

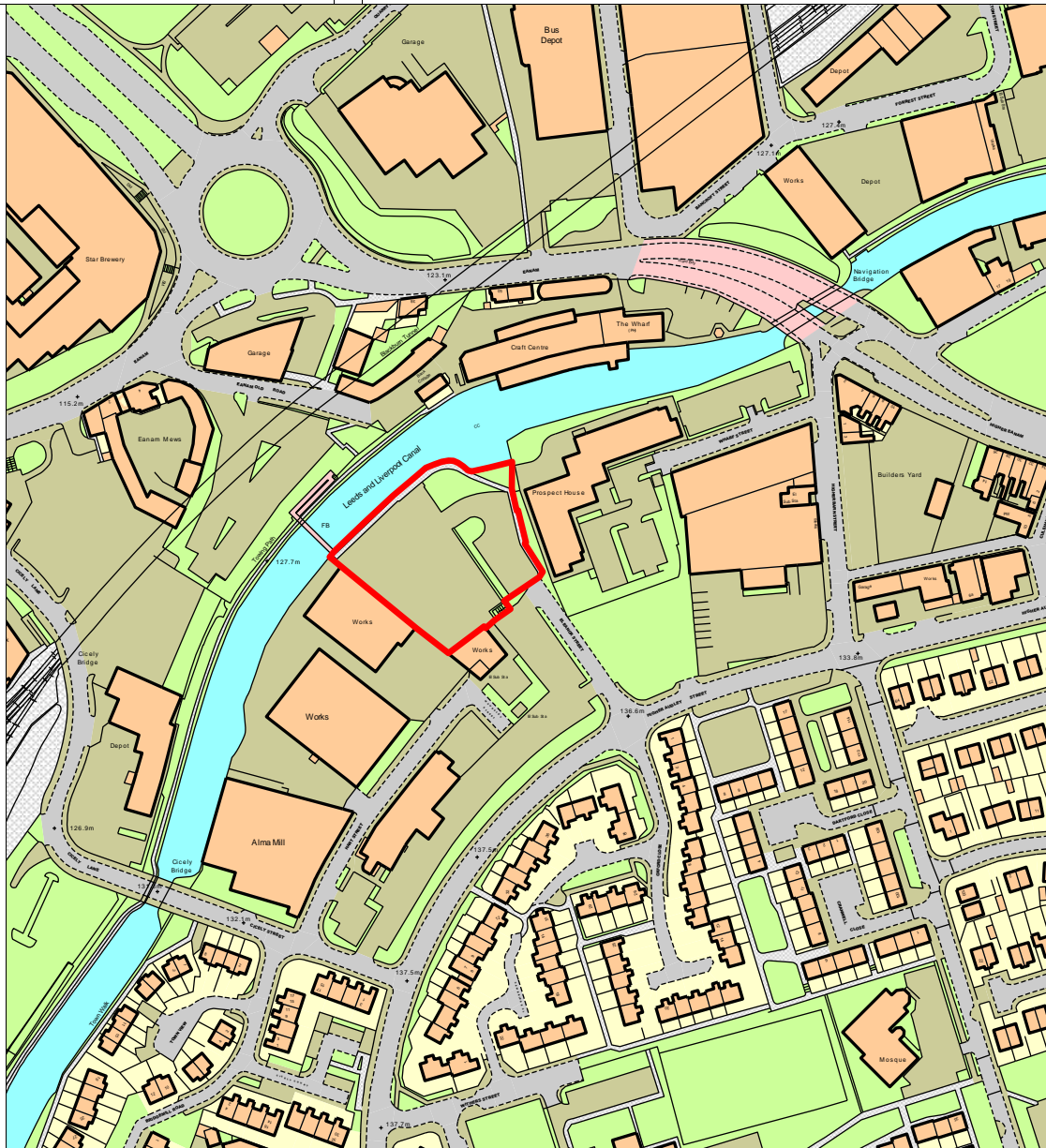
Proposed development: Outline Planning Application for a 4 storey 88 bed care home.

