

**Proposed development: Prior Approval - Demolition (Regulation 4) for Demolition of single storey building with access to basement.**

**Site Address:  
Longshaw Nursery  
Crosby Road  
Blackburn  
BB2 3NF**

**Applicant: Blackburn With Darwen Borough Council**

**Ward: Blackburn South East      Councillors: Tony Humphrys  
Vicky McGurk  
Jim Shorrocks**



## **1.0 SUMMARY OF RECOMMENDATION**

1.1 **PRIOR APPROVAL IS GIVEN;** subject to the conditions as set out in section 5 of this report.

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

2.1 The application is in the form of a prior notification submission for the proposed demolition of a vacant nursery building. The application is presented to the Planning and Highways Committee for determination given the Local Authority are both applicant and landowner; in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992.

2.2 The prior approval application is submitted under Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). The proposed works involve the entire demolition of the building and subsequent land restoration of the site. The reasons for demolition are due to the dilapidated state of the building and given the re-location of the nursery within the Longshaw Community Infant School grounds it is no longer required for active use.

2.3 The only planning matters that the Authority are to consider in the determination as to whether prior approval is required is to the method of demolition and any proposed restoration of the site. Ecological and tree considerations have also been taken into account as part of this application for prior approval.

2.4 The assessment of this application within section 4.0 of this report concludes the proposal is permitted development, and the accompanying information is sufficient to ensure no further information was required under the prior approval procedure and the proposal is therefore deemed to be satisfactory from a technical point of view.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

3.1.1 The application site relates to a single storey building formerly used as Longshaw Nursery which is positioned to the west and accessed from Crosby Road with the southern boundary fronting onto Peel Close. The host property is largely a red brick construction with varying hipped roof forms with a conservatory addition and roof canopy fixed to the southern elevation.

3.1.2 Within its grounds is a small off-street parking / turning area with copious amounts of space designated for play to three of its sides. The surrounding

area is predominately residential in nature, albeit there are several commercial uses in near proximity on Crosby Road and Manxman Road. Longshaw Community Infant School also lies a short distance away to the south with a new nursery building recently constructed and operating within the school's compounds. On the opposite parcel of land to the south Longshaw House Care Home previously occupied the site but the facility was demolished circa 2015 / 2016.



Figure 1 and 2: Submitted Location Plan (left) and Google aerial view of the application site (right)

### 3.2 Proposed Development

3.2.1 As detailed above, this application is submitted under Schedule 2, Part 11, Class B of the General Permitted Development Order (GPDO) 2015 (as amended) for the demolition the nursery building alongside the implementation of various site restoration works. Prior notification will determine whether the method of demolition and land restoration requires the prior approval of the Local Planning Authority.

3.2.2 The application is accompanied by various supporting documents and plans such as a demolition method statement, a demolition plan and swept analysis. The submitted design and access statement outlines the proposed works involves pulling down of the main building using hand stripping techniques, as well as machinery methods. The existing green mesh fencing and access gates around the perimeter of the site are to remain in-situ as a means of security post demolition. The agent has confirmed that timescale for the works to be completed is expected to be around 4-5 weeks.

