

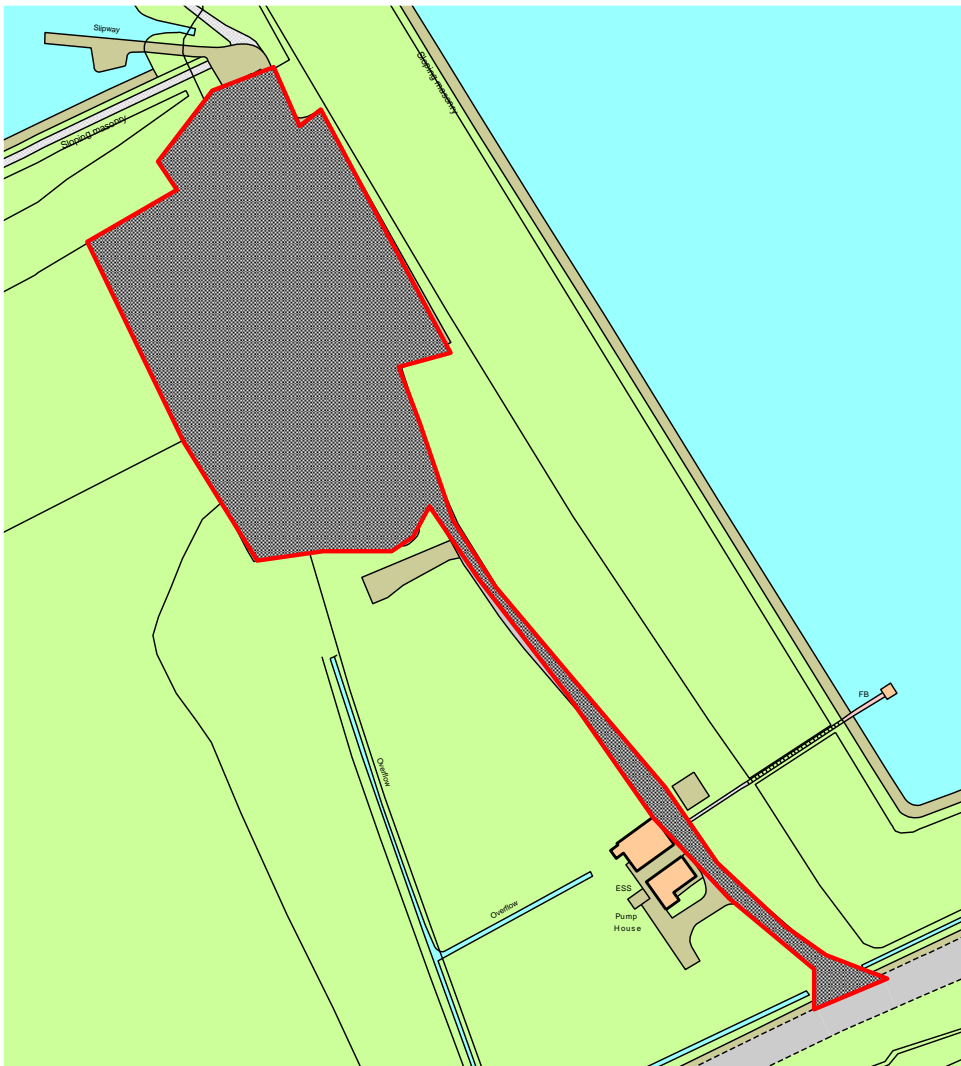
Proposed development: Full Planning Application (Regulation 4) for: New community boathouse building adjoining Fishmoor Reservoir including new parking area and secure rigging area leading to existing slipway. Removal of existing shipping containers.

Site Address:

**Land adjoining Fishmoor Reservoir
off Blackamoor Road
Blackburn**

Applicant: Lancashire School Sailing Association (LSSA)

**Ward: Blackburn South East
Councillor Tony Humphrys
Councillor James Shorrock
Councillor Vicky McGurk**



1.0 SUMMARY OF RECOMMENDATION

1.1 **APPROVE – subject to conditions set out at paragraph 4.1.**

2.0 KEY ISSUES / SUMMARY OF PLANNING BALANCE

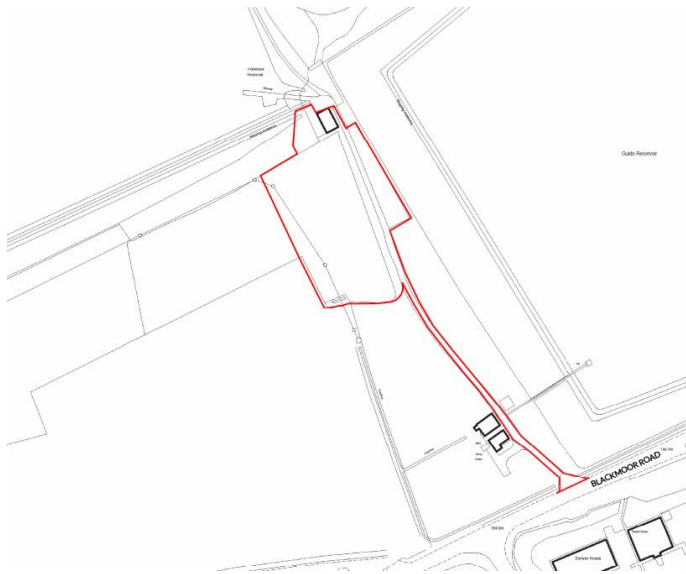
2.1 The application is reported to Committee on account of a portion of the application site (the site) being Council owned (leased to the applicant) and the management responsibility of the Strategic Director of Growth and Development / Deputy Chief Executive. This is in accordance with Regulation 10 of the Town and Country Planning General Regulations 1992 and the Council's adopted Scheme of Delegation.

2.2 The proposal is in the form of an application for full planning permission. Detailed assessment finds that the development corresponds with the Council's strategic and development management objectives of the Local Plan 2021 – 2037. All technical issues have been addressed through the application or are capable of being controlled or mitigated by planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The site measures 6198.35sqm. It comprises an established compacted stone access track from the north of Blackamoor Road; a wild grassed area with tree cover and hedgerows; and shipping containers used for storage. An outbuilding close to the site access is also by the applicants for toilet and changing amenities, though the building sits outside of the application site, so defined by the red edged location plan, extracted below (BwD, April 2023):



3.1.2 The site is located to the west of Guide Reservoir and to the south of Fishmoor Reservoir.

3.1.3 The following image also depicts the application site (Design & Access Statement, Nicholson Nairn Architects / ADS, Oct 2023):



3.1.4 The site is located entirely within the urban boundary of Blackburn and partially within an Employment Growth Site and a Heat Network Site allocation, in accordance with the Local Plan 2021 – 2037.

