

Proposed development: Full Planning Application for Change of use from vacant yard to car sales

Site address: Atlas Works, River Street, Blackburn, BB1 1EG

Applicant: Eanam Garments

Ward: Audley

Councillor Yusuf Jan-Virmani	
Councillor Zamir Khan	
Councillor Salim Sidat	



1.0 SUMMARY OF RECOMMENDATION

1.1 Approve - Subject to the conditions detailed in paragraph 4.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 The proposed use is located in a sustainable urban location and would support the governments vision of a competitive economy. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The proposal relates to the former service yard area of the adjacent mill building. The mill has been subdivided into smaller light industrial units. New vehicular access points have been incorporated into the building which serve the subdivided units, removing the need for the service yard subject of this proposal.

3.1.2 The application site is located within a mixed residential/ commercial area, with dwellings adjoining the site on River Street, light industrial uses within the neighbouring mill and an industrial unit to the cul de sac end of River Street.

3.2 Proposed Development

3.2.1 Retrospective consent is sought for use of the yard area for the sale of cars. A Transport Statement submitted with the application confirms that the yard currently stores 15-20 vehicles at any one time, and attracts no more than 3 or 4 customers a week. The movement of vehicles is limited to 1 or 2 per fortnight and vehicles are driven to the yard without the need for a car transporter.

3.3 Development Plan

3.3.1 The following policies are of relevance:

Core Strategy:

CS1: A Targeted Growth Strategy.

Local Plan Part 2:

1 – The Urban Boundary

8 – Development and People.

10 – Accessibility and Transport.

3.4 Other Material Planning Considerations

3.4.1 The National Planning Policy Framework (NPPF) is also material in assessment of the application.

3.5 Assessment

3.5.1 The main issues in the assessment of this proposal are principle of use, highway safety and residential amenity.

- 3.5.2 The NPPF seeks to build a strong, competitive economy in order to create jobs and prosperity and the government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Significant weight should be placed on the need to support economic growth through the planning system. This matter is considered sufficient to outweigh the previously refused planning applications for car sales at the site, please refer to paragraph 5.0 for further detail.
- 3.5.3 The site is located within the Inner Urban Area of Blackburn and has no specific designation in the adopted Local Plan Part 2 (LPP2). Policy 1 of LPP2 and CS1 of the Core Strategy state the Urban Area to be the preferred location for new development. The proposed use would support the government's vision of a competitive economy in a sustainable urban location and is therefore supported, subject to other relevant policies of the development plan.
- 3.5.3 Policy 10 of LPP2 supports new development provided road safety and the convenient movement of all highway users is not prejudiced, appropriate provision is made for vehicular access, car and cycle parking. Local residents have raised concern to the proposal on such grounds.
- 3.5.4 Retrospective consent is sought for use of the former mill yard area for the sale of cars. Access to the site is as existing via River Street. The applicant has confirmed that sale cars will be driven to the application site; 1 or 2 per fortnight, and that a car transporter is not required for servicing purposes. The submission also states that the yard will store up to 20 vehicles at any one time and attracts no more than 4 customers a week.
- 3.5.5 Vehicle tracking drawings submitted to support the previous planning application have confirmed that car transporters cannot access and exit from the site in forward gear. The resultant impact being that, if delivering to the site, transporters must unload from the road, being either River Street or Higher Audley Street. This would obstruct the highway and place increased pressure on River Street which is used as a means of access for adjacent dwellings and businesses. Furthermore, on street servicing would encourage dangerous reversing manoeuvres from/ to Higher Audley Street.
- 3.5.6 Notwithstanding this, based on the information provided by the applicant, the scale of the business is considered to be small. The commitment to driving cars to site made by the applicant would safeguard highway safety, frequency of deliveries is also small and resultant disruption, even if a car transporter were to be used for servicing, would be low. The applicant has given assurance that sale cars will be driven to the site, and it is advised that a condition be imposed to this effect.

- 3.5.7 With regards to car parking, 4 parking spaces (including 1 disabled space) are shown on plan to be provided adjacent to the site for staff and visitors. This amount of provision is considered acceptable for the use applied. The Highway officer considers it necessary that these spaces be available at all times and not used for the sale of cars.
- 3.5.8 Policy 8 supports new development provided there is no unacceptable impact to the amenity of surrounding land uses. Given the nature of the proposal, it is considered that the amenity of adjacent residents by virtue of noise and general disturbance created by the use itself would be minimal. Indeed, Environmental Protection has no objection to the scheme.
- 3.5.9 Given the objection relating to late night use of the application site, an hours of use restriction is suggested and can be controlled by condition.