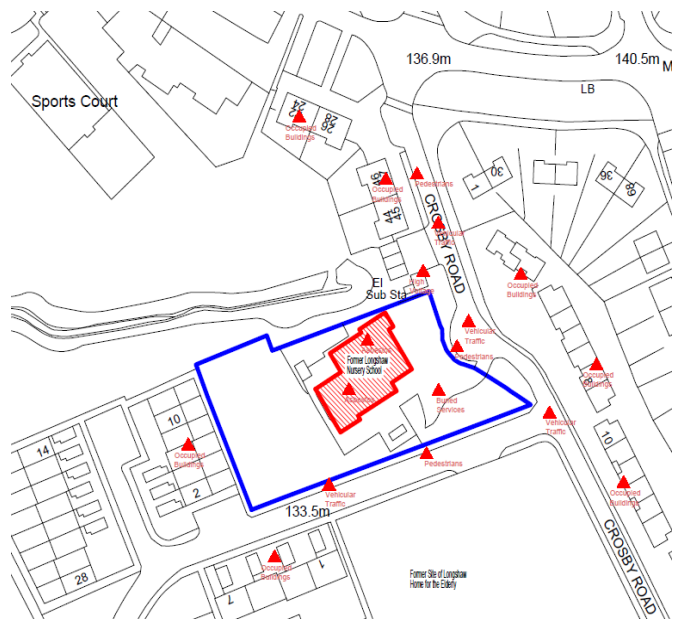


Figure 3: Demolition Site Hazards Plan

### 3.3 Case Officer Site Photos



### **3.4 Material Planning Considerations**

3.4.1 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) - Schedule 2, Part 11, Class B – demolition of buildings

3.4.2 The Conservation of Habitats and Species Regulations 2010 (as amended)

3.4.3 Wildlife and Countryside Act 1981, as amended

### **3.5 Development Plan**

3.5.1 Local Plan Part 2 (2015):

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

## **4.0 ASSESSMENT**

### **4.1 The GPDO requirements**

4.1.1 Schedule 2, Part 11, Class B of the General Permitted Development Order (2015) (as amended) allows for any building operation consisting of the demolition of a building is permitted development unless;

- (a) the building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support;
- (b) the demolition is “relevant demolition” for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area)
- (c) the building is used, or was last used, for a purpose falling within—
  - (i) article 3(6)(p) (drinking establishments etc.) of the Use Classes Order; or
  - (ii) article 3(6)(q) (drinking establishments with expanded food provision) of that Order;
- (d) the building is used, or was last used, for the purpose of—
  - (i) a concert hall;
  - (ii) a venue for live music performance; or

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

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

4.1.2 The proposed development does not conflict with any of the above limitations, and is, therefore, accepted as permitted development, subject to consideration of the method of demolition and land restoration, as per condition B.2, (b), (i). In this case it is deemed that prior approval is required, particularly given the location of the building near to residential properties, and its close proximity to the public highway and an existing school / nursery building at the end of Crosby Road.

## **4.2 Method of Demolition**

4.2.1 A general Demolition Method Statement has been submitted in support of the application, which sets out the proposed management of the key impacts of the development. It is a thorough statement covering a range of matters including hours of operation; site access and vehicle movements; road cleaning; dust control measures; noise mitigation; water management; burning; waste management; ecology and general housekeeping. A demolition plan and swept path analysis has also been provided which contain notes to align with those indicated in the method statement.

4.2.2 As already detailed, the proposed demolition works will be undertaken through both hand stripping and machinery. Whilst accepted, surrounding residential properties are likely to be susceptible to levels of noise throughout the day from the demolition works, nevertheless reasonable steps are to be taken to reduce any adverse effects to minimise associated noise. In addition, the main noise intensive periods are not expected to last the full 4 weeks and given the working hours are to be restricted to daytime only this will avoid unnecessary nuisance at early morning, evening and night times. Therefore, the proposal will not result in unacceptable harm to residential amenity in relation to noise. Dust suppression mechanisms such as using water jet spray will be utilised to minimise disruption in this regard. Minor amounts of asbestos has been detected throughout the building, the appointed contractor will provide a detailed method statement which will include its safe removal by a licensed asbestos removal professional, and thus deemed to be acceptable.