3.2 Proposed Development

3.2.1 Full planning permission is sought for a new community boathouse building, including new parking area and secure rigging area leading to existing slipway; and removal of existing shipping containers. Full details are set out in the submitted application for, drawings and Design & Access Statement.

3.2.2 The proposal would provide for a bespoke, replacement facility for the applicant – Lancashire School Sailing Association (LSSA) – who promote water sports at Fishmoor Reservoir. The proposal would provide the following additional / enhancements facilities:

- Secure storage for all equipment;
- Safe external storage and rigging area;
- Wet teaching and dry teaching areas;
- Changing facilities;
- Staff amenity facilities;
- Reception and office;
- Parking provision; and
- External amenity space.

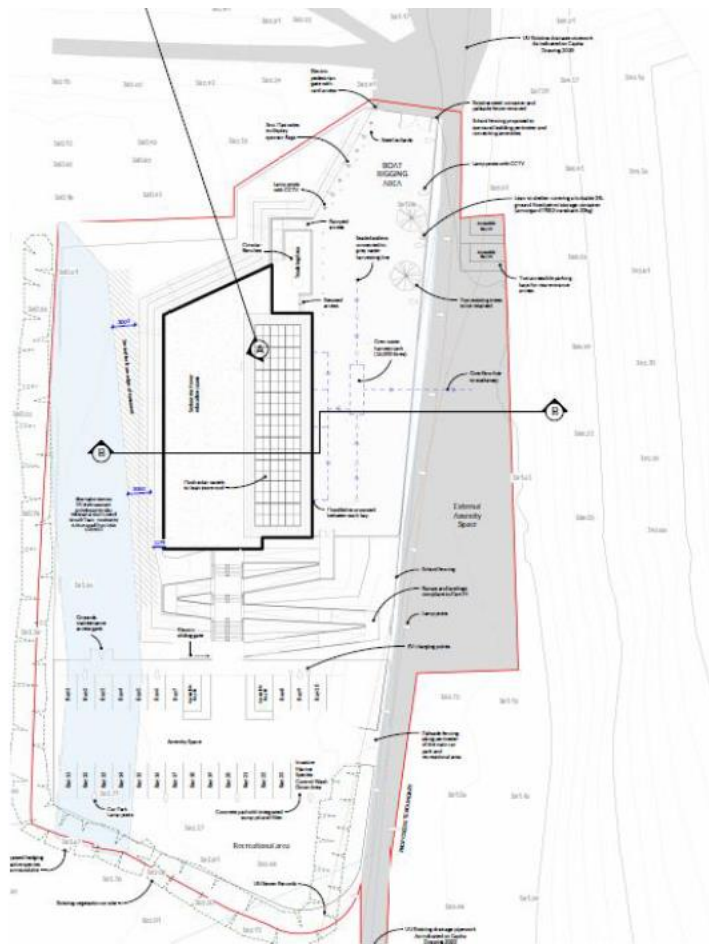
3.2.3 LSSA is a registered charity. Users are mainly from the voluntary sector including scouts, guides, sea cadets and the Ribble canoe club. Each group member pays an annual membership fee. LSSA submit that *“the development would provide a year-round community venue with an extended water sports season for activities such a dinghy sailing and paddle sports for schools and youth groups, making a positive impact on the lives of young people. Provision of waters ports will make a positive investment for young people’s sports in Blackburn with Darwen and the surrounding areas, adding*

to the already good provision of 'Field Sports' e.g. Athletics, Football etc. and Youth Clubs e.g. Blackburn Youth Zone."

3.2.4 LSSA has received commitments from United Utilities and Blackburn Council, both of whom own areas of the site, regarding its lease. A long lease of the land has been agreed in principle with both parties.

3.2.5 Submission of the application follows positive dialogue between the Council's Growth team and the applicants.

3.2.6 The following images depict the proposed site layout and building (Design & Access Statement, Nicholson Nairn Architects / ADS, Oct 2023):





The building should feel connected to Fishmoor Reservoir both physically, via a rigging area and existing boat launch and visually, by offering users views across the water.

With regard to user numbers, it was considered that it was possible for thirty pupils to arrive on site at one time. Therefore, the building should have capacity for these numbers. It should be noted that changing can be staggered. Water class sizes tend to have between 6-10 pupils.

3.2 Development Plan

3.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

3.2.2 The Development Plan comprises the Blackburn with Darwen Borough Council Local Plan 2021 – 2037. Policies relevant to the application are as follows:

3.2.3 Blackburn with Darwen Local Plan 2021 – 2037.

- Policy CP1: A Balanced Growth Strategy
- Policy CP2: The Spatial Approach
- Policy CP5: Climate Change
- Policy CP6: The Natural Environment
- Policy CP8: Securing High Quality and Inclusive Design
- Policy CP9: Transport and Accessibility
- Policy CP10: The Economy and Skills
- Policy DM01: Health
- Policy DM02: Protecting Living and Working Environments
- Policy DM12: Clean and Green Energy
- Policy DM13: Flooding / SuDS

- Policy DM15: Protection and Enhancement of Wildlife Habitats
- Policy DM16: Green and Blue Infrastructure
- Policy DM17: Trees and Woodland
- Policy DM18: Public Open Space in New Developments
- Policy DM22: The Borough's Landscapes
- Policy DM27: Design in New Developments
- Policy DM29: Transport and Accessibility
- Policy DM30: Primary Employment Areas
- Policy E145: Employment Growth Site - Issa Way North, Blackburn

3.2.4 **Other Material Considerations**

3.2.5 National Planning Policy Framework (NPPF).

3.2.6 National Planning Policy Guidance (NPPG)

3.5 **Assessment**

3.5.1 In assessing this application the following range of important material matters must be considered:

- Land use Principle
- Protecting Living and Working Environments (Amenity)
- Natural Environment
- Accessibility & Transport
- Design / Character & Appearance

3.5.2 Principle

The site is located within the urban boundary.

