

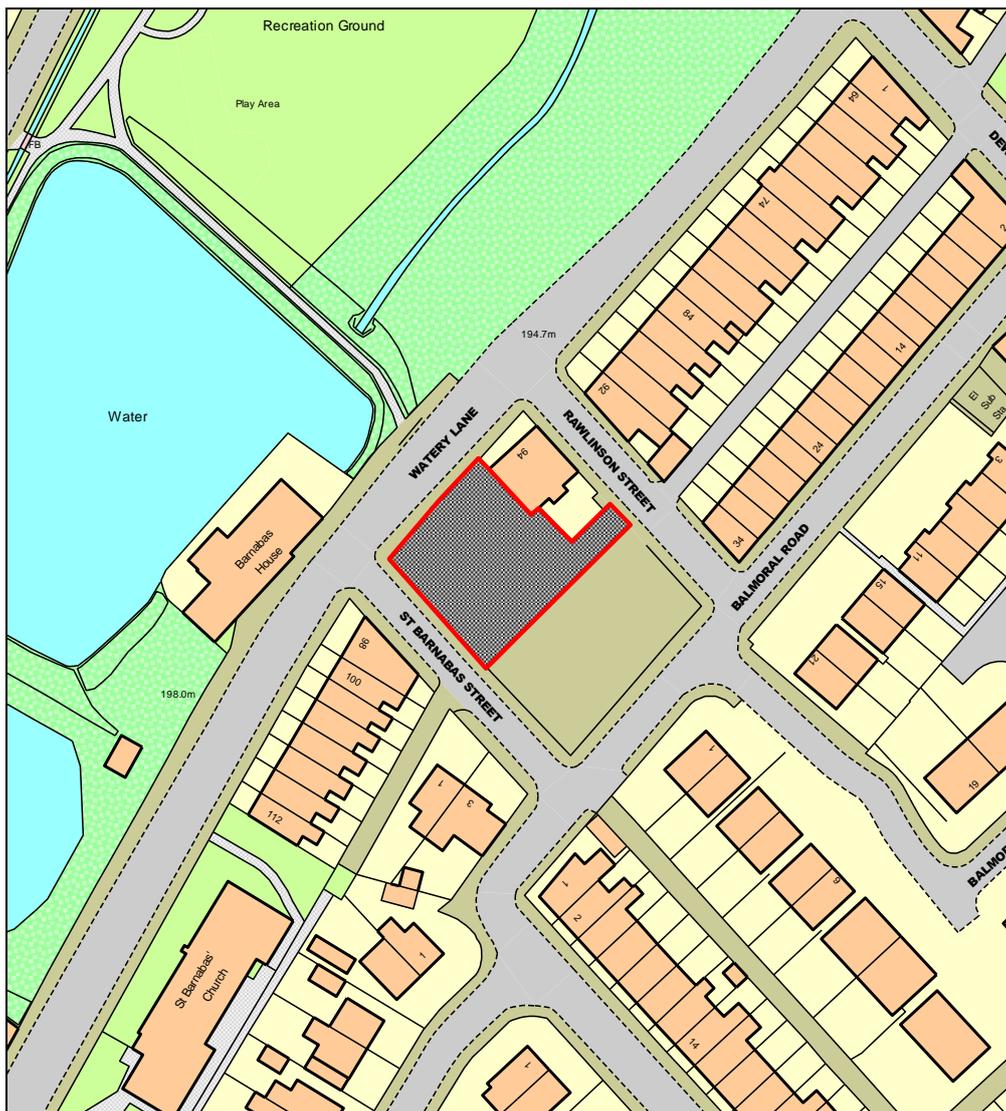
**Proposed development: Full Planning Application for; proposed conversion of warehouse to 8no two bedroom apartments.**

