

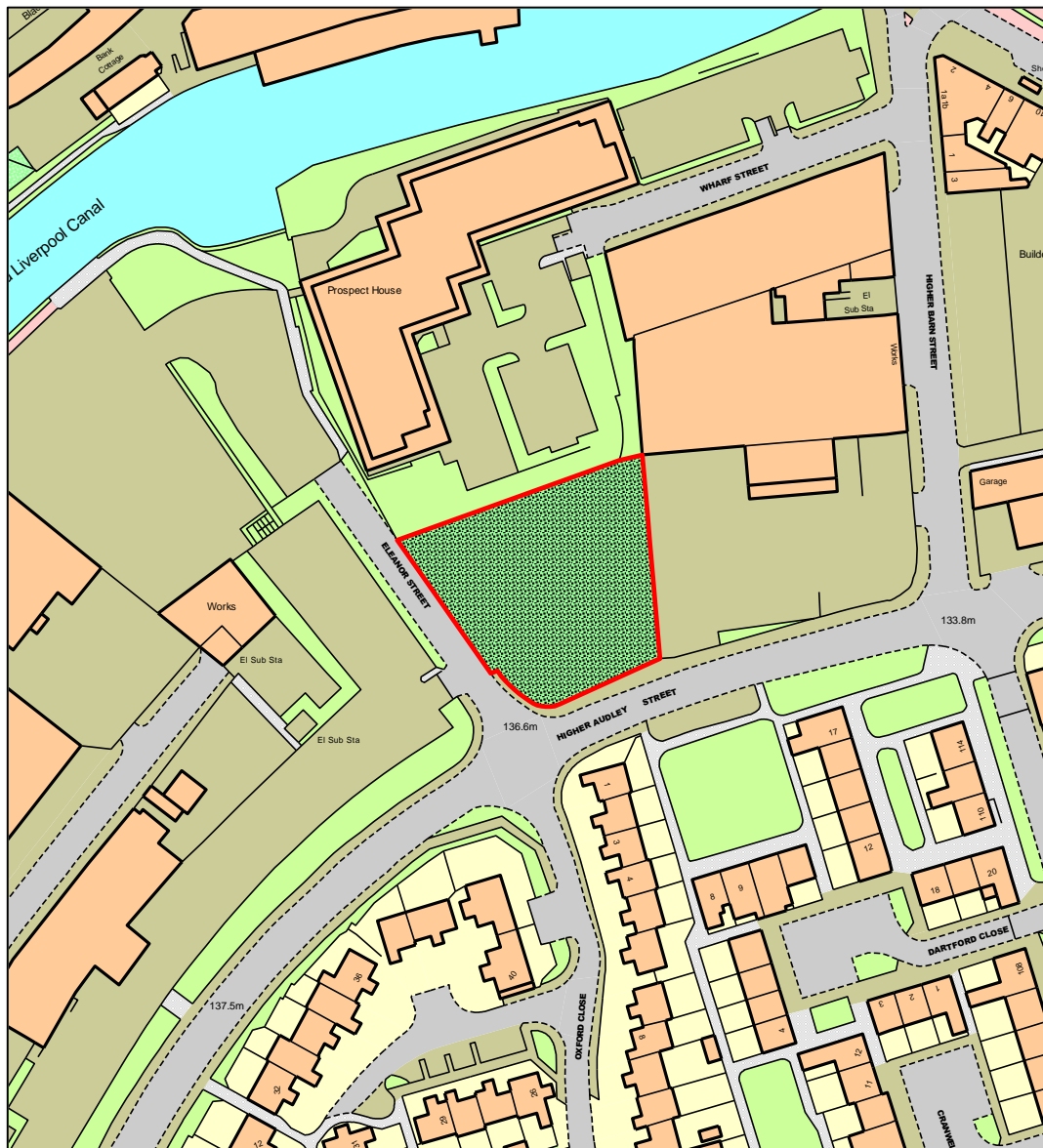
Proposed Development: Construction of a new two-storey religious education seminary – Use Class F1(a), formation of new access point, and associated parking and landscaping

Site Address: Land corner of Eleanor Street and Higher Audley Street, Blackburn

Applicant: Bayt Muhammad Academy

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 application involves major development on non-allocated site.
- 2.2 The proposed development has been publicised through letters to occupants of the nearest 44 adjacent properties on 12th June 2023. In addition, a site notice was displayed on 21st June 2023. No public comments have been received for the application so far. Should any comments be received ahead of the meeting they will be presented as part of the committee update report.
- 2.3 The Council's development plan supports new educational developments and associated works, provided they constitute sustainable development and accord with the development plan when taken as a whole. The proposed development involves the construction of a new two-storey religious education seminary – Use Class F1 (a). A new ramped access point would be formed from Eleanor Street together with an undercroft parking area. Supplementary landscaping is also proposed.
- 2.4 On balance, the proposals would be satisfactory from a technical point of view, with all issues having been addressed through the application process, or capable of being controlled or mitigated through appropriately worded planning conditions.
- 2.5 The key issues to be addressed in determining this application are as follows;
- Establishing the principle of development
 - Developer contributions
 - Design and visual amenity
 - Residential amenity
 - Highways and parking
 - Trees and landscaping
 - Flood risk and drainage
 - Land contamination
 - Air quality
 - Crime management