3.5.3 Policy CP1 confirms that the Council will pursue a 'Balanced Growth' strategy over the plan period, with a focus on 'people', 'place' and the 'economy to help ensure a better quality of life everyone, both now and for future generations

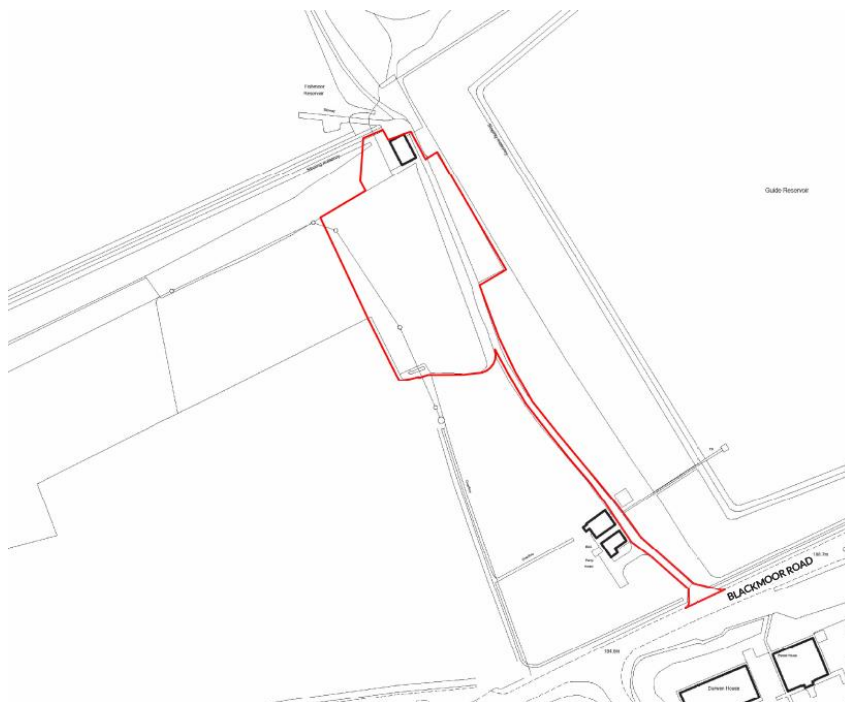
3.5.4 Policy CP2 confirms that the direction of future development and investment in the borough, including that the majority of new development over the plan period, will be in the urban areas of Blackburn and Darwen

3.5.5 A portion of the site is allocated as an Employment Growth Site / Primary Employment Area – identified as Issa Way North. Policy CP10 sets out the Council's strategic approach to economy and skills, as a key part of the Balanced Growth Strategy of the Local Plan. The policy confirms that the Council will seek to deliver at least 46.4ha of new employment land over the period 2021-2037, as well as a commitment to protect existing employment areas from re-development for alternative uses. Losses in the existing employment land supply will be resisted in line with the hierarchical approach to existing employment sites set out in Policies DM30 – DM32.

3.5.6 Issa Way North is confirmed as a key employment growth site, in accordance with Policy E145, which forecasts delivery of circa 27,200sqm of employment floorspace. The extent of the site allocation is defined by the red edged location below (BwD Local Plan 2021 – 2037, 2024):



3.5.7 The small section of the application which sits within the allocation is confirmed by the location plan below; essentially the area which would accommodate the boathouse, parking, and open space (BwD, April 2023):



3.5.8 Policy DM30 confirms Primary Employment areas will be retained for employment uses (general industrial; storage and distribution; office, research and light industry – respectively Use Classes B2/B8/E(g) - and sui generis uses of a similar nature and character to the area). Proposals to redevelop

land for other uses will be strongly resisted, with those in the Borough's flagship employment locations only permitted in *exceptional circumstances*.

3.5.9 Although the site occupies only a fraction of the employment allocation, as a proposed 'other use' which is not a supporting use - identified in the policy as gyms, cafes / canteens, small scale convenience shopping, crèches, and financial services - the policy conflict which arises must be addressed.

3.5.10 The unique site-specific circumstances of the application, involving the applicant (LSSA) already operating from an area immediately adjacent to the allocation and the benefits which would arise from much improved facilities, should be attributed significant weight in the decision-making process. LSSA has a long-established association with Fishmoor Reservoir and the local community. The proposal seeks to improve and safeguard access to water sports for young people within the community, with the specific aims and objectives of "*developing skills in decision-making, communication, confidence and resilience. Providing opportunities to learn, to have fun and to achieve accreditation, with more chances to have a say in the things that matter in their lives*" (Design & Access Statement, Nicholson Nairn Architects / ADS, Oct 2023). This aspiration has significant merit when considered against the Council's key strategic objective of improving health and wellbeing outcomes, set out at SO1: Health and Wellbeing of the Local Plan.

3.5.11 The proposal is also consistent with Policy CP3, which aims to help tackle health inequalities in the Borough. It includes a requirement for new development to maximise its contribution to enable and support health and wellbeing outcomes; and support healthy lifestyles.

3.5.12 Paragraph 96 of The Framework directs that:

Planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which:

...enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

3.5.13 That the site only compromises a fraction of the overall allocation also weighs in favour of the proposal. The area involved amounts to a section within the north east corner. Alternative development within this small area would not undermine the overall function and viability of the allocation, with a critical mass of employment land remaining available.

3.5.14 It should also be acknowledged that pre-application discussion and a lease agreement in principle were established well in advance of adoption of the current Local Plan.

3.5.15 Accordingly, on balance, the land use principle of the development is found to be acceptable, in accordance with The Framework's presumption in favour of sustainable development, which should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified, subject to assessment of the following matters:

3.5.16 Protecting Living and Working Environments (Amenity)

Policy DM02 requires development to contribute positively to the overall physical, social, environmental and economic character of the area. It is also required to secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself, with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking and the relationship between buildings; and to have a neutral or positive impact on air quality.

3.5.17 The development would have no adverse impact on neighbouring land uses.

3.5.18 Nor should the development constrain future employment uses within the site allocation, on account of its low sensitivity to potentially nuisance generating uses.

3.5.19 The site is not identified as posing any significant health or safety risk arising for historic land uses which may contribute towards ground contamination or coal mining legacy risk.

3.5.20 The Council's Public Protection consultee offers no objection.

3.5.21 Accordingly, it is found that satisfactory levels of amenity and safety would be secured. The development is also considered to contribute positively to the overall physical, social, environmental, and economic character of the area, in accordance with the requirements of Policy DM02 and The Framework.