**Site address:  
St Barnabas Warehouse  
Watery Lane  
Darwen  
BB3 2EB**

**Applicant: G & J Properties Ltd**

**Ward: West Pennine**

**Councillor: Colin Rigby  
Councillor: Jean Rigby  
Councillor: Julie Slater**



## **1.0 SUMMARY OF RECOMMENDATION**

### **1.1 APPROVE – Subject to conditions; as set out in paragraph 4.1.**

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

- 2.1 The application is presented to Committee under the Chair Referral Scheme; due to the number of public objections received.
- 2.2 The proposal is in the form of a full planning application. Assessment of the submitted detail establishes that the proposal corresponds with the Council's overarching housing growth strategy; as set out in the Development Plan (comprising Core Strategy and Local Plan Part 2). It suitably demonstrates delivery of a high quality development that would make an important contribution towards the Council's housing delivery target, adding to the vitality of the local housing market. Moreover, from a technical point of view, all issues have been addressed through the planning application or are capable of being controlled or mitigated through planning conditions.
- 2.3 Members are advised of a previous approval in 2013, for conversion of the building into 10no. apartments and the erection of 4no. terraced houses. This application seeks permission for conversion to 8no. apartments, whilst a separate application also presented to the Committee seeks permission for the erection of 6no. dwellings to the rear (ref: 10/19/0843). Both applications correspond with each of the application sites assessed in 2013. Assessment of this application, having regard to amenity, is considered in the context of both applications. Members are further advised of the applicant's statement that the viability of both schemes, are mutually dependant on each other.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

- 3.1.1 The application site measures 590 square metres in area and consists of a building that was formerly St. Barnabas School and was most recently a retail furniture shop (Use Class A1), together with an area to the rear that was formerly part of an associated car park / servicing area. The site fronts Watery Lane to the north-west. The shop recently closed down and the site is now recognised as redundant. Vehicular access to the rear of the building is currently taken from Rawlinson Street.
- 3.1.2 In accordance with the Development Plan, the site is located within Darwen's outer urban area. To the north of Watery Lane is an area allocated as Green Infrastructure. The area is predominantly residential, characterised by a mix of terraced and semi-detached dwellings. Of note is the recent redevelopment of the former Balmoral Mill site on Balmoral Road, located to the south east of the site. The development consists of 27 semi-detached

homes and was delivered by the developer proposing the scheme subject to this assessment.

3.1.3 The site is well served by the local road network, and access to local amenities and public transport links along the A666 are within a reasonable walking distance. Darwen town centre, a short distance away, offers frequent services for commuters to destinations including but not limited to Manchester, Bolton, Clitheroe and Preston.

## **3.2 Proposed Development**

3.2.1 As set out in the submitted drawings, the proposal is a full planning application for the conversion of the building into 8no. self-contained apartments with a dedicated (communal) outdoor amenity space and off-street parking provision for 8no. vehicles; access to which will be taken from the existing point off Rawlinson Street and a proposed point off Barnabas Street.

3.2.2 The conversion will provide self-contained accommodation over the existing two floors, comprising of 8no. 2 bed apartments. No alterations are proposed to the front elevation. The addition of the mezzanine levels to the rear sections of the building will introduce new windows to the side elevation to Barnabas Street and to the rear elevation, to provide windows at a suitable height for the proposed mezzanine floors.

## **3.3 Development Plan**

3.3.1 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.

### **3.3.2 Core Strategy**

- CS1 – A Targeted Growth Strategy
- CS5 – Locations for New Housing
- CS6 – Housing Targets
- CS7 – Types of Housing
- CS16 – Form and Design of New Development

### **3.3.3 Local Plan Part 2**

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 12 – Developer Contributions
- Policy 18 – Housing Mix
- Policy 19 – Apartment Development and Houses in Multiple Occupation

### **3.4 Other Material Planning Considerations**

#### **3.4.1 Houses in Multiple Occupation and Residential Conversions and Sub Divisions SPD.**

#### **3.4.2 National Planning Policy Framework (The Framework) (2019)**

The Framework sets out the government's aims and objectives against which planning policy and decision making should be considered. The following sections of the Framework are considered relevant to assessment of the proposal:

- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities.
- Section 11 – Making effective use of land; in particular paragraph 188 d) which directs that decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing.

#### **3.4.4 Technical housing standards – nationally described space standards**

### **3.5 Assessment**

3.5.1 In assessing this full application there are a number of important material considerations that need to be taken into account, as follows:

- Principle of residential development;;
- Amenity;
- Environment;
- Highways;
- Design;

#### **3.5.2 Principle**

The principle of the development is considered under the Blackburn with Darwen Development Plan; particularly Policies CS1, CS5, CS6 and CS7 of the Core Strategy and Policies 1, 7, 18 and 19 of Local Plan part 2.