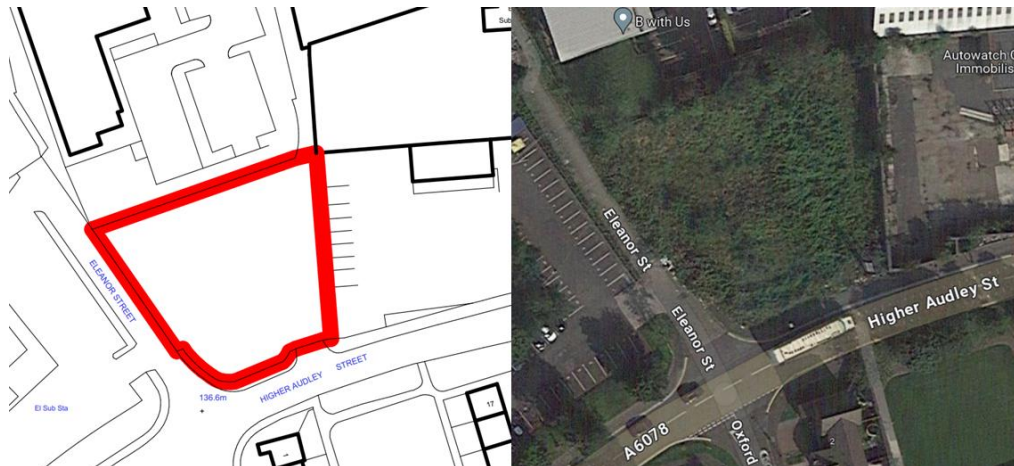
3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site is a vacant piece of land that is located within the settlement of Blackburn. The site is currently scrubbed over and appears unkempt. It is not

allocated for development other than under a general Urban Boundary allocation. Commercial land uses surround to three sides with dwellings positioned to the south. Higher Audley Street defines the south boundary, which is an arterial route and forms part of the A678.

Figure One – Location Plan and Satellite Image



3.2 Proposed Development

3.2.1 The proposed development involves the construction of a new two-storey religious education seminary for up to 150 students and 11 staff members. The development would be operated under Use Class F1 (a), which involves the provision of education. A new ramped access point would be formed from Eleanor Street together with an undercroft parking area. Supplementary landscaping is also proposed, as detailed above.

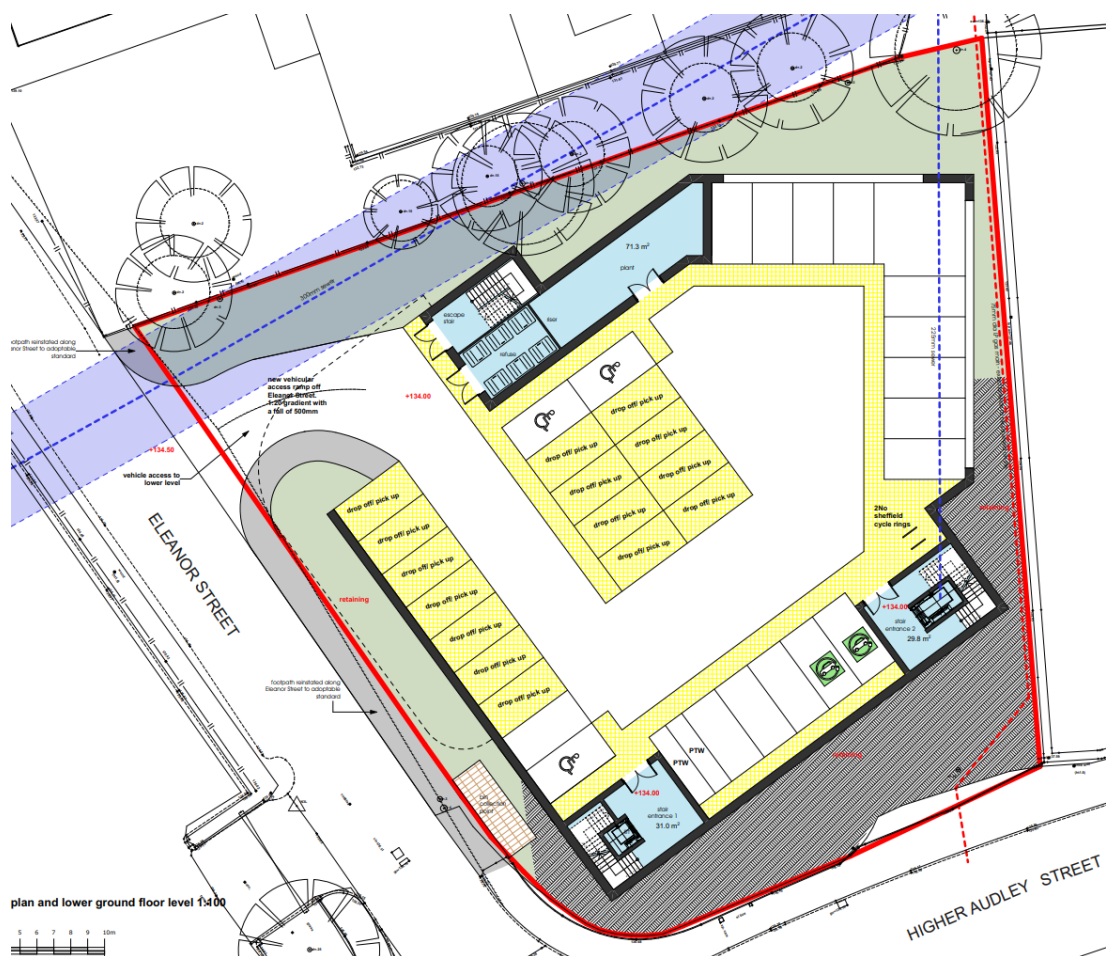
3.2.2 The seminary building would have a combined floor area of 3446 square metres and a flat roof up to 11m in height. It would be externally finished in grey and buff bricks and zinc cladding. Black aluminium doors and windows are also proposed. Ornate metal panels would be installed in areas to form balustrades and a ventilation grille for the undercroft parking area.

