

Proposed development: Full Planning Application (Regulation 4) for Improvements to Shadsworth Park including reinstatement of the play area, refurbishment of multi-use games area with improved surfacing and replacement fencing, improvements to the existing skate area with refurbished skate ramps, a new skate park and pump track, informal seating platforms and associated landscaping

Site Address:

Shadsworth Park - land bounded by Dunoon Drive, Bute Road, and the Shadsworth Hub, Rothesay Road, Blackburn

Applicant: Together Housing Group

Ward: Blackburn South East

**Councillors: Jim Shorrocks,
Vicky McGurk
Tony Humphrys**



1.0 SUMMARY OF RECOMMENDATION

- 1.1 The proposed development is recommended to be granted planning permission, subject to the conditions detailed in Section 4.

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, given that the application has been made on land in the ownership of the Council.
- 2.2 The proposed development has been publicised through letters to residents and occupants of the nearest 31 adjacent properties on 19th December 2023. In addition, 3 site notices were displayed on 5th January 2024. No public comments have been received.
- 2.3 The Council's development plan supports new community developments and associated works, provided they constitute sustainable development and accord with the development plan when taken as a whole.
- 2.4 The proposed development involves various works to the existing Shadsworth Park, to be delivered through 3 phases. The development is being funded through the Government's Youth Investment Fund (YIF). The overall aim is to upgrade play provision and improve both hard and soft landscaping. The upgrades include, but are not limited to; the replacement of the existing multi-use games area (MUGA) fencing and surfacing; provision of new swings, slides, roundabout and other play equipment; new skate/scoot park ramps and equipment; and new street furniture.
- 2.5 The proposals represent significant public realm improvements and provide improved play opportunities for children and families within the locality. 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.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The proposal relates to the existing Shadsworth Park, which occupies an irregular parcel of land measuring approximately 0.5 Ha in area. The land is adjoined by Bute Road to the west, Dunoon Drive to the east, the local shopping parade and parking on Rothesay Road to the south, whilst garden areas and dwellings are positioned to the north.

- 3.1.2 The park has a man-made undulating land-form, predominantly covered by grass. The area contains existing children's play facilities including an enclosed MUGA, skate park and play equipment.



Fig 1: Satellite image and location plan

3.2 Proposed Development

- 3.2.1 As detailed above, the proposed development involves various works to the existing public park area to improve and expand its facilities.
- 3.2.2 The proposals can be grouped in to five broad areas. Firstly the replacement of the existing MUGA facility. Second, the upgrade and expansion of the existing skate and scoot park facilities including new surfacing and ramps. Third, improved facilities and dedicated area for young children play including the provision of new sunken trampoline, swings, accessible roundabout and slides. Fourth, new street furniture and hard landscaping, including upgrade of the existing boundary fencing. Finally, remodelling and new planting to the retained soft landscaping areas.
- 3.2.3 The proposals are intended to meet the recreational needs of children in the locality. Widening the scope of facilities for younger children and families, whilst improving the available provision for older children.



Fig 2: Proposed site layout plan

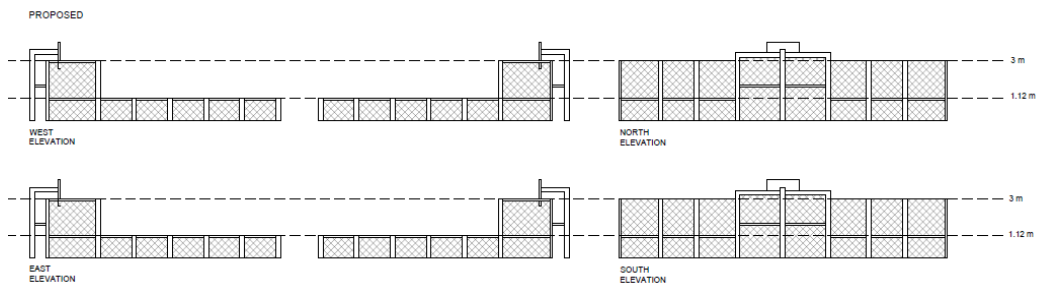


Fig 3: Proposed replacement MUGA enclosure.