3.5.3 The site lies within Darwen's defined Urban Boundary but is otherwise unallocated. Policy CS1 sets out the principle that development will be concentrated within the urban area. Policy CS5 is relevant to the proposed development insofar as it identifies a need for development to be in sustainable locations and preferably in the inner urban area in order to help stimulate economic change and support overall levels of housing delivery. Policy CS5 has a target requirement of 65% of all new housing to be constructed on previously developed sites. Although outside of the preferred location for new housing within the defined Inner Urban Area, Policy CS5 also directs that new housing will take place in accessible locations elsewhere within the urban area. Accordingly, the proposal is consistent with this policy requirement and with the Core Strategy's overarching aims and objectives of

achieving economic gain through new development and of promoting new house building with the urban areas of Blackburn and Darwen. Moreover, the principle of redeveloping the site for housing is previously accepted by a permission granted in 2011, details of which are set out at paragraph 5.1.

3.5.4 The Core Strategy sets out the principle of housing locations, targets and types. Local Plan Part 2, Policies 18 and 19 guides the principle of conversion to apartments.

3.5.5 Policy 18 directs that new housing should widen the choice of housing types in the Borough, with an emphasis on the delivery of detached and semi-detached housing to be the principle element of the dwelling mix on any site that is capable of accommodating such housing. In the absence of demonstrable targeted accommodation types set out on part (2) of the policy, the proposal should satisfy part (3) which requires apartment development for the general market to be acceptable only where it is the most appropriate form of housing given the local context or the characteristics of the site. Retention and re-use of a quality building advances an argument that the proposal is the optimum solution for the site and is consistent with part (4) of the policy. Moreover the previous approval (2013) for apartment conversion is afforded proportionate weight in the assessment.

3.5.6 Policy 19 states that the Council will only support the development of apartments where they conform with Policy 18 and meet additional criteria in relation to the amenity and character of the surrounding area, where it does not negatively impact on residential amenity and the provision of appropriate parking and refuse facilities. Policy 18 is clear that provision of bedsit accommodation will only be exceptionally supported. The submitted floor plans demonstrate provision of self-contained apartments rather than bedsit accommodation; consistent with the objectives part (i) of the policy. The proposal is also consistent with part (ii) of the policy, in that (in the case of conversion) the property is evidently suitable for conversion without the need for any extensions. Off-street parking spaces for 8 vehicles together with manoeuvring space is provided, in a manner which appropriately safeguards residential amenity and the qualities of the street scene and is, therefore, consistent with part (iii) of the policy. Adequate refuse storage is also provided; consistent with part (iv) of the policy.

3.5.8 Accordingly, the principle of the development is accepted, as consistent with Council's housing strategy, as set out in the Development Plan, and 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:

3.5.9 Amenity

Policy 8 requires a satisfactory level of amenity and safety is secured 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.

- 3.5.10 The submission is considered in context with the application for 6no. dwellings on land to the rear, with regard to separation standards. Separation between the proposed ground floor bedroom of the dwelling at plot no. 1 and directly opposing apartment lounge windows achieves a sub-standard separation of 14m. As the lounge benefits from non-obscure windows to both side elevations, it is considered appropriate to secure non-opening and obscure glazed units to the rear windows to overcome the issue. Separation between the ground floor bedroom window to plot no. 4 and opposing apartment lounge windows in the rear elevation is also sub-standard at 16.5m. Non-opening and obscure glazed units to these windows is also considered appropriate, on account of alternative non-obscure windows serving the room within the side elevations. Such obscure glazed and non-opening units will be secured by condition. Further, it should be recognised that the existing terrace pattern of development features a similar sub-standard separation. Separation between the dwellings and the apartments at ground floor is otherwise acceptable; as in accordance with those directed by the Residential Design Guide SPD.
- 3.5.11 Separation between principle windows to the rear of the dwellings at first and second floor and principle windows to the rear of the apartments is achieved by means of an angled outrigger which features windows facing into each property; thereby avoiding conflict with principle apartment windows. Any overlooking created by proposed first floor amenity space to the rear of the dwellings, in the form of a balcony, will be mitigated by the aforementioned obscure glazed, non-opening windows and balustrades; the material of which will be secured by condition.
- 3.5.12 Windows to the side elevation of no. 98 Watery Lane are recognised. The relationship between the proposed apartment bedroom windows in the opposing side elevation is accepted as presenting a degree of conflict. Such conflict is, however, considered in the context of a pre-existing relationship present during the use of the application site as a school, and more recently as a retail use. Moreover, the proposal is broadly consistent with that previously approved in 2013, which is an important material planning consideration. Accordingly, the relationship is considered to be acceptable.
- 3.5.13 Appropriate communal outdoor amenity space to serve occupants of the apartments will be provided to the rear of building, screened by a suitable boundary treatment to be secured by condition. Bin storage is included therein.
- 3.5.14 Sub-surface ground conditions can be appropriately addressed by application of the Council's standard contaminated land condition; as recommended by Public protection.
- 3.5.15 A degree of disturbance during construction phase of the development is recognised as inevitable. Such disturbance is, however, temporary and considered acceptable, subject to application of a condition limiting hours of construction, and for works to be undertaken in accordance with a submitted

