

PLANNING & HIGHWAYS COMMITTEE
THURSDAY, 16th AUGUST 2018
UPDATE:

Members are advised with regards to Planning Applications 10/18/0581 (Blakewater Lodge) and 10/18/0612 (Land at Bank Top/Redlam Brow), reference is made to the reason why the applications have been referred to the Committee in paragraphs 2.1 of the respective reports. The reference to Regulation 4 of the Town & Country Planning General Regulations 1992 has now been replaced by Regulation 4 of **The Town and Country Planning General (Amendment) (England) Regulations 2018**.

10/18/0075 – Land at School Lane, Guide, Blackburn

Paragraph 3.8.3 of the main report refers to the proposed 3 metre high acoustic fence recommended by Highways England to the edge of the plots on the south east boundary that adjoins the motorway embankment. Further comments have been received from the Public Protection officers on the 3rd August these are:

1. Acoustic Glazing and Ventilation

The Acoustic Measures Plan includes some measures to mitigate noise, but it doesn't include all of the acoustic glazing and ventilation requirements considered necessary in the developer's noise report. Also, the site layout has changed, so it will be necessary to revise the glazing and ventilation recommendations in the report. I therefore **recommend the following condition:**

Glazing and ventilation condition:

The developer shall submit a glazing and ventilation scheme. This scheme shall be agreed in writing by the Authority and implemented before any dwelling hereby approved is occupied.

Reason: To prevent loss of amenity caused by noise

Informative: An appropriate scheme shall reflect the recommendations in the Acoustic Measures Plan and section 9.0 of the noise report (ref: 201711103 8086 Guide ProPG.docx) submitted in support of the application. The report recommendations include but are not limited to the provision of Mechanical Extract Ventilation or Positive Input Ventilation for all of the dwellings. Glazing and ventilation specifications will be required including ventilation rates.

2. Barrier Specification and Maintenance

There is concern that the specification of the barriers has not been agreed and there is no adequate provision for barrier maintenance. In terms of maintenance, Public Protection officers are particularly concerned about the 3m barrier protecting homes facing onto the M65.

The UK Highways Agency has issued guidance stating that noise barriers should be built to be low maintenance for 20 years and to have a 40 years of operational life, but many barriers fail after 5 or 10 years if they are not adequately maintained. The barriers that are considered necessary in the developer's noise report must be adequately constructed and maintained if they are to be effective.

If the responsibility for maintenance was to fall on individual home owners then it is unlikely that the fence will be maintained to an adequate standard. If one owner allowed their section of barrier to fall into disrepair the resulting loss in barrier performance will adversely affect their neighbours. Acoustic barriers need to be maintained in their entirety for them to be effective. If adequate provision isn't made for barrier maintenance it is likely that the fence will start to fail in 5 to 10 years and noise levels will exceed the desirable and upper noise limits specified in the relevant standards.

I therefore **recommend the following condition**

Noise Barrier condition: The developer shall submit a scheme for the specification of all barriers identified on the Acoustic Measures Plan and the maintenance of the barrier adjoining the M65. This scheme will be approved in writing by the Planning Authority and implemented prior to the commencement of the approved use, and retained thereafter.

Reason: To prevent loss of amenity caused by noise

Informative: A scheme which relies upon individual home owners maintaining the barrier will not be acceptable. Consideration should be given to the Highways Agency guidance relating to environmental barrier construction and maintenance.

10/18/0417 – The Arches, 581-583 Preston Old Road, Blackburn

Paragraph 3.5.18 of the main report should read:

“The applicants initially proposed to open until 11pm and create an enclosed seating area for ten tables of 4 covers. This was considered to have an unacceptable impact on the amenity of all nearby residents. The applicants therefore seek permission for the opening hours of Monday to Saturday 08:00 – 16:00 and 09:00 – 16:00 on Sundays. The applicants wish Members to know that on Sundays they currently open until 18:00 hours as they serve Sunday lunch and that they are willing to concede these two hours to gain retrospective permission for this use.”

Additional Representation Received offering support of the business – Margaret Shuttleworth J.P (retired) Address Unknown, dated 14th August 2018:

“I wish to support the application from the proprietors of the Three Arches cafe for retrospective planning application for change of use from convenience store to present coffee shop/cafe. I saw the article in the local paper and was heartened by the positive comments re this retrospective application. My husband and I have lived on this estate for 56 years and never has the entrance to the estate been so attractive, due entirely to the opening of this cafe. It is a joy to see and serves a welcome need. It is used by families, friendship groups and people living alone. The proprietors are very considerate of the needs of the people living near to the cafe. The premises are clean and the food is excellent. We walk down there with regularly to enjoy the convivial atmosphere, excellent service and super food. Please do your best to bring my views before the planning committee.”

It is also recommended to add an additional condition to those listed in paragraph 4.1 of the main report:

The use of the premises hereby permitted is restricted to Use Class A3 of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order). REASON: In accordance with Policy 8 of the Blackburn with Darwen Local Plan Part 2, as other uses may have an unacceptable impact on neighbour amenity and/or the character and appearance of the area.

Gavin Prescott
Development Manager
16th August 2018