Figure Two – Artist's Impression of Front Elevation



- 3.2.3 Students would be over 16 years old, with the majority (90%) of students expected to be aged between 16 and 22 years old. Classes would take place between 17:00 - 20:00, with student arrivals spread over this period. The development aims to provide religious and educational facilities to the Shafi'i Madhab section of the Muslim Community within the area. This development intends to be the first educational seminary's dedicated to serving this demographic of the Muslim community in the local area.
- 3.2.4 Classrooms, an auditorium/canteen and supporting facilities would be provided on the ground floor. Further classrooms and an assembly hall would be provided on the first floor. A first floor terrace area would be formed from the east elevation with access gained from Classroom 9.
- 3.2.5 18 spaces would be provided within the undercroft parking area, which would be accessed by a ramped entrance point from Eleanor Street, as detailed above. A further 15 spaces would be allocated for drop-offs/pick-ups together with covered cycle storage and motorcycle parking areas. Supplementary planting would also be provided around the building yet no specifics have been provided.

Figure Three – Proposed Undercroft Parking Area (amended)



3.3 Case Officer Site Photos



3.4 Development Plan

3.4.1 Core Strategy (2011):

- Policy CS11: Facilities and Services
- Policy CS21: Mitigation of Impacts/Planning Gain

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 12: Developer Contributions
- Policy 11: Design
- Policy 36: Climate Change

3.4.3 Local Plan (Emerging) 2021-2037:

- Policy CP2: The Spatial Approach
- Policy CP8: Securing High Quality and Inclusive Design
- Policy CP12: Infrastructure and Delivery
- Policy DM02: Protecting Living and Working Environments
- Policy DM13: Flooding/SuDS
- Policy DM17: Trees and Woodland
- Policy DM27: Design in New Developments
- Policy DM29: Transport and Accessibility

3.4.4 Parking Standards

- Madrassa: 1 car space per classroom/activity area plus drop-off zone (in or outside curtilage) of 1 car space per 10 children.

4.0 ASSESSMENT

4.1 Principle of Development

- 4.1.1 The site is located within the defined urban boundary, which is identified as the preferred locations for all new development by Policy 1. Those specific requirements are underpinned by Policy CP2. Policy CS11 states that the range and quality of public services and facilities will be expanded and enhanced; in particular, at accessible locations.
- 4.1.2 The proposals involve the delivery of a new educational building, which would allow the existing facilities within the Borough to be expanded. The site also benefits from an accessible location being positioned within walking distance of the town centre and regular public transport links. The proposed development is therefore acceptable in principle, in accordance with Policies CS11, 1 and CP2.
- 4.1.3 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 developers where required by policy. Those requirements are underpinned by Policy 10 in relation to the provision of enhancements for the transport network. Policy CP12 is also relevant.
- 4.2.2 In response to those requirements an amount of £40,000 (+ 1% monitoring fee) has been agreed with the developer through an s106 agreement. For clarity, the monies would be used for a new pedestrian/cycle crossing across Higher Audley Street in order to better connect the development with the stated catchment areas. Subject to those details being finalised, the proposed development would be acceptable in relation to developer contributions, in accordance with Policies CS21, 12 and CP12 together with the relevant requirements of Policy 10.

4.3 Design and Visual Amenity

- 4.3.1 The site is positioned within a location that has a highly varied streetscene being positioned on the transitional cusp between commercial and residential land uses. The site also appears unkempt and any development proposals here would provide a welcomed opportunity to improve its appearance. 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. Those requirements are underpinned by Policies CP8 and DM27.

- 4.3.2 The proposals would form a statement piece of architecture owing to the use of a contemporary design and varied palette of external construction materials. Numerous existing buildings of a similar height are positioned along Higher Audley Street and the proposed building would not appear overly dominant in terms of its massing given the presence of those existing buildings. Hard and soft landscaping works around the building would also provide further visual enhancements. The proposals are therefore acceptable in relation to aspect, form and scale.
- 4.3.3 A condition is recommended to control the quality and finish of the external construction materials to be used. Such a condition is necessary in order to ensure a satisfactory form of development is achieved. Subject to compliance with that condition, the proposed development would be acceptable with reference to design and visual amenity, in accordance with the relevant requirements of Policies 11, CP8 and DM27.