- 4.2.3 With regards to impact on the surrounding network, the method statement indicates HGV loading / unloading will take place within the site, and no larger vehicles will park on the approaching roads thereby ensuring no detrimental impacts to highways movement by virtue of causing obstructions. In addition, a wheel wash facility will be provided, and therefore mud / debris on the roads is unlikely to arise.
- 4.2.4 The Council's Highways Officer has reviewed the application and sought clarification on the location for the wheel wash facility. The agent has confirmed that following part demolition of the building to the eastern elevation the sites compound will be set up given the increased amount of space within the curtilage. The wheel wash facility will be provided in this location and will be appropriately drained within the site. The submitted site / swept path plan indicates the location of the operative parking which will be provide up to four parking bays near the stie access which was previously utilised for staff parking in-conjunction with the nursery, and this is considered acceptable. In addition, this aforementioned plan states that part of the south-eastern banking will be removed to allow for better manoeuvrability within the site for larger vehicles accessing, and once the demolition is completed the grass verge will be re-instated. For these reasons, the proposed works are not considered to lead to any significant disruption to the surrounding highway network.
- 4.2.5 The scheme, having been reviewed by BwD Drainage as Lead Local Flood Authority, and Public Protection, is considered to appropriately mitigate against excessive impact of the development on public amenity and drainage assets, therefore no objections have been raised. Taking all of the above into account, the proposed method of demolition is considered to be satisfactory.

### **4.3 Proposed restoration of site**

- 4.3.1 The proposed restoration works involves grubbing-up of foundations and disused services, filling of voids and former basement with compacted crushed masonry and concrete which is to be retained from the demolished structure. Following this, the site is to be left level with existing hardstanding surfaces and grassed areas preserved. In addition, the existing mesh fencing / gates which enclose the site are to be kept preventing unauthorised access from any potential trespassers.
- 4.3.1 On that basis, the details provided would be adequate to ensure that the site would be restored and maintained in a safe and secure condition until such time that it may be redeveloped.

### **4.4 Ecology**

- 4.4.1 There remains the requirement under Prior Approval applications to consider the impact of development on protected species. A Bat and Nesting Birds Survey report has been submitted with the application given the demolition of the building featuring hipped roofs, as well as the surrounding sites characteristics close to dense woodland to the west which may provide opportunities for bats to roost, nesting birds etc. The report concludes that the building was identified as having moderate potential to support roosting bats, and no bats were observed to have emerged from the building following an emergency survey carried out. In addition, no evidence of nesting birds was recorded during the survey.
- 4.4.2 Notwithstanding the above outcome, the report outlines a number of Reasonable Avoidance Measures to be adhered to during the demolition works which will ensure any impacts on these protected species are avoided. In addition, the method statement also confirms the intention to install bat boxes adjacent the site which will have a positive biodiversity effect. Compliance with such identified measures will be secured by condition. Based on the above, it has been appropriately founded that the demolition of the building will cause no impact upon protected species, subject to complying with the recommended ecological condition.

#### **4.5 Trees**

- 4.5.1 A Tree Survey has also been completed and submitted. The report specifies the conditions of trees on site and identifies appropriate proposed management and protection measures to be introduced. The Council's Tree Officer has reviewed the proposals and submitted survey offering no objections given the majority of trees are to be retained. A condition is to be added to ensure that prior to the demolition works commencing tree protection measures as indicated in the Tree Survey Report are implemented.

#### **4.6 Summary**

- 4.6.1 This report assesses the prior notification application for the proposed demolition of Longshaw Nursery. The proposed development complies with the relevant requirements of the GPDO, as well as those relevant to the Development Plan. In considering the proposal, all relevant issues have been taken into consideration, and therefore prior approval should be granted.

### **5.0 RECOMMENDATION**

**Delegated authority is given to the Strategic Director of Growth and Development & Deputy Chief Executive that prior approval is given, subject to the relevant conditions contained within Schedule 2, Part 11, Class B of the GPDO, and those listed below;**



- 5.1 The development must be carried out within a period of 5 years from the date on which the approval was given.

REASON: As required by the limitations of Schedule 2, Part 11, Class B of the (General Permitted Development) (England) Order 2015 (as amended).

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

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

- 5.3 Demolition shall proceed in accordance with the requirements of the submitted Mitigation and Opportunities contained in the Bat Survey Report, produced by Bowland Ecogoy, dated 14/07/2023.

