of the prevailing character of the area and a similar development has been previously approved at the opposite side of Freckleton Street. On that basis, the proposed building would be acceptable in the context of this site. A condition is recommended to control the quality and finish of the external construction materials to be used in order to ensure a satisfactory form of development is achieved.
- 4.3.3 As detailed above, soft landscaping would be introduced throughout the site. Such measures would provide visual enhancements around the site. In addition, they would soften the massing of the building from key vantage points along Freckleton Street and Wainright Way. An acceptable Landscaping Strategy has been submitted during the course of the application. A further condition is recommended to ensure the development is implemented in accordance with that strategy. In addition, a condition is recommended to agree the scope and design of any required boundary treatments. Subject to compliance with those conditions, the proposed development would be acceptable with reference to design and visual amenity, in accordance with the relevant requirements of Policy 11.

4.4 Heritage Assets

- 4.4.1 The Grade II listed Blackburn Drill Hall is positioned to the southeast of the site. The Grade II Listed Blackburn Fire Station is also positioned nearby. Both are a designated heritage assets. Policy 39 states that development with the potential to affect any designated heritage asset, either directly or indirectly including by reference to their setting, will be required to sustain or enhance the significance of the asset.
- 4.4.2 A review of the proposals has been undertaken by the BwD Heritage Advisor and no objections have been raised. Whilst both the listed buildings have a visual connection to the proposal site, the listed Fire Station is largely screened by the modern development of the new fire station. In the case of the listed Drill Hall, whilst there is some visual impact due to the increased height and prominence of the proposed new building, the impact is only slight and it is acknowledged that, the wider site and area has drastically changed throughout

the 20th century; including the demolition of many of the historic buildings, some of which may have been to allow for the construction of Wainwright Way.

4.4.3 The recommended landscaping condition will mitigate any impacts caused for listed buildings through softening the massing of the development. Subject to compliance with that condition, the proposed development is acceptable in relation to heritage assets, in accordance with the relevant requirements of Policies 13 and 39.

4.5 Residential Amenity

4.5.1 The setting of the site is predominantly commercial and there are no dwellings within a near proximity. Policy 8 states that all development proposals must 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, privacy/overlooking, and the general relationship between buildings.

4.5.2 Owing to ample separation, the proposed development would not be harmful to the amenities of the closest residential neighbours once operational. Furthermore, a Noise Screening Report has been submitted in support of the application, which confirms that adequate acoustic levels can be provided within the proposed building.

4.5.3 A review of the proposals has been undertaken by BwD Public Protection and no objections have been raised. A condition has been advised to control various aspects of the construction phase yet it is not necessary to impose such a condition from a residential amenity perspective given the levels of separation involved.

4.5.4 That said, a condition has been imposed to control any required pile-driving operations (or similar) as those works can be particularly intrusive for the amenities of the nearest neighbours. Subject to compliance with that condition, the proposed development would be acceptable with reference to residential amenity, in accordance with the relevant requirements of Policy 8.

4.6 Highways, Servicing and Parking

4.6.1 As detailed above, the proposals involve the formation of two new access points from Freckleton Street alongside the formation of parking and manoeuvring areas. Policy 10 requires all development proposals to not prejudice road safety, or the safe, efficient and convenient movement of all highway users. Off-street vehicle parking should also be provided in accordance with the adopted Parking Standards.

4.6.2 A Transport Statement has been submitted in support of the application that appraises the highways and parking merits of the proposed layout. A review of the proposals has been undertaken by BwD Highways and no objections have been raised regarding the potential for the development to compromise the safety and capacity of the local highways network.