4.4 Residential Amenity

- 4.4.1 Dwellings are positioned to the south and safeguarding the amenities of those neighbours is an important material planning consideration. A residential care home is also under construction further afield to the northwest. Policy 8 states that all development proposals should secure a satisfactory level of amenity for surrounding occupants in relation to noise, vibration, odour, light, dust, other pollution or nuisance, privacy/overlooking, and the general relationship between buildings. Those requirements are underpinned by Policy DM2.
- 4.4.2 The proposed building would not appear overbearing or cause any unacceptable losses of light for the immediate neighbours owing to ample separation. Furthermore, no harmful privacy impacts would be caused from the proposed building and terrace area for the same reason.
- 4.4.3 A Noise Impact Assessment has been submitted in support of the application. BwD Public Protection have reviewed the submitted assessment and the merits of the application as a whole. No objections have been raised. A number of conditions have been recommended to prevent calls to prayer, limit the hours of operation, agree a soundproofing scheme, external lighting scheme and scheme for the control of cooking odours and fan noise, and to control various aspects of the construction phase.
- 4.4.4 It is recommended that all of those conditions are added aside from the condition to control of cooking odours and fan noise. Such a condition is not necessary owing to ample separation between the proposed kitchen area and nearest dwellings. Subject to compliance with those conditions, the proposed development would be acceptable with reference to residential amenity, in accordance with the relevant requirements of Policies 8 and DM2.

4.5 Highways and Parking

- 4.5.1 The site is positioned off a main thoroughfare and within a central location. Policy 10 requires all development proposals to not prejudice road safety or the safe, efficient and convenient movement of all highways users. Adequate parking provision and servicing arrangements should also be provisioned in accordance with the Council's adopted standards. Those requirements are underpinned by Policy DM29.
- 4.5.2 A Transport Assessment and Interim Travel Plan was submitted in support of the application. BwD Highways initially reviewed the submitted reports and the merits of the application as a whole. A number of shortcomings were identified. A highways Technical Note alongside a number of amended plans were subsequently provided to address those concerns. The concerns relating to traffic impact are largely related to the prayer hall facility, which has now been omitted from the proposals. A large space would still be provided on the first floor to serve as an assembly hall yet the Agent has clarified in writing that the space would only be used by students. Such a position is also reinforced by the submitted highways Technical Note.
- 4.5.3 A condition is recommended to prevent the development being used by members of the public in order to prevent a mosque facility being formed within the building. A further condition is recommended to prevent free movement within the provisions of Use Class F1 for the same reason. Those conditions would prevent the number of vehicle trips associated with the development exceeding the amount you would expect to find with the proposed use.
- 4.5.4 Regarding access arrangements, amended plans have been submitted during the course of the application clarifying those details. An acceptable access ramp would be provided with a 1:20 gradient, as requested by BwD Highways. Visibility splays are also deemed to be acceptable given the nature of Eleanor Street. A condition is recommended to prevent obstructions forming within the visibility splays in the interests of ensuring good visibility for motorists egressing the site.
- 4.5.5 Improvements to Eleanor Street are requested. However, those details have already been finalised for an adoption agreement as part of a care home application at a nearby site (ref: 10/21/0745). Vehicle tracking plans have been provided within the submitted highways Technical Note for a 7.5t van, thereby adequately clarifying servicing arrangements. BwD Cleansing have also raised no concerns over waste collection arrangements, which could be safely conducted from the bottom of the access ramp.
- 4.5.6 Regarding parking, the latest iteration of the undercroft parking area includes 18 spaces with a further 15 spaces allocated for drop-offs/pick-ups. Adequate mobility impaired spaces, motorcycle bays and covered cycle storage areas would also be provided. Such provision would comply with the amount prescribed by the adopted Parking Standards. A condition is recommended to ensure the development is implemented in accordance with those details.

Further conditions are recommended to limit the number of students to no more than 150 and to prevent the number of classrooms/activity areas being increased in the future. Such conditions are necessary in order to regulate the parking requirements of the site.

- 4.5.7 Having reviewed the amended plans and submitted highways Technical Note, an objection has been raised by BwD Highways. Their residual concerns predominantly relate to drop-off/pick-up activity potentially being displaced onto Higher Audley Street. Whilst those concerns are acknowledged, they are largely assumption based and adequate facilities would be provided within the undercroft parking area when related to the scale of the proposed operation.
- 4.5.8 That said, in order to further regulate drop-off/pick-up activity, additional conditions are recommended to prevent the drop-off/pick-up bays being used for standard parking and to agree the scope of a Traffic Management Plan for the parking and drop-off/pick-up areas. The management plan would in-parts agree the scope of a marshalling scheme for the carpark in order to ensure all drop-offs/pick-ups are conducted from within the site. Subject to those details being finalised and implemented in perpetuity with the development, the proposals would not prejudice road safety to a level that would warrant refusing the application.
- 4.5.9 The previously recommended condition to control various aspects of the construction phase is also necessary on highways grounds in order to minimise disruptions for the highways network from that phase. When those factors are taken together, and subject to compliance with the recommended conditions in their entirety, the proposed development would be acceptable with reference to highways and parking, in accordance with the relevant requirements of Policies 10 and DM29 together with the adopted Parking Standards.