REASON: All species of bat are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994

- 5.4 The hours of deliveries or for the demolition of the site buildings shall be restricted to the following times:

Monday to Friday 08:00 to 17:00hrs, Saturday 09:00 to 13.00hrs only and no works on site on Sundays/Bank Holidays.

REASON: To protect the amenity of the locality, especially for people living and/or working and in order to comply with Class B, Part 11, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

- 5.5 The demolition shall be carried out in strict accordance with the submitted Arboricultural Impact Assessment, including tree protection measures, as prepared by Bowland Tree Consultancy Ltd, dated November 2023. Specified tree protection measures shall be adhered to throughout the period of the demolition.

REASON: Trees represent a public benefit by way of visual amenity and should therefore be protected at all times, in order to comply with Class B, Part 11, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

## 6.0 PLANNING HISTORY

6.1. The following is a list of previous planning applications associated with this site;

- 10/00/0640 – Conversion of flat roof to a 15 degree pitch with profile steel sheet. Approved, 23/11/2000.
- 10/07/0492 – Replacement of boundary fencing. Approved, 28/07/2007.
- 10/08/0037 – Erection of play equipment. Approved, 14/02/2008.
- 10/08/0174 – Childrens steel embankment side. Approved, 23/04/2008.

## 7.0 CONSULTATIONS

### 7.1 Public consultation

This was carried out by display of a site notice by the applicant which has been posted for a period of 21 days; in accordance with the requirements of the Schedule 2, Part 11 of the (General permitted Development) Order 2015. No representations have been received.

### 7.2 BwD Highways

The details received have been reviewed, and a site investigation has been carried out.

The proposal is requesting Prior Notification - Demolition of single storey building with access to basement.

The information received is representative of the works being applied for. However, the plan does not annotate how the internal site would be arranged and managed for wheel wash, parking of operatives etc, this should be received for assessment and approval.

Notwithstanding the above:

- The location of the wheel wash is unknown, please provide further details. The wheel wash would need to be supported by a point where the dirty water is collected and removed from site, to ensure water does not flow onto the highway.
- We would not support any operative parking on Crosby Road, especially as this would hinder movement on what is already a restricted highway in width. Please highlight how the parking will be managed off street.

- Reference is made within the D & A Statement of some of the grass verge being used during demolition, and this would be reinstated back on completion. It is not clear, which verge they are referring to, please clarify.
- Any temporary stopping up of highway required will need to be applied for in advance of any works starting on site, please contact the Highway Authority

To conclude, subject to the above being addressed satisfactory, we would offer no objections to the application.

Please note: Prior to the commencement of any works that affect or adjoin the adopted highway – contact is to be made with the local highway authority officer Simon Littler on Mob: 07766 578007

Please attach standards conditions/Informatives: Highways, 7, 10, 11, 13, 15, and 17.

### 7.3 Public Protection

No objection on environmental health grounds.

### 7.4 BwD Drainage

No objections to the proposal.

### 7.5 Tree Officer

#### **Assessment:**

The submitted Arboricultural Impact Assessment (AIA) identifies the removal of four trees and a small group of Aspen stems. These are lower value trees. Two moderate value trees identified as T10 and T11.

Source, Table 1 Cascade chart for tree quality assessment BS 5837:2012  
Trees in relation to design, Demolition and construction – Recommendations.

The removal of these trees will facilitate demolition.

The majority of the trees on the site are to be retained and are shown to be protected in the AIA.

#### **Conclusions:**

The impact on tree cover as part of the demolition will not lead to any notable loss of amenity.

## **Recommendations**

A condition to protect the trees identified in the AIA, with any approval of the application would be appropriate.

**8.0 CONTACT OFFICER: Jamie Edwards, Planning Officer**

**9.0 DATE PREPARED: 4<sup>th</sup> January 2024**