Site address: Land Off, Eleanor Street, Blackburn, BB1 1JD

Applicant: Father Mckenzie Holdings Ltd

Ward: Audley

Councillor Yusuf Jan-Virmani	
Councillor Zamir Khan	
Councillor Salim Sidat	



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to condition.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 The main issues that are fundamental in the assessment of this proposal are:

- Principle of the development.
- Amenity of prospective occupants and neighbours of the development.
- Heritage and Design.
- Highways.
- Ecology.

2.2 In assessing the planning balance of the proposed development, it is considered that the proposal supports the Council's requirement from the Strategic Commissioning People's demand in the medium term, in terms of the number of bed spaces for this particular type of accommodation. The principle of the proposal is considered acceptable in this location, in accordance with the targeted growth strategies advocated in the Core Strategy and Local Plan Part 2. The site is considered 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/reserved matters submission.

2.3 Members will recall this application being deferred from the July Planning and Highways Committee to enable consideration of late comments submitted by Strategic Housing, Strategic Commissioning People.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site is located to the east of Blackburn Town Centre, being bound by the Leeds and Liverpool Canal to the north, Twin Valley Homes office accommodation to the east and industrial premises (Spice Factory) to the west. The site lies adjacent to the Eanam Conservation Area and Listed Buildings are located to the east on the opposing side of the Canal.

3.1.2 The site itself is now vacant, remnants of a demolished mill building walls are all that remain. The building footprint has been tarmacked and parking bays associated with a former coach park are delineated. Vehicular access is currently via Eleanor Street/ Higher Audley Street from the south.

3.2 Proposed Development

- 3.2.1 Outline planning consent is sought for an 88 bedroom care home facility. In addition to the principle of use, the application seeks confirmation with regards to access, layout and scale, with matters of appearance and landscaping reserved for future determination.
- 3.2.2 Indicative elevation drawings depict the building to be 4 storeys in height, with vehicular access being via that existing from Eleanor Street/ Higher Audley Street. The building is sited in an L-Shaped footprint adjacent to the canal and neighbouring industrial building, with landscaped amenity space to the canal frontage. There is also amenity space, car parking and servicing area located to the rear of the building. A pedestrian footpath is proposed to the eastern side of Eleanor Street, linking to the main entrance of the proposal and to the footbridge over the canal.

3.3 Development Plan

- 3.3.1 The Development Plan comprises the Core Strategy and adopted Local Plan Part 2 – Site Allocations and Development Management Policies. In determining the current proposal the following are considered to be the most relevant policies:

3.3.2 Core Strategy (January 2011):

- CS1 – A Targeted Strategy
- CS15 – Protection and Enhancement of Ecological Assets
- CS16 – Form and Design of New Development
- CS17 – Built and Cultural Heritage
- CS19 – Green Infrastructure
- CS21 – Mitigation of Impacts/ Planning Gain

3.3.3 Local Plan Part 2 (December 2015):

- Policy 1 – The Urban Boundary
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 38 – Green Infrastructure
- Policy 39 – Heritage
- Policy 40 – Integrating Green Infrastructure & Ecological Networks with New Development
- Policy 47 – The Effect of Development on Public Services

3.4 Other Material Planning Considerations

- 3.4.1 Residential Design Guide Supplementary Planning Document (September 2012). This document provides targeted advice to ensure high quality new homes. It ensures that new development reflects the individual and collective character of areas of the Borough and promotes a high standard of design. The document also seeks to

ensure a good relationship between existing and proposed development in terms of protecting and enhancing amenity.

3.4.2 National Planning Policy Framework (NPPF). In particular Section 6 which relates to delivering a wide choice of high quality homes and Section 8 which relates to promoting healthy communities.

3.5 Assessment

3.5.1 The main issues pertinent in the assessment of this proposal are:

- Principle of the development.
- Amenity of prospective occupants and neighbours of the development.
- Heritage and Design.
- Highways.
- Ecology.

3.5.2 Principle:

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 are of relevance and state that the urban area is to be the preferred location for new development. The principle of a care home development on the site is therefore acceptable, subject to other relevant policies and material planning considerations.

3.5.3 Policy 47 of LPP2 seeks to ensure that development meets the needs of the local populous in the first instance. Importantly there is concern for development which ostensibly provides accommodation or services used by vulnerable people, but which is provided in an ad-hoc way with little or no reference to wider strategies for commissioning support services. This can result in users going on to require a wide range of other support services provided by the public sector and placing greater pressure on such services.