4.6 Trees and Landscaping

- 4.6.1 A number of mature trees are positioned immediately north of the site. Policy 9 states that development will be permitted where, following implementation of any required mitigation, there is no unacceptable impact on environmental assets or interests, including trees. Those requirements are underpinned by Policy DM17. An Arboricultural Impact Assessment has been submitted in support of the application. Tree protection measures are also detailed within the submitted assessment.
- 4.6.2 The BwD Arboricultural Advisor has reviewed the submitted reports and the merits of the application as a whole. No objections have been raised. A number of juvenile Goat Willow trees would be removed to facilitate the development yet those trees provide a limited contribution to the visual amenity of the area and their loss is justified on that basis.
- 4.6.3 Conditions have been advised to ensure the development is implemented in accordance with the submitted tree protection measures and to agree the scope of a landscaping scheme, which are recommended. Subject to compliance with

those conditions, the proposed development would be acceptable with reference to arboricultural considerations, in accordance with the relevant requirements of Policies 9 and DM17.

4.7 Land Contamination

4.7.1 The development involves excavations within a public site and land contamination must be assessed on that basis. Policy 8 contains 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. Those requirements are underpinned by Policy DM2. A Phase 1 Desk Top Study and Phase 2 Geo-Environmental Assessment have been provided.

4.7.2 BwD Public Protection have reviewed the submitted reports and the merits of the application as a whole. No objections have been raised yet a number of discrepancies have been identified with the submitted reports. They have therefore advised that all three standard land contamination conditions should be added, which is recommended, The Agent has provisionally agreed to such an approach. Subject to compliance with those conditions, the proposed development would be acceptable with reference to land contamination, in accordance with the relevant requirements of Policies 8 and DM2.

4.8 Flood Risk and Drainage

4.8.1 The site is positioned outside of an area that is a risk of flooding. Policy 9 states that development will be permitted where, following implementation of any required mitigation, there is no unacceptable impact on environmental assets or interests, including flood risk. Adequate drainage systems must also be provided in support of all new developments. Those requirements are underpinned by Policy DM13. A Drainage Strategy and Management Strategy have been submitted in support of the application.

4.8.2 Foul waters would drain into the sewer with surface waters being drained through an attenuation system. Both BwD Drainage and United Utilities have reviewed the submitted reports and the merits of the application as a whole. No objections have been raised. Conditions has been advised by United Utilities to ensure the development is implemented in accordance with the submitted drainage strategy and to agree the scope of a management strategy for the surface water drainage system to be installed, which are recommended.

4.8.3 For clarity, the submitted Management Strategy does not include a number of details that are required as part of such a report, such as adoption arrangements. 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 Policies 9 and DM13.

4.9 Air Quality

4.9.1 The development would involve additional traffic movements when compared with the existing use of the site. 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. Those requirements are underpinned by Policy DM02. An Air Quality Screening Report has been submitted in support of the application.

4.9.2 BwD Public Protection have reviewed the submitted report and the merits of the application as a whole. No objections have been raised. A condition has been advised to ensure two electric vehicle charging points provided and ensure any gas fired heating boilers installed do not emit more than 40mg NOx/kWh, which are recommended. Subject to compliance with those conditions, the proposed development would be acceptable with reference to air quality, in accordance with the relevant requirements of Policies 36 and DM02.

4.10 Crime Management

4.10.1 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. Those requirements are underpinned by Policy DM02.

4.10.2 In response to those requirements, the development 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 Policies 8 and DM02.

4.11 Summary

4.11.1 This application involves the construction of a new two-storey religious education seminary – Use Class F1 (a), formation of new ramped access point, and associated parking and landscaping. 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.

4.11.2 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 design and visual amenity, residential amenity, highways and parking, trees and landscaping, flood risk and drainage, land contamination, air quality, and crime management.

4.11.3 The developments therefore comply with the development plan. There is a positive presumption in favour of approving the developments and there are no material reasons to object to the applications.

5.0 RECOMMENDATION:

Delegated authority is given to the Strategic Director of Growth and Development and Deputy Chief Executive to approve planning permission, subject to an agreement under Section 106 of the Town and Country Planning Act (1990) relating to the payment of £40,000 towards off-site highway works relating to a new pedestrian crossing, together with the following conditions and informative note:

Should the Section 106 agreement not be completed within 6 months of the date of the planning application being received, the Strategic Director of Growth and Development will have delegated powers to refuse the application.

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 (22.162_00_001_A), 22.162_00_002_J, 22.162_00_003_K, 22.162_00_004_J, 22.162_00_006_D and 22.162_00_009_B.

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 Following the development hereby approved being brought into use, there shall not be any amplified call to prayer broadcast at the premises whatsoever.

REASON: In order to safeguard the aural amenity of the immediate neighbours, 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).

- 5.5 The development hereby approved shall only operate between the hours of 8:00 – 18:00.

REASON: In order to minimise the potential for disruptions to be caused for neighbours from comings and goings, 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 No above ground works shall commence on site unless and until, a sound proofing scheme has first been submitted to the Local Planning Authority. The development shall subsequently be implemented in strict accordance with the approved scheme and any measures installed shall thereafter remain in perpetuity with the development.