- 4.6.3 Regarding the proposed access arrangements, BwD Highways have suggested an alternative that may remove the need for Traffic Regulation Orders. Those comments have been forwarded to the Agent yet a response is yet to be provided. Therefore, a condition is recommended to agree the scope of any required off-site works of highways improvements, which will include details around forming the new access points. A further condition is recommended to maintain adequate visibility around the new vehicle access points.
- 4.6.4 A request has been made by BwD Highways to form a further pedestrian link from Wainright Way yet the east edge of the site has adequate accessibility and such provisions are not necessary on that basis. Furthermore, the site has adequate manoeuvring space for servicing vehicles and the proposed access arrangements would be acceptable, subject to any required off-site works of highways improvements being agreed by way of planning condition.
- 4.6.5 Regarding off-street vehicle parking, shortfalls are proposed when measured against the adopted Parking Standards. That said, the site benefits from a highly accessible location and reduced parking provisions can be justified here on that basis. Three mobility impaired spaces and three cycle racks are proposed, which is acceptable in the context of this development. Conditions are recommended to ensure all those facilities are provided prior to the development becoming operational. Moreover, a condition is recommended to limit the use of the building so as to prevent the formation of a more vehicle parking intensive use(s) without the relevant assessments being undertaken.
- 4.6.6 A further condition is recommended to control the logistics of the construction phase. The condition is necessary on highways grounds in order to minimise the potential for disruptions to be caused from the construction phase of the development. Subject to compliance with those conditions, the proposed development would be acceptable with reference to highways, servicing and parking, in accordance with the relevant requirements of Policy 10.

4.7 Flood Risk and Drainage

- 4.7.1 The site is partly within Flood Zone 3 and parts of the site are at high risk from sources of surface water flooding. Policy 9 requires all development proposals to avoid unacceptable impacts on environmental assets or interests, including flood risk. Development with the potential to create significant amounts of new surface water run-off will be expected to consider and implement where required, sustainable drainage systems (SuDS) or other options for the management of the surface water at source. A Flood Risk Assessment (FRA) and Drainage Strategy has been submitted in support of the application.
- 4.7.2 BwD Drainage and the Environment Agency have reviewed the submitted FRA and no objections have been raised. A condition has been advised by the Environment Agency to ensure the development is implemented in accordance with the mitigation measures detailed within the submitted FRA, which is

recommended to be added in order to minimise the risks associated with flooding.

- 4.7.3 The submitted Drainage Strategy has been reviewed by United Utilities and they are satisfied with the proposed approaches. A condition is recommended to ensure the development is implemented in accordance with that strategy. A further condition is recommended to ensure a maintenance plan for the drainage system to be installed is agreed and implemented. Such an approach is consistent with the comments provided by BwD Drainage and United Utilities. Subject to compliance with those conditions, the proposed development would be acceptable with reference to flood risk and drainage, in accordance with the relevant requirements of Policy 9.

4.8 Ecological Assessments

- 4.8.1 The site is currently urban scrubland and it has a low baseline ecological value. Further requirements within Policy 9 state that all development proposals must avoid unacceptable impacts on environmental assets or interests, including habitats and species. The BwD Ecological Advisor has reviewed the submitted appraisal and no objections have been raised.

- 4.8.2 A condition has been advised to prevent vegetation clearance during the bird breeding season. A further condition has been advised to ensure measures are put in place in order to prevent pollution of the adjacent watercourse during construction works. It is recommended that the former be added and the latter be incorporated as part of the recommended Construction Method Statement condition. Subject to compliance with those conditions, the proposed development would be acceptable with reference to ecological considerations, in accordance with the relevant requirements of Policy 9.

4.9 Land Contamination

- 4.9.1 The site previously housed buildings including a swimming pool and the development would be used by visiting members of the public. Land contamination must be assessed on that basis. Policy 8 contains further requirements to ensure development proposals on previously developed land can be remediated to a standard that provides a safe environment for users of the development whilst also ensuring contamination is not displaced. Land contamination reports accompany the application, which have been reviewed by BwD Public Protection.

- 4.9.2 They have identified a number of discrepancies with the reports and further details are required to ensure a safe environment is provided for users of the development. It is therefore recommended that all three standard land contamination conditions be added. Such an approach is also consistent with the comments provided by the Environment Agency. Subject to compliance with those conditions, the proposed development would be acceptable in relation to contamination, in accordance with the relevant requirements of Policies 8 and 13.