3.5.22 Environment

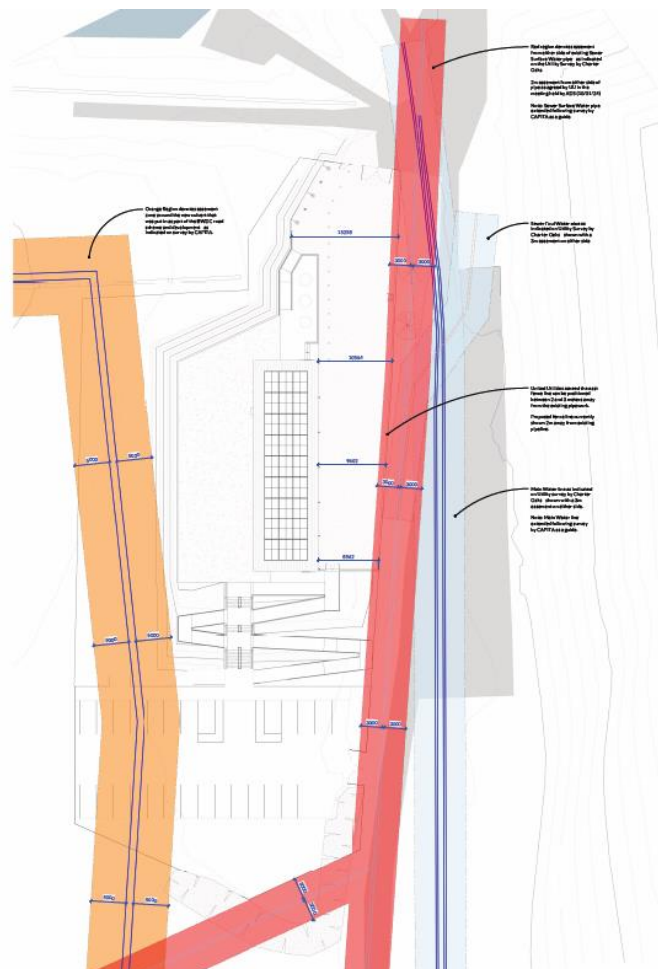
Policy CP6 requires new development to conserve and enhance biodiversity, geodiversity and landscape features ensuring that statutory and non-statutory protected sites are protected, enhanced and supported; that recognised priority species and habitats are protected, enhanced and supported; that a measurable biodiversity net gain of no less than 10% is achieved; and that appropriate and long-term management of new or existing habitats is secured to ensure a network of nature recovery. Development should also have a neutral or positive impact on air and water quality.

3.5.23 Drainage (SuDS) / Flood Risk: Policy DM13 requires development to demonstrate that it is safe from all types of flooding and that it will not exacerbate flood risk elsewhere.

3.5.24 The Framework (para. 165) and NPPG steers new development to areas with the lowest risk of flooding and directs that flood risk is not increased elsewhere.

3.5.26 A Flood Risk Assessment (FRA) has been submitted with the application and reviewed by the Council's Drainage consultee, as Lead Local Flood Authority (LLFA). The FRA confirms that the site is located entirely within Flood Zone 1, defined as low risk of flooding. The primary reason for the FRA is the proximity of the site to adjacent reservoirs which are owned and operated by United Utilities. The main thrust of the FRA is to ensure that the drainage infrastructure would not be adversely affected by the development. It confirms that the only significant potential source of flooding identified within the application site is associated with the failure of local reservoirs.

3.5.27 United Utilities (UU) initially objected to the development due to its proximity to their assets and apparatus. Following positive discussion between UU and the applicants, submission of revised site layout and easement plan (from both reservoirs) addresses their objection. The drawing below confirms the extent of the easements (Nicholson Nairn Architects / ADS, Jan 2024):



3.5.28 LLFA confirm no objection, subject to submission of foul and surface water drainage strategy (founded on the FRA), and management and maintenance plan via condition.

- 3.5.29 Green and Blue Space: Policy DM16 acknowledges the importance of green spaces such as natural and semi-natural spaces for a variety of benefits, including recreation, biodiversity and flood protection. All development is expected to make a positive contribution to the borough's green and blue infrastructure network.
- 3.5.30 The development would include areas of green space flanking the boathouse building and to the south of the car park.
- 3.5.31 Biodiversity Net Gain (BNG): Policy CP6 requires new development to conserve and enhance biodiversity, ensuring that statutory and non-statutory sites, and priority species and habitats, are protected, enhanced and supported (as supported by Policy DM15). Under Policy CP6, and the Environment Act 2021, all new developments must now provide a minimum of 10% BNG and apply the mitigation hierarchy – ie avoid; mitigate; compensate. Compensate.
- 3.5.32 Policy DM15 requires protection of wildlife habitats / biodiversity resources. such that any development likely to harm, damage or destroy statutory or non-statutory designated sites (as shown on the Policies Map) or habitats or species of international or national importance; principal importance; and local importance. No Badger sett was located on the site or immediately adjacent to the site. No evidence of Badger activity such as latrines or snuffle holes was found.
- 3.5.33 The site is neither statutory or non-statutory designated or any wildlife purpose, nor does it feature any habitat of importance. The proposal would only result in the loss of semi-natural grassland. This is confirmed in a submitted Phase 1 habitat Survey (Rachel Hacking Ecology, Nov 2021).
- 3.5.34 The survey also confirms that no buildings are located within the site. As confirmed by the proposed development description, shipping containers are present. These would be removed. For the purpose of this assessment, in the context of potential bat roosting opportunities, they are not considered to be buildings or structures which would provide such opportunities. Indeed, it is considered that removal of the containers would not amount to development requiring planning permission. They could, therefore, be removed outside of the scope of this application.
- 3.5.36 The application was received in September 2023, in advance of BNG nationally mandated by the Environment Act, in February 2024 (large sites) and April 2024 (small sites). Accordingly, the development is exempt from any legal requirement to provide 10% BNG.
- 3.5.37 A local requirement for 10% BNG was introduced via adoption of the Local Plan 2021 – 203, in January 2024. However, given the application receipt date, and the significantly advanced stage of assessment at the time of adoption of the Local Plan, transitional flexibility should be applied to relax the 10% uplift requirement. However, in the interests of biodiversity gain, the following measures should be secured via condition:

- A site wide soft landscaping scheme of appropriate mix and density, notwithstanding the submitted proposed landscaping which is considered to provide limited compensation;
- provision of bat and bird boxes affixed to the building; and
- hedgehog holes into the fencing of the site.