REASON: In order to ensure adequate internal noise levels are provided for users of the development, in the interests of public 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 Prior to their installation, details overviewing the types, positions and heights of any new external lighting sources to be incorporated 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 proceed in strict accordance with the agreed details.

REASON: In order to minimise the potential for light pollution to be caused for neighbours, 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).

- 5.8 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;
- d) The type and location of wheel washing facilities;
- e) Measures to control the emission of dust and dirt;
- f) Measures to control noise and vibrations;

- g) A scheme for recycling/disposing of waste;
- h) Details of any required security hoardings;
- i) Details of the type, position and height of any required external lighting, and;
- j) 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).

- 5.9 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).

- 5.10 Any construction works associated with the development hereby approved shall only take place between the hours of 8:00 – 18:00 Monday – Friday and 9:00 – 13:00 on Saturdays. No such works shall take place on Sundays or Bank Holidays whatsoever.

REASON: In order to minimise noise disturbances for neighbours from construction works, 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).

- 5.11 The development hereby approve shall only be used by registered students and supporting members of staff. No public prayers or gatherings of any type shall be conducted from the site whatsoever following the development being brought into use.

REASON: In order to prevent general use of the site by members of the public, 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).

- 5.12 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 operations outside of Use Class F1(a) shall take place from the site whatsoever following the implementation of this permission.

REASON: In order to prevent alternate community 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).

- 5.13 Visibility splays around the site access point 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).

- 5.14 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 '22.162_00_002_J' 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).

- 5.15 The development hereby approved shall only be used by up to 150 students at any given time.

REASON: In order to ensure adequate off-street vehicle parking facilities are provided in support of the development, 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).

- 5.16 The number of classrooms and activity rooms shall be strictly limited to those detailed on the approved plans '22.162_00_003_K and 22.162_00_004_J'.

REASON: In order to prevent use of the site being intensified through internal conversions and subdivisions, 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).

- 5.17 The drop-off/pick-up bays detailed on the approved plan '22.162_00_002_J' shall only be used for drop-offs/pick-ups and they shall not be used for the parking of vehicles.

REASON: In order to ensure adequate drop-off/pick-up bays are provided in support of the development, 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).

- 5.18 No development shall commence on site unless and until, a Traffic Management Plan has first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be managed in strict accordance with the approved plan.

REASON: In order to ensure adequate traffic management procedures are provided in support of the development, 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).

- 5.19 The development hereby approved shall be implemented in strict accordance with the measures detailed within the submitted Arboricultural Impact Assessment with Tree Protection Measures, prepared by Pennine Ecological and dated December 2020.

REASON: In order to ensure adequate tree protection measures are provided in support of the development, in the interests of good arboricultural practice, 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).

- 5.20 No development commence on site unless and until, a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be exclusively limited to the following;

- a) Details of proposals for supplementary landscaping around all aspects of the development;
- b) Details indicating the location, arrangement, species, sizes, specifications, numbers, and planting densities of all new planting.
- c) Details confirming the types and extents of any areas of hardstanding to be applied, and;
- d) Details confirming the heights, types, and positions of any new boundary treatments, including fencing and gates.

The approved scheme shall be implemented in its entirety within the first available planting season following the substantial completion of the development. 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 that the development is adequately landscaped so as to positively integrate with its surroundings, in the interests of visual amenity and biodiversity, and to comply with the requirements of Policies 9 and 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.21 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).

- 5.22 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).

- 5.23 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).

- 5.24 The development hereby shall be drained in strict accordance with the details shown within the submitted Drainage Strategy (Revision P01), Microdrainage Calculations (22271-PWA-00-XX-CA-C-3000) and Drainage Details (Revision P01). Any systems installed shall thereafter remain in perpetuity with 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).

- 5.25 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 to be installed, 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).

- 5.26 The development hereby approved shall not be brought into use unless and until, two electric vehicle charging points have been provided. An appropriate charging point will have a Type 2 connector and a minimum rating of 3.7kW 16A. Any external power points installed must be weatherproof. Any gas fired heating boilers shall also not emit more than 40mg NOx/kWh.

REASON: In order to ensure adequate air quality mitigation measures 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

- 5.27 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 2023'. Further details about Secured by Design, including application forms and security specifications can be found at www.securedbydesign.com.

6.0 PLANNING HISTORY

- 6.1 10/21/0745 – Proposed 4 Storey Care Home, and 2 Storey Assisted Living Apartments, and associated external parking (nearby site) – Approved, with conditions (committee decision) – February 2022.

7.0 CONSULTATIONS

- 7.1 BwD Arboricultural Advisor – I have considered the proposals with regard to the submitted Arboricultural Impact Assessment (AIA) with Tree Protection Measures document. Most of the trees recorded in the AIA are situated outside the application site. The trees (G4) situated within the site consist of Goat Willow which are self-set, typical pioneer species found on derelict land.

Other trees are situated outside the site and not under the control of the applicants. Due to the close proximity of T6 Alder to the construction, the applicants seek to remove this tree by agreement. Due to the presence of other trees, the loss of T6 tree would not lead to any notable loss of amenity.