3.5.4 Concern has been raised by the Housing and Care Project Manager on such grounds, stating that there is no present need for a care home. It is reported that the proposal would place pressure on the existing residential care market within the Borough and result in inward migration of frail elderly people from surrounding areas, and that this would create risks to both Social Care and Health budgets. It is estimated that the development could result in an additional pressure of £1 million+ per annum for Social Care.

3.5.5 The updated statistics provided by the Strategic Housing, Strategic Commissioning People section indicate a deficiency of 6 bed spaces by 2020, increasing to 181 by 2025. The development could therefore contribute toward meeting this demand in the medium term. Due to the need for subsequent reserved matters determination, condition discharge and construction period, the development is not likely to be available for immediate occupation which will act to take the

completion/ occupation date of the care facility closer toward 2020, if not beyond. In addition to this, the applicant has agreed to enter into a Legal Agreement which restricts occupation to those from within the Local Authority Area only. It is considered that the revised Legal Agreement provides sufficient justification to support the proposal. Indeed the Strategic Housing, Strategic Commissioning People section has removed their initial objection to the proposal, being satisfied that the revised Legal Agreement provides a sufficient focus on local residents to mitigate the budget concerns raised. The Planning Authority will need to ensure any future applications for residential care/ extra care are subject to detailed assessment against need of such provision in order to manage the risks of oversupply and potential impact to budgets and public services.

3.5.6 Amenity:

Policy 8 of LPP2 supports new development where it can be demonstrated that it would secure a satisfactory level of amenity for surrounding uses and for occupants of the development itself. This could relate to the physical presence of the proposal/ surrounding buildings and potential impacts by way of dominance, loss of light, and overshadowing or disturbance by activity associated with the development or adjacent land uses. An adjacent business has commented that their practises are noisy and should be considered in assessment of the proposal.

3.5.7 Additional advice is contained within the Residential Design Guide SPD relating to separation distances of new proposals to existing housing.

3.5.8 The care home would be located within a mixed use area, being bound immediately by office accommodation and a spice factory, a dwelling and office accommodation are located to the opposing side of the Canal.

3.5.9 The opposing dwelling has a front facing aspect over the canal with ground and first floor habitable room windows within the front elevation. 1st, 2nd and third floor lounge/ dining windows within the proposal overlook this property. Separation of the proposal to this neighbour is approximately 30m and accords with the SPD guidance, ensuring an acceptable relationship to this property which minimises amenity impact.

3.5.10 The commercial nature and building interface distances are considered sufficient to ensure an acceptable relationship of the proposal to other neighbours of the application site.

3.5.11 The applicant has submitted noise and odour reports in support of the proposal. The reports consider likely disturbance for residents of the care facility from neighbouring land uses and offers measures to safeguard against noise and odour concerns, including mechanical ventilation and double glazing. It is considered that the mitigation

measures suggested by the reports will protect amenity of residents, indeed the Head of Public Protection has no objection to the proposal, subject to condition of such measures. It is inevitable that there will be some disruption for occupants of adjacent premises during the construction period. This disruption however is temporary, for duration of the build and is therefore acceptable. Conditions can be imposed to reduce this disruption for neighbours and construction hour's restriction, wheel wash facility and dust suppression controls are recommended.

3.5.12 Heritage and Design

The application site is located adjacent to the Eanam Wharf Conservation Area where there are a number of listed buildings to the east adjacent to the canal. Policies 11 and 39 are of particular relevance to this assessment. Policy 11 requires all new development to present a good standard of design which demonstrates an understanding of the wider character and makes a positive contribution to the local area. Policy 39 requires new development to sustain or enhance the significance of the asset, substantial harm from development within the setting of an asset will only be permitted in very exceptional circumstances.

3.5.13 With regards to design, the application seeks matters relating to siting and scale, reserving appearance of the building for subsequent reserved matters assessment. The proposal seeks consent for a 4 storey development which has a landscaped front facing aspect toward the canal and conservation area. Car parking and service yard areas are located to the rear of the building. A Heritage Statement has been submitted with the application. The applicant has provided visuals of the development to illustrate external appearance of the development within the conservation area/ listed building setting.