Demolition / Construction Method Statement, in order to secure appropriate noise and vibration protection during construction works.

3.5.16 On balance, the development is considered compliant with the safeguarding amenity objectives of Policy 8, SPD Policies and The Framework.

3.5.17 Highways / Accessibility / Transport

Policy 10 requires that road safety and the safe, efficient and convenient movement of all highway users is not prejudiced, and that appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards.

3.5.18 A Transport Statement is submitted in support of the application. The Statement considers this application site and that of the 6no. dwellings, assessment of which is covered in the corresponding Committee Report (10/19/0843). 8no. dedicated off street parking spaces are to be provided to the rear of the converted building, accessed from Rawlinson Street and Barnabas Street. Such provision is recognised as sub-standard by the Council's Highways consultee, when assessed against the adopted standard which, for the proposed 2 bedroom apartments, requires an allowance of 16no. spaces. Consequently, strong concerns are offered by the highways officer. Whilst this under provision is recognised, on street capacity for circa 4no. spaces is available to the front of the building on Watery Lane - spaces that would otherwise have served the previous retail use. This is a material planning consideration. In addition, circa 6no. spaces on the opposite side of Watery Lane are also available. These spaces are delineated as on-street parking bays. Therefore, notwithstanding the concerns raised by the highway officer, these are not considered to be significantly harmful or detrimental enough to outweigh the benefits of the proposed scheme being brought forward.

3.5.19 Local objection to the application, on the grounds of pre-existing parking problems in the locality have been received. Local circumstances in this regard are influenced by the presence of neighbouring terraced housing reliant on on-street parking and the presence of the Children's Day Nursery opposite the site on Watery Lane which does in fact offer a modest off-street parking / servicing area sufficient for staff members. Further, drop-off and pick-up associated with the Nursery would only be short term and likely limited to hours when local resident parking requirements would not be at an optimum.

3.5.20 Whilst the concerns around highway impact are recognised, it is considered that the identified off-street and on-street provision is, on balance, acceptable, particularly when considered against the following directive of The Framework, at paragraph 109:

*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.*

In this context, insufficient evidence exists to demonstrate that impact would be severe. Consequently, refusal of the application on the single ground of unacceptable highway impact is considered to be unwarranted.

3.5.21 Moreover, weight is attached to the applicants assertion that the viability of this scheme and that of the proposed 6no. dwellings, are mutually dependant on each other, and the sustainability credentials of the proposal; taking into account the sites proximity to public transport routes along the A666; the contribution to economic growth and environmental gain resulting from redeveloping the unused site and the social benefits of delivering of accommodation of a type to meet specific needs.

3.5.22 Vehicular access points into the parking spaces will be taken from a new access from Barnabas Street and an existing access from Rawlinson Street. Formally constructed vehicular crossings will be required; preferably in the form of dropped crossing points. Full technical details will be secured by condition.

3.5.23 On balance, compliance with Policy 10 and The Framework is achieved.

3.5.24 Design / Character and Appearance

Policy 11 requires a good standard of design and will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area.

3.5.25 The building is recognisable for its imposing scale within the street scene and stone elevations. Alterations will appropriately be kept to a minimum, limited to introduction of additional windows to the side and rear elevations, necessary to facilitate the sub-divided residential conversion. These openings are accepted as entirely proportionate and consistent with the existing; subject to a condition to secure submission of window surround and frame details.