The Design and Access statement section 7. Landscaping refers to limited space for the introduction of landscaping and would be restricted to shrubs, hedging and herbaceous planting. The site plan shows some limited tree to the south, east part of the site which could potentially accommodate three small trees. This would be particularly desirable for visual amenity on Higher Audley Street.

The proposed, indicative landscaping is suitable for the scale of the development. The tree protection measures specified in the AIA on drawing 2. Tree Protection Plan, are suitable.

(Conclusion) A condition for full landscape details would be appropriate with any approval of the application. A condition for the tree protection measures specified in the AIA would be appropriate.

- 7.2 BwD Public Protection – Conditions should be added to any approvals issued to prevent calls to prayer, limit the hours of operation, agree a soundproofing scheme, agree an external lighting scheme, agree a scheme for the control of cooking odours and fan noise and control various aspects of the construction phase of the development.

(Land Contamination) It is the understanding of this Section that an application has been submitted in relation to the above site, but has not yet been determined. As such, there is no contaminated land condition currently attached to the application. Therefore, the following comments are aimed at providing an overview of the type of information which would be required by this Section in relation to contamination, should the contaminated land condition be attached. It does not pre-empt any planning decision, and must not be interpreted as such.

Based on the information provided, should permission be granted I would recommend that the standard contaminated land conditions are applied as well as the Watching Brief condition.

(Desk Study) A Phase 1 Desk Top Study has been completed for the site by Worms Eye in October 2020 and identified terraced housing present at the site from sometime between 1893 and 1982.

(Preliminary Conceptual Site Model (CSM) Based on the initial risk assessment a limited site investigation was recommended. A Phase 2 site investigation report has been provided for the site – Phase 2 Geo-Environmental Assessment Eleanor Street By PWA Ltd May 2023 (Report Ref: 22271-PWAG-00-XX-RP-G-2000-P01)

(Sampling Strategy) The sampling strategy comprised the recovery of soil samples from window sampling boreholes and trial pits excavated across the site. Six samples were recovered from window sampling positions.

(Human Health Risk Assessment) Based on the preliminary risk assessment, all analyses were below the relevant assessment. The soils tested at WS06 0.3m were identified as potentially harmful to plants. It was noted that all made ground is likely to be removed from site to accommodate the proposed development.

(Controlled Waters Risk Assessment) The assessment of controlled waters concluded the site was a low risk and no further works regarding controlled waters were required.

(Ground Gas Risk Assessment) PWA considered the risks from ground gas to be low.

(Remedial Strategy) A number of potential remedial options have been presented within the report. However, the further delineation work previously described should be undertaken in order to assess the appropriate remedial option. Once this work is complete, the proposed remedial strategy can be presented for approval. Please present the proposed remedial strategy for approval, once any further delineation work has been completed.

(Update) In respect of the report, standard mitigation is recommended in accordance with the Air Quality Planning Advice Note. Conditions should be imposed on any permissions issued to ensure two electric vehicle charging points provided and ensure any gas fired heating boilers installed do not emit more than 40mg NO_x/kWh.

- 7.3 BwD Highways – In summary, we reserve making a formal recommendation until the additional information and matters highlighted are addressed and responded to satisfactorily.

(Parking) In accordance with the Councils adopted parking standards based on the uses proposed that the requirement for the facility would be as follows – 1 car space per 10sqm for prayer hall on first floor, and 1 car space per classroom/activity area plus drop-off zone (in or outside curtilage) of 1 car space per 10 children for teaching area (inc. library).

The accompanying documents within the submission, namely the transport statement demonstrates that the proposed provision of 33 spaces meets the Blackburn with Darwen benchmark parking standards. However, the assessment does not consider the use of the prayer hall. The BwD parking standards for places of worship indicate 1 space per 10sqm in which case the prayer hall should be supported by 32 spaces without consideration of classrooms etc. Given the potential for prayer and education activity to take place simultaneously there is concern that overspill demand will impact on the local highway network.

The potential for pick up and drop off activity associated with the education use is also a concern. It is considered unlikely that this activity would take place within the car park and is much more likely to take place on Higher Audley Street. Higher Audley Street forms part of the town's orbital route and is a single carriageway road with one lane in either direction along the site frontage. Pick up – drop off activity on Higher Audley Street in this location has the potential to be very disruptive. Further consideration should be given to how pickup and drip activity is to be managed.

The proposed layout setting out the 33 spaces (inc. 3 disabled spaces) is therefore in our opinion deemed insufficient. Notwithstanding the above, the layout presented conforms largely to councils approved dimension with the exception of the disabled spaces which should be 3.6m wide, and not as shown

(Access) The development proposals include a new vehicular access junction on Eleanor Street, providing ramped access to an under-croft car park, motorcycle parking, cycle parking, and bin store. The proposed access junction comprises 4.5m kerb radii, 5.0m (minimum) wide carriageway and 1:20 gradient ramp from the back of footway with a fall of 0.5m. The applicant would need to demonstrate the 1:20 to run for a distance twice the radii, to ensure ease of access into and out of the site.