3.5.14 Initial concerns were raised by the Design and Conservation officer to the scale and massing of the proposal and impact this would have on the setting of the conservation area/ listed buildings. Notwithstanding this, the additional visuals submitted by the applicant demonstrate that a building of this size could assimilate into this surrounding, subject to satisfactory elevation treatment. Furthermore, it is considered that there is a mix of building proportion in the locality, ranging from a traditional 2 storey dwelling to much larger industrial and office accommodation adjoining the application site. A 4 storey building on the site is not therefore considered out of character with the scale/ mass of other properties in the locality. In addition, planning history on the site indicates support for a much larger 6 storey apartment development, which was assessed to have no significant impact on the conservation area/ listed building to warrant refusal of the scheme. Layout is supported, and provides an outward facing development to the canal corridor and conservation area, hiding the less aesthetic elements of the scheme (parking, service areas) behind the building.

3.5.15 On balance, it is considered that the scale and siting of the proposal are acceptable, subject to detailed assessment of appearance. The Strategic Housing team has raised concern with regards to the internal layout and location of the development being adjacent to commercial development. Revised floor plans indicate provision of extensive lounge and dining areas on all floors, external private amenity space is also provided and floor area of bedrooms (18sqm) are all greater than the required 12sqm of floor space. The proposal is sited to be outward facing to the canal, effectively turning its back on the main commercial neighbour. It is also within walking distance of and has good pedestrian linkages to the town centre as well as open space corridor of the Leeds-Liverpool canal. It is considered that the scheme has been sensitively designed to take account of the mixed use nature of the area, and will provide occupants with a satisfactory level of amenity.

3.5.16 Highways

Policy 10 of LPP2 supports new development which provides for appropriate parking, access and servicing arrangements to ensure safe, efficient and convenient movement of all highway users. Concerns have been raised from an adjacent business with regards to parking provision proposed.

3.5.17 Access to the site will be via that existing from Eleanor Street, 18 parking spaces, and service yard area are provided on site located to the rear of the building, cycle spaces are located adjacent to the staff entrance. A footpath is also proposed to Eleanor Street, linking to the pedestrian entrance of the building and to the existing footpath over the canal. The applicant considers that parking is of appropriate provision to meet the needs of the development both in staff, occupant and visitor thresholds – a very small minority of residents will have cars. A Transport Statement and Travel Plan have been provided with the application.

3.5.18 Whilst according with adopted standards for residential institutions of 1 space per 5 bedrooms, the Highway officer has questioned the amount of parking proposed. Additional information has been provided and it has been confirmed that due to their medical condition residents are unlikely to have a car. The site is also in a highly sustainable location, with good pedestrian linkages which give access to bus and rail networks. It is considered that the parking provision proposed by the applicant is acceptable. Any additional parking could be displaced to Eleanor Street without disruption to the network since this road does not serve as a means of access to any other property, other than the application site. The layout of the parking and service area is acceptable.

3.5.19 The development will result in additional vehicles accessing the site, placing a greater pressure on the network. The submitted Transport Statement uses a similar development to anticipate expected vehicle movement resultant from the proposal, concluding that the

development will generate an additional 20 two way trips on the AM and 12 two way trips in the PM peak periods. This is not a high level of activity and existing infrastructure is considered to be able to support the additional pressure. Indeed the Highway officer has not raised this as a matter of concern.

3.5.20 Ecology

Policy 9 of LPP2 supports new development which has no unacceptable impact on habitat or protected species, seeking mitigation and compensation where necessary.

3.5.21 The proposal will necessitate felling of a number of trees on the site, the applicant has therefore undertaken tree and bat surveys to support their proposal. The Tree Survey confirms that most trees on site are Category C which are of low quality and amenity value, 2 trees adjacent to the canal are Category B which are of moderate quality and amenity value. The Bat Survey also confirms an unlikely presence of bats on the site.

3.5.22 It is considered that loss of trees can be supported due to the low categorisation of most trees on the site. It is however important that any landscaping scheme provides for replacement planting, which can be conditioned appropriately. Provision should also be made for replacement and improved habitats for birds and bats, including bird and bat boxes and foraging habitat.