3.5.26 Appropriate enclosure of the communal area to the rear of the building will be secured by a boundary treatment condition.

3.5.27 A landscaping scheme, secured by condition, will visually enhance the site to the rear and serve to contribute towards biodiversity measures.

3.5.28 Compliance with Policy 10, SPD Policies and The Framework is achieved.

3.5.29 Summary

This report assesses the full planning application for the residential development of land to the rear of the St. Barnabas Warehouse, Watery Lane, Darwen. In considering the proposal, a wide range of material considerations have been taken into account to inform a balanced recommendation that is considered to demonstrate compliance with the Local Development Plan and The Framework, in support of the Council's strategic growth objectives; central to which is the borough's housing needs.

## **4.0 RECOMMENDATION**

4.1 Delegated authority is given to the Director for Growth and Development to approve planning permission, subject to conditions which relate to the following matters:

- Commence within 3 years
- Submission of materials relating to window headers, sills and frames
- Submission of boundary treatments
- Submission of a landscaping scheme
- Foul and surface water to be drained on separate systems
- Submission of highway infrastructure engineering details including vehicle crossing construction
- Submission of a Construction Management Statement
- Visibility splays not to be obstructed by any building, wall, fence, tree, shrub or other device exceeding 1m above crown level of the adjacent highway
- Contaminated land - submission of detailed proposals for site investigation
- Contaminated land – submission of validation report demonstrating effective remediation
- Unexpected contamination
- Limited hours of construction:
  - 08:00 to 18:00 Mondays to Fridays
  - 09:00 to 13:00 Saturdays
  - Not at all on Sundays and Bank Holidays
- Development in accordance with submitted details / drawing nos.

## **5.0 PLANNING HISTORY**

5.1 10/11/0053 - Conversion of existing building (formerly St Barnabas Old School) into 10no. apartments and the erection of 4no. terraced houses. Approved under delegated powers.

## **6.0 CONSULTATIONS**

### Public Protection

No objection subject to conditions:

#### 6.1.1 *Air Quality*

- Provision of a dedicated electric vehicle charging point at all dwellings.
- Limitation of gas powered boiler types to control emissions.

#### 6.1.2 *Contaminated Land*

- Submission of detailed proposals for site investigations.
- Submission of validation of remedial measures.

- Unexpected contamination.

6.2 Environmental Services

Bin storage query.

6.3 Highways Authority

Objection offered based on inadequate off-street parking provision; on street capacity at a limit and highway safety.

6.4 Strategic Housing

Principle accepted subject to demonstrable demand and policy compliance.

6.5 Public consultation has taken place, with 53 letters posted to neighbouring addresses and display of three site notices on 26<sup>th</sup> September 2019. In response, 5 objections were received which are shown within the summary below. In addition, an objection has been received from the Ward Councillor, as summarised in Section 9.

**7.0 CONTACT OFFICER: Nick Blackledge – Planner, Development Management.**

**8.0 DATE PREPARED: 7<sup>th</sup> November 2019.**

## 9.0 Summary of Representations

Councillor Colin Rigby, 13<sup>th</sup> September 2019:

This appears to be overdevelopment of the site. There is minimal information available, it is not possible to comment without the necessary information

Objection – Mrs Rebecca Cooper, Barnabas House, Watery Lane, Darwen. Rec – 30/09/2019

Planning application 10/19/0843 and 10/19/0842.

I email today with regard to the above planning permission proposals, I am the proprietor of Barnabas House Private Day Nursery which is positioned directly opposite 10meters away from the proposed planning site. The nursery has operated for over 30 years it has a registration for 59 children per day, fulltime and sessional care is offered, Monday to Friday from 7.30am until 6.00pm for 51 weeks of the year. I have looked at the proposals and strongly object to several of them I have listed my objections below and the reasons why and would implore you to consider these objections at your planning decision meeting.

The nursery has never received a proposal letter informing us of the site intentions.

The Transport statement provided by Croft to assist the local planning authority is very in-depth and recognises plenty of Whitehall's local amenities but appears to have overlooked the very busy children's day nursery across the road.