The TS acknowledges that visibility splays for the proposed site access are below MfS standards. It is acknowledged that Eleanor Street is a short road between Higher Audley Street and the proposed care home access and as such visibility splays below MfS standards are not likely to be an issue, subject to there being no frontage boundary treatment to cause any obstruction. Stepped and ramped access for pedestrians is proposed from Higher Audley Street. Details of the ramp should be provided for assessment to ensure rise of fall comply with standard regulations.

There is currently no footway along the frontage of the site along Eleanor Street. Should the application proceed, the developer is required to reinstate the footway on the East side of Eleanor Street to provide a continuous link between Higher Audley Street and the footpath leading to the footbridge over the Leeds & Liverpool canal. This should be conditioned to the approval and attached as a Grampian condition to be carried out as off-site highway works.

The Vehicular access into the site is to be taken from Eleanor Street. This section of highway is adopted, however is in need of repair, both to the carriageway and footway, please attach condition for the surface to be brought up to adoptable standards in support of access to the site. There is no mention of gates at the entrance to the development. Are any gates proposed, if so how will they be managed and controlled, please seek further clarification.

(Servicing) No details of any swept path details have been provided. It is evidenced in the Transport Statement that there would be a refuse vehicle and a service delivery vehicle visit during the weekday (in Am peak). No further details on the type of vehicles, and where the service delivery drop off will be is provided. This information is to be received for assessment and approval.

(Traffic Impact) Section 6 of the TS considers the trip generation and parking demand associated with the development proposals. As previously stated, the assessment does not include any consideration of the potential for public use of the Prayer Hall. Should the prayer hall be available for public prayers further consideration should be given to the potential traffic impact and parking demands associated with this use.

While the development is referred to as a religious education centre the proposed building includes a large prayer hall. The Transport Statement does not confirm if the prayer hall is open for public prayers, however we would expect this to be the case. If the prayer hall is open for public prayers this will have a significant impact in terms of the trip generation and parking demands

and should therefore be considered within the Transport Statement. Please confirm the intended use of the prayer hall including details of the times of day and expected number of worshippers using the facility throughout the day.

The current assessment states that the proposed religious education centre is expected to generate 41 two-way trips during the AM network peak (08:00-09:00), and 37 two-way trips during the PM network peak hour (17:00-18:00), which is equivalent to 1 trip every 1 to 2 minutes when averaged over the peak hours. The analysis shows that the proposed on-site car parking will include enough spaces to adequately accommodate the peak parking demand during the PM period, with spaces remaining available for pick-ups / drop-offs and any occasional increases in parking demand.

The operational information presented in Section 6.2.1 indicates that 60% of students will arrive by car with 50% (75 students) dropped off. The pickup / drop off activity is likely to take place within a small time period prior to the commencement of classes. Even with the assumption of 1.5 students per vehicle there would still be around 50 vehicles involved in pick up and drop off activity. Higher Audley Street has double yellow lines restricting parking along the site frontage, but this is unlikely to be a deterrent to pick up / drop off activity.

(Road Safety) The study area shown in the Transport Statement is limited to the junction of Eleanor Street / Higher Audley Street. There are no clusters or patterns within the study area shown. From further inspection of Crashmap it is evident that there are a number of accidents at the Higher Audley Street / Higher Barn Street and Higher Audley Street / Cicely Street junctions. However, the number of accidents at these junctions are around 1 per annum which is not a major concern.

The potential for the development to give rise to pick up / drop off activity on Higher Audley Street is a road safety concern.

(Site Accessibility) As the site is on the edge of Blackburn town centre it is in an accessible location with a number of amenities within a comfortable walking distance. A number of key routes to the site could however be improved to ensure active modes offer a convenient and attractive option for accessing the site. Further details are provided in the mitigation section that follows.

(Off Site highway work/s106) The following measures should be delivered to ensure the site is accessible by active modes and public transport:

- New pedestrian/cycle crossing across Higher Audley Street to and from the site to better connect with the stated catchment areas. Parallel crossing @ £40,000

The (Other) A construction method Statement is to be received for approval, please condition.

(Update) The additional information provided does not give adequate confidence that the impacts of the proposed development on the local highway

network would not be severe. Given the scale and location of the proposed development, the additional traffic generated is highly likely to have a significant detrimental impact on the safe and efficient operation of a critical part of the local highway network. The additional information does not adequately address the concerns raised previously and as such, I would suggest a recommendation for refusal on highways grounds.

- 7.4 BwD Drainage – No objections
- 7.5 BwD Property Services – No objections.
- 7.6 BwD Ecological Advisor – No objections.
- 7.7 BwD Cleansing – No objections, providing waste management is considered and bins are kept within the boundary of the address.
- 7.8 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 that an appropriate condition be imposed in order to ensure the development is implemented in accordance with the submitted details. A further condition should be added to agree the scope of a sustainable drainage management and maintenance plan for the lifetime of the development.
- 7.9 Canal and Rivers Trust – No objections.
- 7.10 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'
- 7.11 Ward Cllrs – no comments received.
- 7.12 No public responses received
- 8.0 CONTACT OFFICER:** Christian Barton – Senior Planner
- 9.0 DATE PREPARED:** 4th December 2023
- 10.0 SUMMARY OF REPRESENTATIONS** – none received.