3.5.38 Provision of a green roof to the building is also recognised in this context and is a welcome inclusion.

3.5.39 Climate Change: In the context of the Council's declared 'Climate Emergency', Policies CP5 and DM12 requires require development to mitigate and adapt to climate, in considering the energy hierarchy, energy efficiency and reducing emissions though its design. Solar photovoltaic panels would be installed to the boat house roof, as a renewable energy source.

3.5.40 Trees / Landscaping: Policy DM17 requires development to include appropriate landscaping / tree planting; incorporation of existing trees and hedgerows (where practicable); compensatory planting (where applicable), at a ratio of at least 3:1 – ie 3 replacement trees planted for every 1 tree lost; and maintenance of soft landscaping.

3.5.41 The proposed site layout confirms the retention of some existing hedgerow to the south west corner with proposed new native planting along the eastern boundary.

3.5.42 Adding and gapping-up the existing hedgerow will link with the new hedge to provide a continuous feature.

3.5.43 It is accepted by the Council's Arboriculture consultee that the proposal would not result in any significant loss of landscaping and that introduction of new planting will enhance the site. As noted above, a detailed landscaping scheme should be secured via condition.

3.5.44 Accordingly, the environmental impact of the development is found to be acceptable and in accordance with the requirements of Policies CP5, CP6, DM12, DM13, DM14, DM15, DM16 DM17, and The Framework.

3.5.45 Transport and Accessibility / Highways

Policy CP9 confirms the need for new development to be located in the most sustainable locations; and for developments of the nature and scale of the subject application, to provide a Green Travel Plan, to reduce reliance on private cars and a Transport Assessment identifying the effects of the proposals on existing transport systems and mitigation of these impacts, as necessary.

3.5.46 Policy DM29 requires, in general, that road safety and the safe and efficient and convenient movement of all highway users, including pedestrians and the disabled, is not prejudiced and that appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards.

3.5.47 The existing access into the site, from the north of Blackamoor Road, would be retained in its current form. The access features good visibility in both directions.

3.5.48 Servicing during construction and operational use would be adequately contained within the site, without any significant adverse impact on the public highway. The developable area is circa 150m from Blackamoor Road.

3.5.49 A 23 bay (4 disabled) car park for users of the development is proposed. Provision would be broadly in accordance with the Council's benchmark standards.

3.5.50 It not anticipated that the proposal would generate a significant number of additional users. This is confirmed by the applicant. The rationale of the development is to significantly improve existing facilities in all aspects, including accessibility through the site and car parking, which is currently not formalised. The proposal from a highway's perspective represents a demonstrable betterment to the existing circumstances.

3.5.51 The Framework, at paragraph 115, directs that:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

3.5.52 Accordingly, highway impacts arising from the development are found to be acceptable and in accordance with the requirements of Policies CP9, DM29, and The Framework.

3.5.53 Design / Character & Appearance

Policy CP8 confirms the need for all new development to be of a high standard consistent with principles set out in the National Design Guide, and the National Model Design Code, and relevant local design guidance. Development that is not well designed will be refused.

3.5.54 Policy DM27 requires development to achieve a high quality and sustainable design, consistent with the following characteristics:

- i. Context: enhances the surroundings
- ii. Identity: attractive and distinctive
- iii. Built form: a coherent pattern of development
- iv. Movement: accessible and easy to move around
- v. Nature: enhanced and optimised, integrating with the green and blue infrastructure and nature recovery networks
- vi. Public spaces: safe, social and inclusive
- vii. Uses: mixed and integrated
- viii. Homes and buildings: functional, healthy, and sustainable
- ix. Resources: efficient and resilient
- x. Lifespan: made to last, with an emphasis on quality and simplicity.

3.5.55 A design and Access Statement has been submitted with the application. The document provides a contextual analysis of the surroundings and a narrative on how the design has evolved to meet the applicant's specific requirements. The building design and site layout have been carefully considered, in response to the geo-graphical and topographical context of Fishmoor Reservoir and the requirements of the LSSA and the young people they support. The development would improve and safeguard access to water sports for young people and the local community.

3.5.56 The building would comprise of two separate masses, joined to create a dynamic shape with roofs that slope in different directions.

3.5.57 Contrasting building materials of stonework and Eternit cladding are proposed, physically manifest the buildings uses. The tall cladded volume providing un-heated storage for the often damp equipment and the lower stone clad volume hunkering into the banking to provide shelter and warmth to students and teachers.

3.5.58 The proposed sloped sedum roof will tie the building into the landscape, and soften the built form. The following CGI's provide a two visual perspectives of how the development would look: (ADS Design):

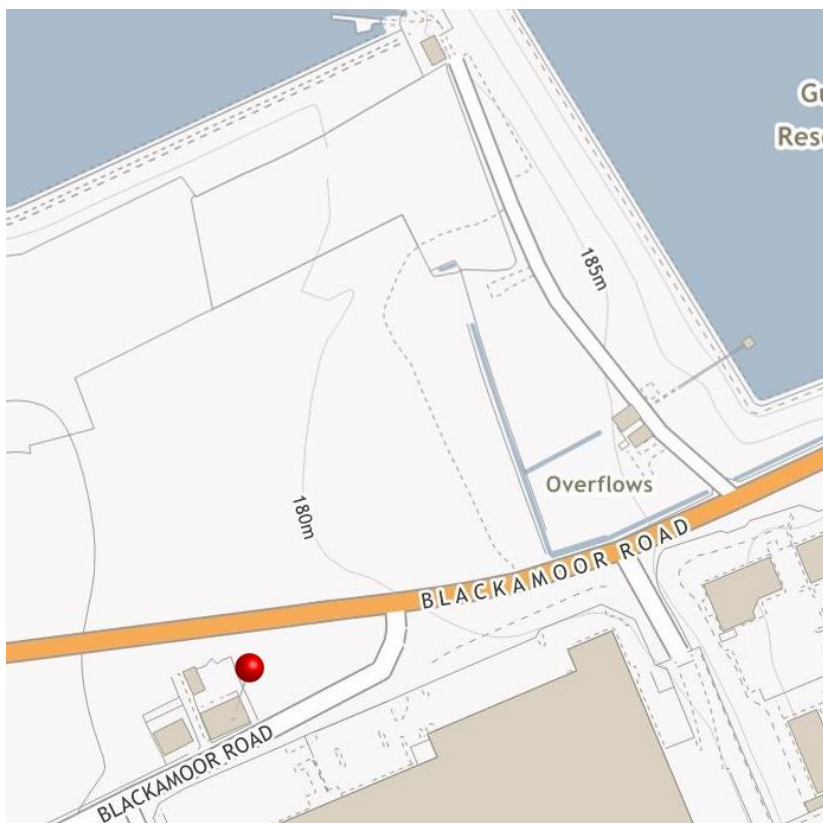


3.5.59 The proposed building and associated hard and soft landscaped areas would form a distinctive, sympathetic, and sustainable form of development, founded on established up to date design principles.