4.10 Archaeology

4.10.1 The town of Blackburn is steeped in history from the Victorian era and the site is likely to contain remains from that period. In relation development proposals that could potentially affect nationally or locally important archaeological remains, Policy 39 contains an expectation to better reveal and increase understanding of those remains and their settings, unless it is demonstrated that this is not possible or desirable. Development affecting locally important archaeological remains and their settings will only be permitted where the public benefits of the development outweighs the local value of the remains.

4.10.2 LCC Archaeology have reviewed the merits of the proposals. Historic maps identify that the north part of the site previously housed the Freckleton Street Public Baths, which opened in 1868, and recorded is a non-designated heritage asset on the Lancashire Historic Environment Record (PRN31088).

4.10.3 As per the request by LCC Archaeology, it is recommended that a condition be imposed to excavate the site and record any archaeological remains found. Subject to compliance with that condition, the proposed development would be acceptable in relation to archaeology, in accordance with the relevant requirements of Policy 39.

4.11 Air Quality Assessments

4.11.1 The development would involve additional traffic movements when compared with the existing use. Policy 36 requires all development proposals to minimise contributions to carbon emissions and climate change, both directly from the development and indirectly arising from factors such as travel to and from the site. BwD Public Protection have reviewed the merits of the application in relation to impacts on air quality and no objections have been raised.

4.11.2 They have advised that at least 2 parking bays should be provisioned with electric vehicle charging points. A condition is recommended to control those details. Subject to compliance with that condition, the proposed development would be acceptable with reference to air quality assessments, in accordance with the relevant requirements of Policy 36.

4.12 Crime Management

4.12.1 In order to prevent crime and disorder and to keep people safe and feeling safe, crime prevention strategies should be integrated into the design of developments as early as possible. Further requirements within Policy 8 state that all development proposals must incorporate positive measures aimed at reducing crime and improving community safety, including appropriately detailed design.

4.12.2 In response to those requirements, developments should be designed and constructed using the security principles and security rated products detailed within the Commercial Developments Secured by Design Guide (2015). An Informative Note should be added to any approvals issued raising awareness

to those requirements. Subject to those obligations being followed, the proposed development would be acceptable with reference to crime management, in accordance with the relevant requirements of Policy 8.

4.13 Summary

4.13.1 This application involves the construction of a new health centre providing services for dental care, an opticians and hearing assistance (E(e)) including the formation of new site access points, associated landscaping and car parking. 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.

4.13.2 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 in terms of developer contributions, design and visual amenity, heritage assets, residential amenity, highways, servicing and parking, flood risk and drainage, ecological assessments, land contamination, archaeology, air quality assessments, and crime management.

4.13.3 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, subject to an agreement under Section 106 of the Town and Country Planning Act (1990) relating to the payment of £20,000 towards off-site highway works relating to new kerbing and tactile surfacing on Freckleton Street, Weir Street and St Peter Street, together with the following conditions and informative note;

5.1 The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

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 (001A), 002A, 003O, 004I, 005J and 5080 01 – Revision C.

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

5.3 Prior to the commencement of any above ground works on site, details confirming the colours and finishes of all the external materials to be used in

the construction of the development hereby approved, together with details confirming the types of doors and windows to be installed, shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved materials and details.

REASON: In order to ensure a satisfactory form of development is achieved, 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 not be brought into use unless and until the landscaping scheme as detailed on the approved plan '5080 01 – Revision C' has been implemented in its entirety. Any tree/shrub or other planting that is lost, felled, removed, uprooted, dead, dying or diseased or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

REASON: In order to ensure the development is adequately landscaped so as to positively integrate with its surroundings, in the interests of visual amenity and to preserve the setting of nearby listed buildings, 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).