E03 Toddler Swing	Double toddler swing	
E04 Accessible Swings	Accessible swing and basket swing	
E05 Accessible Roundabout	Flush to surface roundabout 'Swirl inclusive roundabout' 2200 mm diameter	

Fig 4: Excerpt from new play equipment schedule



Fig 5: Visualisation of upgraded park facilities

3.3 Development Plan

3.3.1 Local Plan 2021-2037 (adopted 25th January 2024)

Core Policies

- Policy CP2: The Spatial Approach
- Policy CP6: The Natural Environment
- Policy CP8: Securing High Quality and Inclusive Design

Development Management Policies

- Policy DM02: Protecting Living and Working Environments
- Policy DM13: Flooding/SuDS
- 2114-CWS-XX-GF-DR-L-151 Policy DM19: Development of Open Spaces
- Policy DM27: Design in New Developments
- Policy DM29: Transport and Accessibility

3.4 Principle of Development

3.4.1 The site is located within the defined urban boundary. Policy CP2 states that the majority of new development over the plan period will be in the urban areas of Blackburn and Darwen. Moreover, the proposals would be appropriate in scale, and they would support the existing population and services. The principle of development is therefore acceptable, in accordance with Policy CP2.

3.5 Design and Visual Amenity

3.5.1 Policy CP8 states that the Council will require all new development to be of a high standard of design. Furthermore, Policy DM27 states that all

development shall achieve a high quality, sustainable design consistent with several pre-defined characteristics. Regarding trees and landscaping, those requirements are underpinned by Policy DM17.

- 3.5.2 The proposals have been subject to extensive community consultation and pre-application discussion and their design was deemed to be acceptable through that process. The modified and improved play facilities centre represent modern vibrant additions to the locality, consistent with their intended use by children of all ages.
- 3.5.3 The landscaping works proposed predominantly involve remodelling what is already on-site. Maintenance to the existing boundary fencing is proposed, as necessary. This is allied to wide ranging remodelling and regrading to improve site levels and improve access. The changes are considered to enhance the setting, rather than detract.
- 3.5.4 Conditions are recommended to control the quality and finish of the play equipment, hard landscaping materials used and to control planting. Such conditions are necessary to ensure a satisfactory form of development is achieved and to address damage or loss of landscaping moving forward. 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 Policies CP8 and DM27.

3.6 Residential Amenity

- 3.6.1 Residential buildings are positioned in relatively close proximity to three sides, including abutting the northern boundary. Safeguarding the amenities of those neighbours is an important material planning consideration. Policy DM02 states that all development proposals must secure a satisfactory level of amenity and safety for surrounding uses and for existing and future occupants or users of the development itself, with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy/overlooking, open space provision and the relationship between buildings.
- 3.6.2 A review of the proposals has been undertaken by BwD Public Protection and some initial noise-based reservations were identified. Those concerns were based around late night use of the MUGA and other play equipment. However, it has been acknowledged that the site has an existing MUGA and skate park and as such the proposed use is consistent with the proposals. Furthermore, given the site relates to a public park there are no existing controls such as hours of operation. Those fallback positions negate the requirement for a noise or residential amenity assessment to be provided.
- 3.6.3 Ultimately, the Public Protection response offers no objection to the proposals subject to a condition relating to the scope of any external lighting provision. In addition, controls linked to the construction process are also requested. These include a restriction on construction hours (Monday to Friday 8am to 6pm, Saturday 9am to 1pm, no site works on Sundays and Bank Holidays),

construction floodlighting to be agreed and unforeseen ground contamination to safeguard users.

3.6.4 Subject to compliance with those conditions, the proposed development would be acceptable with reference to residential amenity, in accordance with the relevant requirements of Policy DM02

3.7 Ecology and Biodiversity Net Gains

3.7.1 The site is positioned within an urban location. Most of the park area is covered by grass with modest planting to the periphery, which provides a low level of habitat value. Policy CP6 states that new development will be required to conserve and enhance biodiversity, geodiversity and landscape features ensuring that recognised priority species and habitats are protected, enhanced and supported.

3.7.2 Regarding biodiversity net gain, Policy CP6 requires a measurable uplift of 10% to be achieved. A measurable biodiversity net gain of no less than 10% must also be achieved, which must be evidenced through the latest recognised metric and preferably delivered on-site. Furthermore, Policy DM15 states that development should be designed to protect and enhance existing habitats and ecological networks. Development should minimise any potential disturbance to species and habitats, for example from site lighting, air pollution, noise.

3.7.3 However, this application was submitted in advance of the introduction of those requirements and the Council is currently in a transitional period. It would be unreasonable to expect the developer to undertake a full biodiversity net gain. Nonetheless, whilst not demonstrated through the submission of a BNG metric, the proposal does involve substantial ecological uplift given the widespread planting and biodiversity enhancements, whilst balancing the relationship with the site's ongoing and expanded use as a recreational play facility.

3.7.4 Planting proposals include the provision of large numbers of young trees, hundreds of new shrubs and herbaceous borders and thousands of bulbs. Overall, this represents a substantial increase in the range of biodiversity within the site, consistent with the identified policy requirements. The proposed planting can be secured by planning condition.