3.5.60 Accordingly, the design of the development is found to be in accordance with the requirements of Policies CP8 and DM27.

3.5.61 Other Matters

The issues referenced in the comment published below, at paragraph 9.0, relate to matters associated with the Issa Way link road development which are entirely outside of the scope of the subject proposal. The following GIS extract shows the relationship between 151 Blackamoor Road (the complainant) and the site, confirming the significant extent of separation between the two. The matters raised in the representation will be looked at separately.



3.5.62 Summary

This report assesses the full planning application for a new community boathouse building adjoining Fishmoor Reservoir including new parking area and secure rigging area leading to existing slipway. In assessing the application, the necessary range of material considerations have been proportionately considered. The assessment demonstrates that the planning decision must be made in the context of the merits of the development balanced against any potential harm that may arise from its implementation. This report finds that the development meets the policy requirements of the

Blackburn with Darwen Local Plan 2021 - 2037, and the National Planning Policy Framework.

4.0 RECOMMENDATION

4.1 Approve subject to conditions.

Delegated authority is given to the Strategic Director of Growth & 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 application form received 12th January 2024 and the following drawings:

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

3. The development hereby approved shall be constructed in accordance with the external surface treatments and external walling and roofing materials to the building, specified in the submitted application form and the Design and Access Statement, produced by Nicholson Nairn Architects / ADS, dated Oct 2023.

REASON: To ensure that the external appearance of the development is satisfactory, in accordance with Policies CP8 and DM27 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037 and National Planning Policy Framework.

4. Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the LPA 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 LPA. No deviation shall be made from this scheme without the written express agreement of the LPA.

REASON: To protect the health of future occupiers of the site, in accordance with Policy DM02 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037 and National Planning Policy Framework.

5. Prior to commencement the development hereby approved, a scheme for the disposal of foul and surface water from the site must be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- Separate systems for the disposal of foul and surface water;
- where applicable, details of any proposed point of discharge to a watercourse, to be approved by the Lead Local Flood Authority;
- a detailed drainage strategy to demonstrate that the post-development surface water discharge rate to any soakaway, watercourse or sewer does not exceed the pre-development (Greenfield) rate. The drainage strategy shall include details of the peak surface water runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 100 year (+40% climate change allowance) rainfall event, and shall demonstrate that the peak post-development runoff rate does not exceed the peak pre-development greenfield runoff rate for the same event;
- details of any necessary flow attenuation measures, including the use of above-ground green SUDS unless this is unachievable for technical reasons;
- engineering specifications, including cross section detail of flood attenuation basins;
- details of the measures taken to prevent flooding and pollution of any receiving groundwater and/or surface waters (including watercourses) and any off-site works required to ensure adequate discharge of surface water without causing flooding or pollution (including refurbishment of existing culverts and headwalls or removal of unused culverts where applicable);
- details of how surface water will be managed and pollution prevented during the construction phase;
- flood water exceedance routes, both on and off site;
- means of access for maintenance and easements (where applicable); and
- a timetable for implementation, including any phasing of works.

The approved scheme shall be implemented before above groundworks are commenced, or within any other timescale first agreed in writing with the Local Planning Authority.

REASON: To secure proper drainage and to manage the risk of flooding and pollution, in accordance with the requirements of Policy DM13 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037, and National Planning Policy Framework.

6. Prior to occupation of the development hereby approved, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- Arrangements for adoption by an appropriate public body or statutory undertaker or management and maintenance by a resident's management company; and
- 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: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development, in accordance with the requirements of Policy DM13 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037, and National Planning Policy Framework.

7. No construction shall commence until details of the means of ensuring the water and wastewater infrastructure that is laid within the site boundary is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall outline the potential impacts on the water and wastewater infrastructure from construction activities and the impacts post completion of the development on the water and wastewater infrastructure that crosses the site and identify mitigation measures to protect and prevent any damage to the water main both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.

REASON: To ensure a safe form of development, including protection of health and the public water supply, in accordance with the requirements of Policies DM02 and DM13 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037, and National Planning Policy Framework.

8. Retained trees and hedgerows shall protected throughout demolition and construction, in accordance with British Standard (BS) 5837:2012.

Retained trees shall be protected throughout demolition and construction, in accordance with British Standard (BS) 5837:2012.

REASON: To ensure protection of retained trees and in the interests of appropriate arboriculture management, in accordance with the requirements of Policy DM17 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037 and National Planning Policy Framework.

9. No site clearance shall be undertaken between the 1st March and 31st August in any year, unless and until a detailed bird nest survey,

undertaken by a suitably experienced ecologist, has been submitted to the Local Planning Authority in writing, confirming that no active bird nests are present.

REASON: To ensure the protection of species and habitat, in accordance with the requirements of Policies CP6 and DM15 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037, and National Planning Policy Framework.

10. Prior to commencement of the development hereby approved, and notwithstanding the submitted details, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of native tree and shrub planting, including species and densities, to compliment local priority habitat, to help assimilate the development into the natural surroundings and to provide for a net gain in biodiversity. Planting of trees and shrubs shall also be implemented in accordance with the approved details, during the first available planting season following completion of the development. Trees dying or becoming diseased, removed or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs.

REASON: In the interests of ecology, biodiversity and visual amenity, in accordance with the requirements of Policies CP6, CP8, DM15, DM17 and DM27 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037 and National Planning Policy Framework.

11. Prior to commencement of the development hereby approved, a scheme detailing the following biodiversity measures shall be submitted to an approved in writing by the Local Planning Authority:

- provision of bat and bird boxes affixed to the building or elsewhere as appropriate; and
- hedgehog holes into the fencing of the site.

The approved scheme shall be implemented prior to commencement of the approved operational use.

REASON: In the interests of ecology, biodiversity and visual amenity, in accordance with the requirements of Policies CP6 and DM15, DM17 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037 and National Planning Policy Framework.