- 5.5 Prior to their installation, details confirming the location and designs of any boundary treatments and gates to be installed as part of the development hereby approved shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved details.

REASON: In order to clarify the terms of this consent, 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).

- 5.6 Should any pile-driving and/or ground compaction techniques be required to construct the development hereby approved, no development shall commence on site unless and until a programme for the monitoring of noise and vibration generated from those works has first been submitted to and approved in writing by the Local Planning Authority. The programme shall specify the measurement locations and maximum permissible noise and vibration levels at each location. At each location, noise and vibration levels shall not exceed the specified levels in the approved programme during construction works.

REASON: In order to minimise disruptions for 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).

- 5.7 No development shall commence on site unless and until, a scheme for the construction of the site access, together with any required off-site works of highways improvement, has first been submitted to and approved in writing by the Local Planning Authority. No development shall commence on site until the approved scheme has been implemented in its entirety, unless otherwise agreed in writing.

REASON: In order to ensure an appropriate access point is constructed in the first instance, 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).

- 5.8 Visibility splays around the site access points hereby approved shall not at any time be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

REASON: In order to optimise visibility for motorists egressing the site, 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).

- 5.9 The development hereby approved shall not be brought into use unless and until, the vehicle parking and cycle storage provisions as detailed on the approved plan '0030' have been provided in their entirety. The provisions installed shall thereafter remain in perpetuity with the development and be permanently available for users of the development.

REASON: In order to ensure adequate off-street vehicle parking and cycle storage facilities are provided in support of the development, to encourage the use of sustainable modes of transport, in the interests of highway safety, and to comply with the requirements of Policies 10 and 36 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.10 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and The Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Orders revoking and re-enacting those Orders with or without modification), no commercial operations outside of Use Class E(e) shall take place from the site whatsoever following the development hereby approved being implemented.

REASON: In order to prevent more parking intensive uses being operated from the site, 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).

5.11 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. The approved statement shall be strictly adhered to throughout the construction phase and it shall provide for but not be exclusively limited to the following;

- a) The parking of vehicles of site operatives and visitors;
- b) The loading and unloading of plant and materials;
- c) The storage of plant and materials used in constructing the development;
- d) Wheel washing facilities;
- e) Measures to control the emission of dust and dirt from construction works, where relevant;
- f) Measures to control noise and vibrations from construction works, where relevant;
- g) A scheme for recycling/disposing of waste resulting from construction works;
- h) Details of the type, position and height of any required external lighting, and;
- i) A plan showing the location of those provisions.

REASON: In order to control the logistics of the construction phase, in the interests of residential amenity and highway safety, and to comply with the requirements of Policies 8 and 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5.12 The development hereby approved shall be implemented in strict accordance with all of the recommendations and measures of mitigation detailed within the submitted Flood Risk Assessment, prepared by Toppings Engineers, and dated November 2022.

REASON: In order to ensure adequate flooding mitigation measures are provided in support of the development, 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).

5.13 The drainage for the development hereby approved, shall be carried out in strict accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing Drainage Strategy (DR-C-0101), prepared by Topping Engineers, and dated November 2022. For the avoidance of doubt surface water must drain at the restricted rate of 3 l/s. No surface water is permitted to drain directly or indirectly into the public sewer. Prior to occupation of the development, the drainage schemes shall be completed entirely in accordance with the approved details and retained thereafter for the lifetime of the development.

REASON: In order to ensure adequate drainage systems are provided in support of the development, 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).

- 5.14 The development hereby approved shall not be brought into use unless and until, a Sustainable Drainage Management and Maintenance Plan for the lifetime of the development has first been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include, but not be exclusively limited to the following;
- a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company, and;
 - b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

REASON: In order to ensure that adequate management arrangements are in place for the sustainable drainage system, in the interests of preventing flooding on and off site, 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).