Watery lane is a very busy area consisting of various commercial, religious, two childcare providers and pleasure amenities all within 100 meters of the above proposed development's, these include; children's playground and sports facilities, park's, two fishing lodges, St Barnabas church, Out of school childcare facility, 59 place children private day nursery, two motor vehicle premises, a waste facility and various other independent commercial units.

The statement refers to on road parking adjacent to the warehouse 6 spaces have been identified on the plan for the use of apartments this is at the very entrance and driveway to the nursery which parents use to drop off and collect their children all day every day when the nursery is in operation.

This on road parking has a Mon -Sat 8am - 6pm 30 mins restriction notice. This notice was put in place due to double parking as the road is caused to narrow considerably making it dangerous when exiting or entering you car. The warehouse was a pine furniture shop there has never been any long term parking outside either of the two businesses.

Watery lane in the last ten years has become a very busy cut through road to which we have notified the highway's department on several occasion's with concerns with speed and the density of traffic.

The planning permission advises there will be 6 three bedroom new dwellings when all through the Transport statement provided they are referred to as 4 bed room new dwellings. Please can you confirm the correct number of bedrooms.

Car parking spaces for 6 three bedroom dwellings requirements  $2.50 \times 6 = 15$ . Spaces per dwelling four bedroom house  $2.75 \times 6 = 16.5$ , the transport statement has only provided spaces for 12 cars. A further 8 car parking spaces are required for the apartments  $1.5 \times 8 = 12$  the site is clearly overdeveloped. This creates a total of 28.5 car parking spaces which is not reflected in any of the above applications.

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Objection – Keith Bailey, 94 Watery Lane, Darwen. Rec – 27/09/2019

Dear Sirs,

I am writing to you in connection with the letter I have received regarding the planning application ref No 10/19/0842 and Ref No 10/19/0843 at Watery Lane, Darwen BB3 2EB.

As this property is attached to my property I have concerns about the noise levels of not only the noise of the building works that are proposed but also the noise levels that travel through the walls and floors that are joined to my property as the floor levels are about half way up the adjoining wall and would affect the lounge and drawing room of my property and also 3 No of the bedrooms of which there are childrens bedrooms on the adjoining walls.

I have concerns about the parking and the amount of extra cars and vans this will create and the disruption this will cause to our standard of living. We have had to cope with the building works that both the applicants have recently undertaken at Balmoral Gardens and still have the unsightly mess they have left at the back of my house. We have put up with the noise and mess caused for over 12 months now and when we have spoken to them nothing ever gets done.

I also have concerns about the hours that the work will be carried out over, as i stated above the works carried out on Balmoral Gardens, they would start work at 6.30 am and would work 7 days a week. This is not acceptable to me.

We appreciate that work has to be done and we don't want to object to the proposed conversion but would like some considerate contractors that will speak to us and respect that this is our home and would like to be able to live a life without disruption.

As for the proposed House to be built at the rear of my property I have concerns over the height of these as this again will invade the privacy of the rear of my property as we are not over look. Can i also ask if the trees that are existing at present to be felled?

I look forward to your response of my concerns, not objections and look forward to hearing from either the planning department, or from the 2 No Contractors invlved with the project.

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Objection – Sheila Singleton. Rec – 27/09/2019

I am concerned about parking abilities and can I suggest removing double yellow lines on Rawlinson st as it is no longer a bus route and perhaps make it one way going up off watery lane

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Objection – Mrs Janette Cocker, 16 Kirkdale Close, Blackburn. Rec – 18/09/2019

Planning application 10/19/0842

I live in Kirkdale Close and am objecting about 8-2 bed flats with car parking for 2 cars per flat. I understand it previously had planning permission for 6 -2 bed flats with car parking which has expired. I have no objection to it becoming flats, but 6 rather than 8 s parking is an issue.

I walked past on my way to the Post Office this morning and saw a Flitcroft van outside and people working in it. Objections have to be in by the 1<sup>st</sup> October so how come they are being allowed to work on it before planning permission is granted.

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Objection – Lynn Holden, 84 Watery Lane, Darwen. Rec – 15/09/2019

How can this application be passed? Have you seen this street we can't park the cars we have at the minute let alone another 14 homes. The street behind is full also and the side streets are double yellow lines for some reason. And we only have single file parking. So I oppose both off these applications

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