12. Prior to its operational use, the car park hereby approved shall be fully surfaced and demarcated, in accordance with the details indicated on the submitted Proposed Site Plan, numbered: 29560 XX-XX-SI-0020 Rev P16. The car park shall remain operational in accordance with these details.

REASON: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policies CP9 and DM29 10 of the adopted Blackburn with Darwen Borough Local Plan 2021 - 2037, and National Planning Policy Framework.

5.0 PLANNING HISTORY

- 5.1 10/88/1204: Construction of amenity car park for 35 cars and new access. Approved.

6.0 CONSULTATIONS

6.1 BwD Public Protection

With reference to the above application, I have no objections on environmental health grounds.

6.2 BwD Arboriculture

Assessment:

With reference to my previous consultation comments dated 2nd November 2023 and the proposed amendments.

The amended site layout plan shows the retention of some existing hedgerow to the south, west corner of the main site with proposed new native planting along the eastern boundary.

The addition of new native planting to enhance and increase biodiversity values. Adding and gapping-up the existing hedgerow will link with the new hedge to provide a continuous feature.

Conclusions.

The amendments will not result in any notable loss of landscaping and the new planting will enhance the site.

Recommendations.

A condition for full landscape details would be appropriate with any approval of the application.

6.3 BwD Drainage (Lead Local Flood Authority)

LLFA Position:

We have no objections to the proposals, but require the following conditions:

Condition 1:

Prior to commencement, in line with the submitted FRA a scheme for the disposal of foul and surface water from the site must be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- (i) Separate systems for the disposal of foul and surface water;
- (ii) Where applicable, details of any proposed point of discharge to a watercourse, to be approved by the Lead Local Flood Authority.
- (iii) A detailed drainage strategy to demonstrate that the post-development surface water discharge rate to any soakaway, watercourse or sewer does not exceed the pre-development (Greenfield) rate. The drainage strategy shall include details of the peak surface water runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 100 year (+40% climate change allowance) rainfall event, and shall demonstrate that the peak post-development runoff rate does not exceed the peak pre-development greenfield runoff rate for the same event;
- (iv) Details of any necessary flow attenuation measures, including the use of above-ground green SUDS unless this is unachievable for technical reasons;
- (v) design details of any soakaway, which must comply with Part H of the Building Regulations and include results of a percolation test;
- (vi) details of the measures taken to prevent flooding and pollution of any receiving groundwater and/or surface waters (including watercourses) and any off-site works required to ensure adequate discharge of surface water without causing flooding or pollution (including refurbishment of existing culverts and headwalls or removal of unused culverts where applicable);
- (vii) Flood water exceedance routes, both on and off site;
- (viii) Means of access for maintenance and easements (where applicable);
- (ix) A timetable for implementation, including any phasing of works.

The duly approved scheme shall be implemented before above groundworks are commenced, or within any other timescale first agreed in writing with the Local Planning Authority.

REASON: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water.

Condition 2:

No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

1. The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Management Company
 2. Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 3. on-going inspections relating to performance and asset condition assessments;
- and,

4. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
5. Means of access for maintenance and easements where applicable.

REASON: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development.

6.4 BwD Highways

Parking

In accordance with adopted parking standards, the site would fall within a D2 Leisure use, which would suggest 1 car space per 25sqm /713.4sqm would equate to an allowance of 28 parking spaces.

The proposal received provides 23 car parking spaces and 4 disabled bays.

The number of parking spaces are aligned with the standards and are deemed acceptable.

Notwithstanding the above, there is no provision made for the parking of cycle pr PTW's. This should be provided near the entrance covered and secure. Please request further details to be provided.

For a proposal such as this we would expect to see a narrative to support the number of trips expected to the site. There is, therefore, some apprehension that the site will be heavily utilised, please confirm whether there is a booking system to be introduced, and what is the worst-case scenario for total number of users at any one time.

Access

The vehicular access to the site is to remain as existing, there are no proposals to alter or improve the current access from Blackamoor Road.

The entrance is currently splayed and would have had good visibility in both directions prior to the Introduction of Issa Way. The splay to the right when exiting is lessened, but still deemed acceptable.

There is no pedestrian access from Blackamoor Road up to the site/new facility. We would suggest a delineated route is offered from the highway upto the entrance of the building to safeguard pedestrian safety, please request this detail to be provided for assessment.

Servicing

No details of servicing to and from the site is offered for assessment, please supply swept showing the most frequently used vehicle that would visit the site. The swept path should show the vehicle entering, turning, and leaving the site in forward gear, together with frequency of movements and location of servicing point.

Other

Construction Method Statement is required, please condition.

Matters also to be considered are:

- All existing street furniture including street lighting should be removed/disconnected at the applicant's expense and relocated at locations to be agreed with by the relevant highways officer, (should they be required to do so)
- Any old entrances no longer required will require closing and formally reinstating back to full footway.
- Contact to be made with our Structures Division prior to commencement of any works affecting retaining walls/ structure adjacent to/abutting or within the adopted highway.
- Prior to any work commencing that affects the existing adopted highway contact to be made with the Local Highway Authority to undertake a condition survey.

To conclude, in principle would have no objections, subject to the above matters being satisfactorily addressed.

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 for approvals.

Please attach standards conditions/Informatives: Highways, 1, 2, 3, 4, 8, 10, 11, 14, 15 and 17.

6.5 BwD Property

We are aware of the application by LSSA and have no objection.

Terms have been agreed in relation to occupation of the parcel owned by Blackburn with Darwen Borough Council

6.6 United Utilities

OBJECTION REMOVAL – WATER MAIN INFRASTRUCTURE

Following our first response to this application on 4th December 2023, the applicant has agreed details with United Utilities regarding protection of existing United Utilities assets and apparatus. We are now happy to remove any objection to the application as the applicant has provided sufficient information that our required access to the water mains is provided. This is based solely on plan 'XX-XX-SI-0040 Rev P04', dated 'January 2024'. This must be included in any approved plan condition should the application be approved as this contains the necessary easements from the infrastructure as agreed in discussions with United Utilities.

The applicant and LLPA are aware that the acceptability of any proposal is dependent upon the applicant knowing the exact location (line and depth) of the asset in question, confirmed through their site specific investigations. The precise location of United Utilities assets is critical as this could be material to the detail of the final site

design; including any proposed crossings of the asset with either above or below ground features (including utility services).