- 5.15 No works in support of the development hereby approved to clear trees and/or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey produced by a suitably experienced ecologist has first been carried out immediately prior to clearance works. In such situations, written confirmation that no active bird nests are present shall have first been submitted to and approved in writing by the Local Planning Authority prior to the commencement of any such works.

REASON: In order to minimise disturbance for nesting bird populations during the construction phase, in the interests of biodiversity, 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).

- 5.16 No development shall commence on site unless and until, a Contamination Method Statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination, which may be present on site, has first been submitted to and approved in writing by the Local Planning Authority. The submitted Statement shall detail the following;
- a) An investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with

the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority, and;

- b) A comprehensive remediation scheme including an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination).

All the agreed remediation measures shall thereafter be carried out in strict accordance with the approved implementation timetable under the supervision of a geotechnical professional and they shall be completed fully in accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.17 Prior to first use of the development hereby approved, two copies of a comprehensive Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and any necessary supplementary information. All the installed remediation must be retained for the duration of the approved use, and where necessary, the Local Planning Authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

REASON: On order to protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.18 Should contamination be encountered unexpectedly during redevelopment of the site, all works should cease, and the Local Planning Authority should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the agreed details.

REASON: In order to protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.19 No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a phased programme of archaeological investigation, recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of field investigation should be carried out by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance set out by the Chartered Institute for Archaeologists.

REASON: In order to safeguard the recording and inspection of matters of archaeological/historical importance associated with the site, in the interests of adequately recording archaeological remains, and to comply with the requirements of Policy 39 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.20 No above ground works shall commence on site unless and until, a scheme for the provision of two electric vehicle charging points has first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved scheme and shall not be brought into use unless and until the agreed measures have been provided in their entirety.

REASON: In order to ensure adequate electric vehicle charging point facilities are provided in support of the development, in the interests of improving air quality, and to comply with the requirements of Policy 36 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

Case Specific Informative Note

- 5.21 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'. 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 10/22/1115 – Construction of a new two storey dental practise (E(e)) including the formation of a new site access, associated landscaping and car parking – Application withdrawn.

7.0 CONSULTATIONS

- 7.1 BwD Forward Planning – The proposed development site (“the site”) is a brownfield, infill site located to the south-west of Blackburn Town Centre. It previously sited a (now demolished) church, and currently comprises hardstanding and vegetation. The site is bounded by Wainwright Way to the

west, Freckleton Street to the east and Canterbury Street to the south. The land to the north of the site is a former church graveyard. The river Blakewater passes east-west through the site.

(Current development plan) The current, adopted plan prioritises development to urban areas (CS1, Policy 1); directs facilities and service, including health, to town and local centres (CS11) and supports sustainable development (CS13; policy 7) and the prioritisation and reuse of brownfield sites. It provides that developments should contribute to the overall character of the area and secure satisfactory amenity (policy 8); demonstrate it is not in unacceptable risk of flooding, including that from surface water run-off (policy 9); is well designed (CS16, policy 11); mitigates and adapts to climate change (policy 36); protects heritage (CS17, policy 39); and integrates green infrastructure with new development (CS19; policy 40). Policy 23 supports the creation of new health facilities. In the Plan, the site is allocated suitable for employment development and identified as a key urban gateway/hub – site reference 13/4: St Peters Quarter, Freckleton Street, Blackburn.

(Freckleton Street Masterplan) The Freckleton Street Masterplan SPD (2007) sets out the Council's planning policy approach for the regeneration of the area, whose use could be focused on knowledge based industries, offices/light industry or general industry. Any development should be guided by the SPD, have a good relationship with the new link road, remediate land as necessary, mitigate flood risk as relevant and pay careful attention to the nearby heritage assets including those at King St.

Policy 4 of the Freckleton Street SPD (2007) states that the St Peter St area is primarily defined by existing uses, which are mainly retail and service related, and good links with the town centre. Development in the area should respect existing building heights and set-backs, with active frontages onto key streets, encourage high quality design and take opportunities to improve the River Blakewater environment. Accepted uses include community facilities and public services.