3.7.5 Such an approach offers a pragmatic solution to securing biodiversity net gain following the recent adoption of the new Local Plan. Subject to compliance with those conditions, the proposed development would be acceptable with reference to ecology and biodiversity net gains, in accordance with the relevant requirements of Policies CP6 and DM15.

3.8 Summary: The proposals represent significant public realm improvements and provide improved play opportunities for children and families within the locality. 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.

4.0 RECOMMENDATION

4.1 Delegated authority is given to the Strategic Director of Growth and Development and Deputy Chief Executive to APPROVE planning permission, subject to the following conditions.

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.

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:

MUGA Elevations_P.05-00-DR-A-216_rev 01; received 18th Dec 2023
Landscape Schedule of Materials _2114-CWS-XX-XX-SM-L-710-D12;
received 5th Dec 2023
Landscape Schedule of Materials _2114-CWS-XX-XX-SM-L-710-D12A;
received 18th Dec 2023
Landscape Layout_ 2114-CWS-XX-GF-DR-L-100_rev P01; received 17th
November 2023

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

3. The development hereby approved shall be undertaken in accordance with the hard landscaping materials schedule detailed within the submitted "Landscape Schedule of Materials" (Ref: 2114-CWS-XX-XX-SM-L-710-D12), received 5th December 2023.

REASON: In the interests of visual amenity, in accordance with the requirements of Policy DM27 of the Blackburn with Darwen Borough Council Local Plan (adopted 2025).

4. The development hereby approved shall be undertaken in accordance with the planting schedule detailed within the submitted drawings; Planting Sheet 1 of 2 (ref: 2114-CWS-XX-GF-DR-L-150_rev P01) and Planting Sheet 2 of 2 (ref: 2114-CWS-XX-GF-DR-L-151_rev P01), received 17th November 2023. Planting shall be undertaken in the first available planting season following the substantial completion of the development hereby approved.

REASON: In the interests of visual amenity and biodiversity interests, in accordance with the requirements of Policies DM15 and DM27 of the Blackburn with Darwen Borough Council Local Plan (adopted 2025).

5. The equipment installed within the equipped play areas shall accord with those detailed within the submitted "Landscape Schedule of Materials (ref: 114-CWS-XX-XX-SM-L-710-D12A) received 18th December 2023 and MUGA Elevations_P.05-00-DR-A-216_rev 01; received 18th Dec 2023

REASON: In the interests of visual amenity, in accordance with the requirements of Policy DM27 of the Blackburn with Darwen Borough Council Local Plan (adopted 2025).

6. Outdoor floodlighting shall not exceed 10 lux with luminaires obscured at the boundary of any residential premises for the duration of the approved use. Assessment of light intrusion shall be made in accordance with the Institute of Lighting Professionals guidance document: 'Guidance Notes for the Reduction of Obtrusive Light'.

REASON: To minimise potential loss of amenity at residential premises caused by intrusive light pollution . and to comply with the requirements of Policy DM02 of the Blackburn with Darwen Borough Council Local Plan (adopted 2025).

7. Should floodlighting be required during demolition and/or construction, a scheme shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Floodlights shall be installed in accordance with the agreed scheme and retained for the duration of the works.

REASON: To minimise potential loss of amenity due to intrusive light pollution affecting residents living in the vicinity and to comply with the requirements of Policy DM02 of the Blackburn with Darwen Borough Council Local Plan (adopted 2025).

8. Any construction/demolition 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 DM02 of the Blackburn with Darwen Borough Council Local Plan (adopted 2024).

9. 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 Policy DM02 of the Blackburn with Darwen Borough Council Local Plan (adopted 2025).

5.0 PLANNING HISTORY

10/02/0093 – Installation of ball court and skate area (Approved April 2002)

10/23/0055 - A low-rise, simple building providing flexible space to be used for youth provision and some community use (Approved May 2023)

6.0 CONSULTATIONS:

6.1 Public Consultation: 31 properties have been individually consulted by letter and 3 sites notices displayed. No comments have been received.

6.2 Public Protection: No objection subject to conditions relating to the following matters;

- Scheme for external lighting to be agreed.
- Scheme for floodlighting during construction to be agreed.
- Unforeseen land contamination condition.
- Control of construction hours (Monday to Friday 8am to 6pm, Saturdays 9am to 1pm, no site works Sundays and Bank Holidays).

6.3 Property Section: No objection

7.0 CONTACT OFFICER: Martin Kenny, Principal Planning Officer

8.0 DATE PREPARED: 2nd February 2024