Although the principle of the development around the infrastructure has been agreed, we have recommended a condition below to agree necessary protection details before any start on site.

DRAINAGE

Following our review of the submitted Flood Risk Assessment, Project Reference: NS_0146_01, Issue: V1.0, we can confirm that whilst the proposals are acceptable in principle, there is insufficient information on the detail of the drainage design.

Should planning permission be granted we request the following condition is attached to any subsequent Decision Notice:

CONDITION 1 – FOUL AND SURFACE WATER DRAINAGE

Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

Management and maintenance of Sustainable Drainage Systems (SuDS)

Without effective management and maintenance SuDS can fail or become ineffective which may have a detrimental impact on the surrounding area. There is also a risk ineffective SuDS could impact the performance of the public sewer network where the two systems interact. Therefore, when SuDS is included in a proposed development, we recommend the Local Authority include a condition relating to SuDS management and maintenance in any subsequent Decision Notice. We provide an example condition below that may be suitable in many circumstances.

Please note United Utilities cannot provide comment on an asset that is owned by a third party management and maintenance company. Therefore, whilst we recommend the inclusion of a management and maintenance condition, United Utilities would not be involved in its discharge.

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

(i)

Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and

(ii)

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: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

UNITED UTILITIES' PROPERTY, ASSETS AND INFRASTRUCTURE

As per our first letter in response to the application, the red line boundary includes land that is currently owned by United Utilities. United utilities are currently in discussions with the applicant in regards to a land swap but this is yet to be agreed. The Application includes land for access purposes which is also currently owned by United Utilities. The current arrangement for the user of this land is believed to be unsuitable for the scale of the proposed development in regards to matters such as the change in frequency of user amongst other things. This matter also requires further discussion between the applicant and United Utilities.

Discussions continue between United Utilities and the applicant in regard to the use of UU land and access track to the application site. There are no concerns raised by the new information submitted by the applicant. We are happy to manage these separately through negotiating a formal right of access beyond the planning application process.

It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Utilities' assets and the proposed development. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout.

It is important that the supporting information contained in the Appendix, Section 2.0 'United Utilities' Property, Assets and Infrastructure', is read in conjunction with this letter. This provides information that might impact a proposed layout and additional guidance that an applicant or developer must consider when United Utilities assets are located in, or in the locality of, the proposed site.

Where United Utilities' assets exist, it is essential that the applicant, or any subsequent developer, contacts our Developer Services team prior to commencing

any works on site, including trial holes, groundworks or demolition. See Appendix, Section 4.0 'Contacts'

Water main

Multiple water mains cross / are located in the vicinity of the site. They must not be built over, or our access to the pipelines compromised in any way. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', which can be found on our website: <https://www.unitedutilities.com/builders-developers/your-development/planning/building-over-or-working-near-our-assets/working-near-our-pipes/>. The applicant must comply with this document to ensure pipelines are adequately protected both during and after the construction period.

Should the scheme be approved and it is later discovered that an approved plan is not accurate (in relation to the proximity of proposed development to United Utilities infrastructure), the proposals may not be acceptable to United Utilities. In these circumstances, we will liaise directly with the developer to find a satisfactory resolution.

Should the Council deem this application suitable for approval we request the following condition is included in the subsequent Decision Notice to afford appropriate protective measures for this asset:

CONDITION 2 - WATER AND WASTEWATER INFRASTRUCTURE

No construction shall commence until details of the means of ensuring the water and wastewater infrastructure that is laid within the site boundary is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall outline the potential impacts on the water and wastewater infrastructure from construction activities and the impacts post completion of the development on the water and wastewater infrastructure that crosses the site and identify mitigation measures to protect and prevent any damage to the water main both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.

Reason: In the interest of public health and to ensure protection of the public water supply.

Public sewers

As noted previously, a number of public sewers cross the site and we will not allow building over them. We require an access strip for maintenance or replacement of each sewer and this access must not be compromised in any way. The minimum distances that might be acceptable to United Utilities are detailed within Part H of the Building Regulations however, we recommend the applicant determines the precise location, size, depth and condition of each pipeline as this is likely to influence the required stand-off distance from any structure.

6.7 Ecology (GMEU)

Thank you for consulting the Ecology Unit on the above planning application.

I have no overall objections to the scheme on ecology grounds, although I would recommend that a Landscaping Plan is prepared for the development. The proposals will result in the loss of an area of semi-natural grassland habitat and currently the proposals for landscape compensation are rather limited, comprising the provision of a green roof on the new building. I would advise that new tree and shrub planting, and/or the creation of areas of species-rich grassland, would benefit the site and would provide an overall net gain in local biodiversity. The installation of bat roosting and bird nesting boxes on the building, once complete, would also be useful additions.

A Landscape Plan could be required by Condition.

There are some stands of invasive plant species on or very near the site (Japanese knotweed and Himalayan balsam). I would advise the applicant that it would be an offence under the terms of the Wildlife and Countryside Act 1981 (as amended) to cause these plants to spread, and therefore that efforts should be made during the course of any development to control these plants.

6.8 Public consultation

Twenty letters were posted to the local community on 13th October 2023 and a site notice was displayed. One comment was received (see Summary of Representations).

7.0 **CONTACT OFFICER: Nick Blackledge, Principal Planning Officer**

8.0 **DATE PREPARED: 9th May 2024**

9.0 **SUMMARY OF REPRESENTATIONS**

Comment – Mary T Almond, 151 Blackamoor Road, Guide, Blackburn, BB1 2LG. Received: 03/11/2023.

Thankyou for the letter regarding planning permission in Guide.

Whilst I have no concern s re the venture; I do want reassurance that the site when finished will be well maintained and the rubbish of construction removed.

I have contacted the council many times to try and have the building debris removed from Issa Way, and have the ground landscaped with trees which are alive and not dead as planted when the road was completed 2 years ago.

To plant dead trees, I am sure was breaching the planning order for Issa Way as trees were to be replanted to replace those removed to make way for the Guide relief road which were alive.

The ground beside my house has been left with dead matter dumped by the hedge although reassurances were given by the site supervisor that this was temporary until the ground works were completed.

I am also not entirely sure that with all the groundworks and movement of soil etc by the heavy plant machinery has left my conservatory windows unable to close when opened as the frame appears to have Slipped.

Please address my concerns as to way the land has been left, as many phone calls and conversations have gone un headed and the landscaping is disgraceful , compared with the landscaping maintenance for Walker no doubt as part of their planning consent all those years ago .