(Emerging Local Plan 2021-2037 and Blackburn Town Centre SPD (2018)) Under the emerging plan, the site falls within the urban area, and just outside the boundary of Blackburn Town Centre. However, the site is enclosed within the boundaries designated by the [Blackburn Town Centre SPD](#) (2018). [The Town Centre SPD supersedes the Freckleton Street SPD although the Freckleton Street SPD remains of useful reference]. The Blackburn Town Centre SPD identifies the site as a future development opportunity of Wainwright Way (Investment Area 5), with opportunities to create a distinctive urban area, at a key gateway, with high quality iconic buildings. Development may incorporate a mix of uses, particularly knowledge-based industries. Buildings should demonstrate a distinctive contemporary architectural style of approximately 3-4 storeys, create a distinctive townscape whilst having regard to adjacent characters, adopt a palette similar to existing prevalent buildings, and front streets and spaces. Preferred uses include retail, professional and financial, office and light industry. The SPD highlights part of the site is within an area of flood risk, and so flood risk assessments will be required.

As with the adopted plan, the emerging Plan also prioritises sustainable development to urban areas, promotes climate change adaptation and the delivery of biodiversity net gain, seeks the protection of the historic environment and high quality and inclusive design. Policy DM12 encourages all new development to achieve enhanced emissions reduction, and for commercial development (including class E), of 2500sqm or more, to achieve BREEAM Good as a minimum standard.

The emerging Local Plan is now in its final stages of production, and underwent public examination in early 2023, with some modifications proposed. Whilst the Local Plan is not yet adopted (this is anticipated in early 2024), the advanced stages of its preparation mean that some, limited weight can still be placed on it in determining planning applications.

(The Proposal) The proposed development is located on a brownfield infill site, in a sustainable location, on the edge of the town centre, close to public transport services and just off the main ringway road (Wainwright Way). The proposed use (Class E) is consistent with the sites location within the urban area, its current development allocation (13/4) and both the Freckleton Street and Blackburn Town Centre SPDs.

The proposed building is of modern, 2 storey design which is again consistent with the SPD design guidance. Whilst the building does not 'front' Wainwright Way or Freckleton Street, as the SPDs guide, its positioning 'bridges' the gap between the two highways, and promotes natural surveillance, so is not considered significantly contrary to the policy/guidance.

The proposed building is to meet BREEAM 'Very good' standards and so demonstrates a sustainable and energy efficient design conducive with its location at an urban gateway. This is in accordance with policies relating to improved energy efficiency, mitigating carbon emissions and providing improved resilience to climate change. Whilst it falls under the floorspace threshold of the emerging Policy DM15, BREEAM accreditation is encouraged.

The River Blakewater runs through the site, and so, in line with the Freckleton Street SPD, there are opportunities to improve the river environment, mitigate flood risk and deliver biodiversity net gain (NPPF para 174). It is noted a landscaping plan will be agreed with the authority, and so such opportunities should be considered as part of that plan. Similarly, the landscaping should seek to fully integrate with the green infrastructure to the immediate north of the site

The removal of any trees should be replaced with an equivalent or greater number of trees as required by Policy 9 (adopted plan) and DM17 (emerging plan). The site is located close to the Grade II listed building, Drill Hall, and so any impacts on heritage should be considered through the proposal.

The site is located within Flood Zone 2 and 3, and so a flood risk assessment needs to be considered alongside appropriate mitigation. The site may contain

United Utilities infrastructure (see Blackburn Town Centre SPD, Investment Area 5) which needs to be considered as part of any development. Other constraints may also be present on the site and should be investigated and addressed as part of any development.

(The Climate Emergency) The Council has declared a Climate Emergency, and has set out its ambitions to achieve carbon neutrality by 2030. New development has a key role to play in reducing carbon emissions, and in providing adaptation and resilience to climate change. Thus, positive weight should be afforded to those developments that can demonstrate they have considered climate change in their design.

