



REPORT OF: Executive Member for Regeneration

TO: Council Forum

ON: 26th January 2012
(Previously Regeneration Senior Policy Team 14
November 2011; Executive Board 8 December 2011 –
see appended report)

SUBJECT: Interim Planning Policy for Whalley Range and Victoria Street

1. PURPOSE OF THE REPORT

1. To invite Council Forum to note the recommendation made at Executive Board to adopt the Interim Planning Policy for Whalley Range and Victoria Street.
2. To invite Council Forum to adopt the Interim Planning Policy for Whalley Range and Victoria Street as Council policy.

2. OPTIONS

The only other option is to not adopt the interim planning policy. This would result in having to solely rely on the existing saved Local Plan policies which were adopted prior to the establishment of many of the issues that the interim policy seeks to address. This would result in a weaker basis for making Development Management decisions and increase the risk for inconsistent decision-making and potentially adverse appeal decisions. It is not recommended.

3. RECOMMENDATIONS

1. To note the recommendation of the Executive Board to adopt the Interim Planning Policy for Whalley Range and Victoria Street.
2. To adopt the Interim Planning Policy for Whalley Range and Victoria Street as Council policy.

4. BACKGROUND

The interim planning policy is presented for adoption as Council policy. This will give it "weight" as a material consideration in making decisions on planning applications under Section 38(6) of the Planning and Compulsory Purchase Act 2004. The weight given to the interim policy in any particular case will be a matter for the decision maker (officers or the Planning and Highways Committee) at that time.

Full detail of the background to this recommendation is contained in the Executive Board report which is appended.

5. RATIONALE

Detailed in the appended Executive Board report.

6. POLICY IMPLICATIONS

Detailed in the appended Executive Board report.

7. FINANCIAL IMPLICATIONS

None.

8. LEGAL IMPLICATIONS

Detailed in the appended Executive Board report.

9. RESOURCE IMPLICATIONS

Detailed in the appended Executive Board report.

10. EQUALITY IMPLICATIONS

None.

11. CONSULTATIONS

Detailed in the appended Executive Board report.

Cllr Dave Harling Executive Member Regeneration

Contact Officer:	Simon Dunne, Planning Policy Officer, ext 5344.
Date:	12 January 2012
Background Papers:	Interim Planning Policy for Whalley Range and Victoria Street Draft Whalley Range / Victoria Street Interim Planning Policy Whalley Range/Victoria Street Retail Strategy 2009 Summary of consultation responses and proposed actions (Appendix 1) Identified issues and proposals (Appendix 2)



EXECUTIVE MEMBER BRIEFING PAPER

TO: Executive Member
FROM: Strategic Director for Regeneration
DATE: 8th December 2011

PORTFOLIOS AFFECTED:

Regeneration

WARDS AFFECTED:

Bastwell, Shear Brow

KEY DECISION: Yes

SUBJECT: Interim Planning Policy for Whalley Range and Victoria Street

1. PURPOSE

To seek approval of the proposed interim planning policy for Whalley Range and Victoria Street including amendments that took place following consultation.

2. RECOMMENDATIONS

1. For the Executive Board to approve amendments to the draft interim planning policy that took place following consultation.
2. That the Council adopts the interim planning policy for Whalley Range and Victoria Street as Council policy and attaches very significant weight to it as a material consideration in the determination of planning applications for Whalley Range and Victoria Street.

3. BACKGROUND

Background

Whalley Range and Victoria Street are designated as Major Neighbourhood Centres (MNCs) within the Borough's retail hierarchy according to saved Local Plan policies. The Borough's recently adopted Core Strategy confirms that policies for MNCs will be retained as part of the Borough's Development Plan until they are superseded by the Site Allocations and Development Management Policies DPD which is not scheduled to be adopted until late 2013.

Whalley Range/Victoria Street form a non-contiguous linear alignment of mostly retail development approximately 250 metres north of Blackburn Town Centre and separated by Barbara Castle Way. The location of Whalley Range/Victoria Street appended to Blackburn Town Centre makes it a unique resource.

Pressures

In 2009 the Council commissioned Steven Abbott Associates to prepare a retail strategy for Whalley Range/Victoria Street looking at the retail potential and the health of the two centres. The report concluded that there was retail capacity for an additional 1300 sq m of floorspace and that the two centres were different from other neighbourhood centres in that they had a Borough or town-wide role in terms of ethnic shopping.

The retail strategy followed from a number of planning issues arising in recent years in relation to development pressures and opportunities outside the defined boundaries of the centres as well as the appropriateness of existing policies in view of the special characteristics of the two centres.