3.5.23 Other Matters

The Canal and River Trust have requested a number of off site improvements to the canal corridor including resurfacing of the pathway, repair/ rebuilding of the canal wall and removal of self seeded vegetation from the canal wall. It is recognised that this request will improve the visual appearance of the canal corridor, but provision through the proposal is considered to be an onerous request on the applicant and is therefore unnecessary.

4.0 **RECOMMENDATION**

Approve, subject to signing and sealing of a Legal Agreement restricting occupants of the development to be from within the Borough or have close ties to the Borough in the first instance, or from outside the Borough if not meeting the first two criteria, and the following conditions:

- Application for approval of all reserved matters must be made not later than the expiration of three years beginning with the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the date of the approval of the last of the reserved matters to be approved.
- Details of the following matters (subsequently referred to as the reserved matters) shall be submitted to and be approved in writing by

the Local Planning Authority before the commencement of any works:-

a) Appearance.

b) Landscaping – to include replacement tree planting.

- Samples of construction materials.
- Boundary treatments.
- Hard and soft Landscaping.
- Implementation of footpath on Eleanor Street A2A.14.608_1 revision C received on 10th February 2016 prior to occupation of the development.
- Scheme for the provision of covered and secure cycle and motorbike parking.
- Construction restricted to the hours of :
 - Monday to Friday 08:00 to 18:00.
 - Saturday 09:00 to 13:00.
 - Not at all on Sunday and Bank Holidays.
- Scheme for protecting existing neighbouring residential dwellings from dust during site works.
- Land contamination.
- All habitable rooms will be provided with mechanical ventilation and double glazing to reduce the impact of external noise. The double glazed window assemblies will achieve a sound reduction index (R_w) of at least 36dBA. The mechanical ventilation and double glazing will be retained for the duration of the approved use.
- The developer shall submit a written scheme describing how odour from neighbouring commercial uses will be removed from air drawn into the mechanical ventilation system. The scheme shall be approved in writing by the authority, implemented before the implementation of the development, and the measures recommended within the scheme will be retained for the duration of the approved use.
- Tree protective fencing to be erected prior to any site works, in accordance with the submitted Arboricultural Report dated May 2015.
- All existing trees that are not shown to be removed on the approved plan and all newly planted trees becoming diseased, severely damaged, removed or dying within the development period or within five years of the completion of the development shall be replaced in accordance with a scheme to be agreed in writing by the Local Planning Authority.
- Scheme for foul and surface water drainage.
- Sustainable drainage management and maintenance plan.
- Vegetation removal should not be undertaken during the nesting bird season (March to August, inclusive), unless a nesting bird check

undertaken immediately prior to construction has confirmed the absence of nesting birds.

- Prior to commencement of the development hereby approved, an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be implemented and retained thereafter.
- Scheme for provision of bat and bird boxes.
- Visibility splays shall not at any time be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height greater than 1 metre above the crown level of the adjacent highway.
- Prior to commencement of the development hereby approved, a Construction Method Statement shall be submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - a) the parking of vehicles of site operatives and visitors
 - b) loading and unloading of plant and materials
 - c) storage of plant and materials used in constructing the development
 - d) wheel washing facilities, including a method statement outlining how the developer intends to use and manage the facility. The approved wheel wash shall be put in place at all vehicle access points onto the public highway when work commences and shall remain in operation throughout the period of development;

5.0 PLANNING HISTORY

5.1 The following planning applications are of relevance to this proposal:

10/80/0937 – coach park – approved on 5th May 1980.

10/93/0244 – footbridge over canal – approved on 29th April 1993.

10/04/1080 - Erection of a block of 54 flats with access and parking – approved on 26th August 2004.

10/07/0651 - Development of 70 Apartments and associated car parking and landscaping works – approved on 28th September 2007.

10/10/0678 - Development of 70 apartments and associated car parking and landscaping works (extension of time application) – approved on 7th October 2010.

6.0 CONSULTATIONS

6.1 Environmental Sustainability Manager

- There needs to be sufficient bin and bin storage provision to meet the needs of the development.