- 7.2 BwD Growth – Given the nature and location of the proposals a contribution should be sought to introduce dropped Kerbs and tactile paving at Freckleton Street / St Peter’s Street and Freckleton Street/Weir Street junctions of around £40,000. This will improve the sites accessibility for the visual and mobility impaired who may need to access the site for appointments etc. A monitoring fee of 1% (£400) would be added to the s106 contributions, which would bring the total to £40,400.
- 7.3 BwD Heritage Advisor – As I am required to do so, I have given the duty’s imposed by s.66(1) of the P(LBCA) Act 1990 considerable weight in my comments and a balanced view in relation to the Non-Designated Heritage Asset (NDHA). I consider that on balance the proposal would meet the statutory test ‘to preserve’, as any harm as a result of the proposal to the setting of the Listed Buildings is negligible. Similarly, any harm caused to the identified NDHA, will also be negligible. Therefore, no balancing exercise is required as per NPPF P.202. As such, the proposal meets the objectives of Chapter 16 of the NPPF and accords with the policies of the Local Plan.
- 7.4 BwD Public Protection – No objections. Should this application be approved, conditions should be imposed to control the logistics of the construction phase, land contamination and air quality mitigation measures.

(Contamination) I refer to the report entitled ‘Site Investigation & Contamination Assessment of Land at Freckleton Street, Blackburn. The report has been prepared by BEK Environmental Ltd dated October 2022. However, a number of discrepancies have been identified in the submitted report. Should permission be granted I would recommend that the standard contaminated land conditions are applied as well as the Watching Brief condition.

- 7.5 BwD Highways – The proposed scheme will provide a new medical facility (Use Class E(e)) with a gross floor area of c.1,320sqm over 3no. floors. Multiple services will be provided, with a dentist, an optician and hearing facilities located on separate floors. A total of 29no. car parking spaces are provided, with accesses located on Freckleton Street. The site will have 14 consultation / treatment rooms, as well as reception areas, waiting rooms, open plan offices. The site will employ approximately 10 full time employees.

(Access Arrangements) Two points of vehicular access are indicated on the plans with parking areas either side of the River Blakewater which dissects the site. The site layout plan indicates that existing on-street parking is likely to impact on the visibility splay requirements for the new accesses. The plan includes annotation which states “*potential replacement of on-street parking bays with traffic regulation order to prevent parking in visibility splay, subject to discussions LHA*”. To consider the loss of on-street parking, a better understanding of current usage and levels of occupation would be required. As an alternative, consideration could be given to projecting the give way lines of the site accesses into the Freckleton Street carriageway so that they are in line with the outside edge of the on-street parking bays either through the introduction of build outs or white lines/hatching. It may well be possible to achieve visibility requirements without the need for TROs or loss of on-street parking.

Pedestrian access is to be from Freckleton Street. There may be occasional demand for pedestrian access from Wainwright Way. It is recommended that provision be made for pedestrian access to the building be made from Wainwright Way although the site layout plan seems to indicate that this may require 3rd party land. Given the severing effect of Wainwright Way and the ease of movement for pedestrians from the north and south along Freckleton Street the proposed access arrangements for pedestrians are appropriate.

(Servicing) Refuse collection shall take place from the kerbside on Freckleton Street. One daily delivery is expected to take place within the main car park area. The largest anticipated vehicle accessing the site would be a 7.5 tonne panel van. A swept path drawing has indicated that such a vehicle can enter and exit the site in a forward gear, as well as manoeuvre within the car park area.

(Parking) BwD Benchmark parking standards suggest that ‘1 car space per 2 staff plus 3 per consulting room’ for car parking, to include 1 space per 10 car parking spaces for disabled parking and 1 cycle space per 10 car parking spaces. 14no. consulting rooms are proposed in the facility, with 10 full-time employees. The BwD benchmark standards therefore indicate a requirement for 47no. car parking spaces. A total of 29no. car parking spaces are to be provided on the site within the 2 proposed car parking areas. This includes 3no. disabled parking spaces. The proposed parking provision is therefore lower than BwDBC benchmark standards.