Draft interim planning policy and consultation

A draft interim planning policy approach for dealing with the issues and recommendations for Whalley Range/Victoria Street was initially approved by the Executive Member for Regeneration on 20th June 2011, along with plans for the implementation of an accompanying consultation strategy.

4. RATIONALE

Immediate approach

The purpose of the interim planning policy is to address some of the issues which have come forward since the adoption of the Local Plan in advance of the adoption of the Site Allocations and Development Management Policy DPD. The interim planning policy if adopted by the Council will be a material consideration of significant weight for planning applications but will not have development plan status.

Consultation Strategy

Following approval by the Executive Member for Regeneration, a consultation strategy took place over a period of four weeks from 22nd June to 20th July 2011.

The consultation strategy included:

- A press release in the local press and flyer distribution declaring the Council's intention to consult on the interim planning policy.
- Questionnaires distributed for feedback from potential stakeholders on issues and proposals set out in the interim planning policy.
- Question and answers session held at Shear Brow ward solutions meeting on 25th July 2011.
- Presentation boards erected in Bangor Street Community Centre outlining issues and proposals set out by the interim planning policy.
- Weekly drop-in session held at Bangor Street Community Centre giving

stakeholders the opportunity to ask questions and respond to the interim planning policy.

Following the implementation of the consultation strategy concerns were raised that some community groups potentially affected by the adoption of the interim planning policy may not have been fully included in the consultation process. Therefore a further public consultation workshop was held on 5th October 2011 at the Galaxy Centre, St Michael with St John Primary School, Blackburn.

A summary of consultation responses and proposed actions are contained within Appendix 1.

Longer term approach

The approach outlined in this report is intended to be an interim planning policy response to new issues which are not covered by the Council's Development Plan. It is intended that the Site Allocations and Development Management Policies DPD will provide a suitable longer term policy approach. Preparation of this DPD has already begun.

The proposed approach is considered to provide the most efficient and effective way of dealing with issues identified through the evidence base in relation to Whalley Range/Victoria Street. It also provides a robust basis for making Development Management decisions for the Whalley Range and Victoria Street area to ensure that growth is managed in a sustainable measured way.

5. KEY ISSUES

A number of issues were identified and proposals will be put forward in the interim planning policy. These proposed actions are shown at Appendix 2.

Risks

The risks of not adopting the interim planning policy involve solely relying on the existing out of date Development Plan which was adopted prior to the establishment of many of the issues identified by this Briefing Paper. This would result in an unnecessarily weak basis for making Development Management decisions which would increase the risk for inconsistent decision-making on a weak evidence basis and could result in policy being determined by appeal decisions.

There are no risks associated with implementing the interim planning policy.

6. POLICY IMPLICATIONS

The recommended interim planning policy approach adds an extra guidance to existing Development Plan policy for Whalley Range and Victoria Street. Furthermore it will help inform the preparation of the Site Allocations and Development Management Policies DPD.

7. FINANCIAL IMPLICATIONS

None.

8. LEGAL IMPLICATIONS

The interim planning policy was subject to public consultation before being presented for adoption.

The interim planning policy is a material consideration in making decisions on planning applications as stated by Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that "where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise. The material weight given to the interim policy will be a matter for the decision maker at that time.

9. RESOURCE IMPLICATIONS

The Council's Watford Street site and the extended area of pavement to the east of Victoria Cross will become part of the district centre for Whalley Range and Victoria Street, and are identified as development opportunities in the interim planning policy. This increases the sites' status in planning terms and offers more certainty for developers looking to redevelop them.

10. EQUALITY IMPLICATIONS

None.

11. CONSULTATIONS

Public consultation took place over a period of four weeks from 22nd June to 20th July 2011, with a final consultation workshop on 5th October 2011. Details are presented under the Rationale section.

Internal consultation has taken place with Development Management, Capita Highways and ward councillors from Shear Brow and Bastwell regarding the issues and recommendations stated in this Briefing Paper.

Signed:	Signed:
Director HR & Legal Services:	Director of Finance:
Date:	Date:

CONTACT OFFICER: Simon Dunne
DATE: 21/10/11
BACKGROUND PAPER: Interim Planning Policy for Whalley Range and Victoria Street
Draft Whalley Range / Victoria Street Interim Planning Policy
Whalley Range/Victoria Street Retail Strategy 2009
Summary of consultation responses and proposed actions (Appendix 1)
Identified issues and proposals (Appendix 2)

Form Reference: Executive Member Briefing Paper July2011 Version 0.3