4 RECOMMENDATION

- 4.1 Approve, subject to the following conditions:
- No vehicles shall be moved to or from the application site by car transporter.
 - Car sales shall be restricted to the sales compound area only as defined by the red edge on drawing number 02.
 - Car parking annotated as 'Car parking for Car Sales' on drawing number 02 shall be made available to visitors at all times and shall not be used for the sale of vehicles.
 - The use hereby approved shall only be open to the public and deliveries to or from the application site shall only take place between the hours of 08:00 – 18:00 Monday to Sunday.

5 PLANNING HISTORY

- 5.1 10/12/0088 - Retrospective application for change of use from vacant yard to car sales – refused by May 2012 Planning and Highways Committee for the following reason:
The proposal does not provide for an appropriate vehicular access to the site and would displace delivery vehicles to River Street, thereby prejudicing road safety and efficient and convenient movement of all highway users. To this extent the proposal does not provide for an appropriate access arrangement, contrary to saved Policy T9 of the adopted Blackburn with Darwen Borough Local Plan.
- 5.2 10/11/0605 – retrospective application for change of use from vacant yard to car sales – refused for the following reason,
The proposal does not provide for an appropriate vehicular access to the site and would displace delivery vehicles to River Street, thereby prejudicing road safety and efficient and convenient movement of all highway users. To this extent, the proposal does not provide for an appropriate access arrangement, contrary to saved Policy T9 of the adopted Blackburn with Darwen Borough Local Plan.

6 CONSULTATIONS

6.1 Capita Highways:

- Have raised objection to the proposal.
- No arrangements shown for servicing of the site by car transporters off the highway. There is a concern that delivery transporters will be required to undertake a reversing manoeuvre onto Higher Audley Street which must be avoided.
- The applicant has not provided details of how the cleaning of, maintenance and servicing of vehicles will take place.
- The applicant has not clearly provided details of visitor parking arrangements. Submitted drawings annotate 'car parking for car sales' in the parking area to the opposing side of River Street. This area is leased by the Council and shall not be used for the sale of vehicles.

6.2 Public Consultations

Letters were issued to properties adjacent to the application site, a site notice was also erected. A single letter of objection was received referring to concerns of increased parking on River Street. A 8 named objection petition has also been received relating to existing congestion problems resultant from businesses on River Street, River Street being used to test drive vehicles, movement of vehicles and revving of engines at 4am, cars blocking residents driveways.

7 CONTACT OFFICER: Robert Buffham, Principal Planning Officer.

8 DATE PREPARED: 31st May 2016.

Summary of Representations

RECEIVED
16 MAY 2016

Mrs. S. Clemenson
21, River Street,
Audley
Blackburn
Lanc's
BB1 1EG

Application Ref
10/16/0398

Has you can see i Live on
the same street as the propos-
ed car sales company. He
opened a car sales there
a few years ago and it
was a nightmare cars parked
everywhere not being able to
get in or out of my property.

It's only a small street
and the yards not very big
so the overflow is parked
everywhere and then there
are customers who not only
park there cars haphazardly
but use the opportunity to

throw there rubbish any-
where they can. I'm sorry to
be so negative but I'm
disabled and it's difficult
to climb over fences to get
into my property. Thankyou

yours sincerely

Petition

15th May 2016

Suhail Dadhiwala
22 River Street
Lower Audley
Blackburn
Lancs
BB1 1EG

To whom it may concern,
I write this letter in order to contest the application referenced 10/16/2398 made by Eanam Garments to Blackburn with Darwen Borough Council.

Reasons as to why we as a Street feel the acceptance of this particular application is not suitable are as follows:

The Street only has one entrance/exit.

There is already vehicle congestion due to four open businesses at the top of the Street as well as a factory at the bottom which daily has wagon deliveries waiting outside it's locked gates.

Vehicles from Jans Conference Hall use the Street for parking when weddings and other busy functions take place,

Eanam Garments are already often allowing test driving of vehicles down the Street using resident driveways as a turning point, including inexperienced learner drivers.

Often at four AM there are vehicles being moved and revving of engines,

although signs state resident parking only there are on a daily basis cars parked from Eamonn Gorman blocking residents driveways making accessing their home difficult especially for the residents who suffer with various medical issues such as arthritis.

The Street strongly wishes to contest the application because although there are businesses situated on the street it is still very much a residential area and a car sales unit will only cause more distress to all residents and further congestion as well as damage possibly caused to residents vehicles which has happened before.

Below are the signatures of residents wishing to protest this application.

18 River Street, BBI 1EG -
20 River Street, BBI 1EG -
22 River Street, BBI 1EG -
24 River Street, BBI 1EG -
25 River Street, BBI 1EG -
23 River Street, BBI 1EG -
21 River Street, BBI 1EG -
19 River Street, BBI 1EG -
23 River Street, BBI 1EG -