Due to the accessible location of the site on the edge of Blackburn Town Centre and the availability of short stay parking along Freckleton Street and other streets nearby provision below the benchmark standard is considered to be appropriate. Cycle parking, disabled parking and motorcycle parking provision all comply with BwDBC standards. Cycle parking is provided at 200%. 3no. secure cycle parking stands (space for 6 bicycles) are also proposed, which can facilitate up to 6no. cycles. Shower facilities will also be provided. 1no. motorcycle / PTW space is also provided.

(Site Accessibility) The site is a short walk from Blackburn Town Centre with many amenities within a short walk. Blackburn Railway Station and Blackburn Bus Station are within 1 km of the site. The nearest bus stops to the site are from King Street and Mill Lane.

(Trip Generation) The anticipated trip generation from the proposed development is expected to be low with around 47 new trips in the AM peak and 41 in the PM peak. The level of vehicular traffic to be generated by the development proposals are not likely to have a significant impact on the safe or efficient operation of the local highway network.

(Improvements to the sites accessibility) Given the nature and location of the proposals a contribution should be sought to introduce dropped Kerbs and tactile paving at Freckleton Street / St Peter's Street and Freckleton Street / Weir Street junctions of around £40k. This will improve the sites accessibility for the visual and mobility impaired who may need to access the site for appointments etc.

- 7.6 BwD Drainage – No objections. Should this application be approved, a condition should be imposed regarding the submission of a management and maintenance plan for the sustainable drainage system for the lifetime of the development.
- 7.7 BwD Ecological Advisor – I have no overall objections to the application on Ecology grounds. I would recommend that no vegetation clearance required to facilitate the scheme takes place during the optimum time of year for bird nesting (March to August inclusive), unless nesting birds have been shown to be absent by a suitably qualified person. And, that a Construction Environmental Method Statement is prepared for the development, to include details of measures to be taken during groundworks and construction to avoid any pollution of the River course.
- 7.8 BwD Property Services – No objections.
- 7.9 BwD Cleansing – No objections.
- 7.10 Environment Agency – We have no objection to the development proposed however, the previous use of the proposed development site as a swimming baths presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a surface watercourse, and located upon a secondary aquifer.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework. Without this condition we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be

put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

(Flood risk) There are no in principle objections to the development as proposed however, we wish to make the following comments. The planning application is accompanied by the following Flood Risk Assessment (FRA). *FRA prepared by Topping Engineers Consulting Structural and Civil Engineers, reference; 22379-FRA-001, dated Nov 2022.*

We have reviewed the FRA in so far as it relates to our remit, and we are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and/or the mitigation measures identified will require the submission of a revised FRA.

- 7.11 LCC Archaeology – The northern half proposed development site is the former site of Freckleton Street Public Baths, which opened in 1868, and recorded as a non-designated heritage asset on the Lancashire Historic Environment Record, PRN31088. Surviving below-ground remains of the Baths would be considered to be of a local significance only, and are a type of building not investigated archaeologically until quite recently.

It is therefore considered that any remains that do survive on this site would merit preservation by record (archaeological excavation and recording). The Historic Environment Team would therefore advise that the archaeological investigation of the site, along with the appropriate reporting of those works and archiving of the results, be secured by means of an appropriate condition.

- 7.12 United Utilities – Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request a condition be imposed to ensure the development shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing Drainage Strategy. A further condition should be added to ensure a sustainable drainage management and maintenance plan for the lifetime of the development.

- 7.13 Lancashire Fire and Rescue – It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'.

- 7.14 Ward Cllrs

- 7.15 No public responses have been received

8.0 CONTACT OFFICER: Christian Barton – Planning Officer

9.0 DATE PREPARED: 3rd July 2023