6.2 Design and Conservation Officer

- The scheme is considered to have a significant scale and massing positioned very close to the canal and the existing footbridge. The development would appear cramped, and over dominant against the footpath and canal bridge and have an overbearing effect.
- The design of the elevations show minimal detail and do not respect the defining characteristics of canal architecture. The proposed mansard form at roof level is not considered inappropriate to the character of the area and the materials for this element have not been determined. More clarity is needed as to how the proposed bay features will be constructed, whilst they help add vertical interest to the elevations no information is given as to what they are made of and will appear as an afterthought. The corner feature of the development is of increased height, representing an increase in mass at the point where the canal kinks into the site, this will have a further overbearing effect on the canal, which will be exacerbated by the proposed balconies to the front elevation. Very little detail has been provide on the elevations as to the design of balconies and the external facing materials. Overall the design of the scheme is of a large urban block which would be more appropriate at a city scale, with very little meaningful landscape to enhance the canal corridor. The proposed trees adjacent the to the ramp bridge and the building would have little opportunity to grow in such a narrow landscaped space.
- The development is considered to have a negative impact on the setting of the Eanam Conservation Area and the listed buildings at Eanam Wharf. No visuals have been submitted to show how the scheme will appear from the conservation area. It considered that by virtue of its scale mass and design it will impact from views along the canal corridor and views from the within the conservation area. The Heritage statement states that the buildings being on the opposite side of the canal will have no effect on significance, however it is considered that the development will appear as a very large mass, of inappropriate design with limited landscape areas which will have an overbearing appearance on setting of the conservation area. The development will also be viewed in relation to the listed buildings from both east, west and northern vantage points as an over dominant building and will detract from the setting of the listed buildings.
- The development will thereby conflict with Policy 137 of the NPPF which requires LPAs to have regard to the setting of heritage assets and to better reveal their significance and saved policy HD11 of the Local plan.

6.3 Capita Ecology

- The Bat Tree Inspection report is sufficient and no ecological issues are raised. Reasonable avoidance measures in regards to nesting birds should be adhered to during construction.

6.4 Lancashire Constabulary

- No objections and recommendations to improve security of the site and building have been made.

6.5 Public Protection

- No objections subject to imposition of conditions relating to noise and odour mitigation to safeguard amenity of prospective occupants from neighbouring land uses, land contamination and construction hours restriction.

6.6 Capita Highways

- Parking accords with adopted standards for residential institutions of 1 space per 5 bedrooms. Though a further understanding of the use is required relating to staffing levels, type of care.
- Layout of parking area is acceptable.
- Provision of covered and secure cycle spaces.
- Provision of mobility scooter spaces.
- Eleanor Street should be made up to adoptable standards, though the Highway Authority cannot enforce the applicant to do so.
- Footpath should be made up to adoptable standards.
- Servicing details requested.

6.7 Strategic Housing, Strategic Commissioning People –

- Registered care demand -3 at 2016, +6 by 2020, +181 by 2025.
- Whilst the borough is actively in a programme to provide more accommodation for older peoples as specified in the Older Peoples Housing Strategy 2011-2016, existing pipeline schemes will meet this need until 2020. Additional developments before this date could cause an over provision of care beds putting pressure on the existing market or importing people with high care needs from out of the area putting pressures on local health and care services.
- Social Services have to provide financial help if the applicant is eligible for support. At the present time Blackburn with Darwen Borough Council fund 70%-80% of the residential care places within the borough, costs of beds are £400+ per week.
- If an additional 88 people moved into the borough it could result in additional costs of £1 million+ per annum for Social Care.
- Additional frail elderly people living in the borough could place additional funding pressure on the Health Service. Research shows that older people have a greater need for healthcare:
 - Nearly two-thirds of people admitted to hospital are over 65 years old.
 - There has been a 65% increase in hospital treatments(1) for those over 75 during the past 10 years, compared with 31% for those aged 15-59.

- Someone over 85 is 25-times more likely to spend a day in hospital than someone under 65 and will also tend to spend around eight days longer in hospital per stay than someone under 65 (11 days compared to 3).
- Studies suggest that older patients account for the majority of health expenditure. One analysis found that health and care expenditure on people over 75 was 13-times greater than on the rest of the adult population.
- The Department of Health estimates that the average cost of providing hospital and community health services for a person aged 85 years or more is around three times greater than for a person aged 65 to 74 years.
- Health costs for people over the age of 75 include Nursing and Therapy £4005, Primary Care £13473, Inpatient Care £76904 and Outpatient Care/ A&E £6910. In context a similar size facility in the Borough experienced 15 admissions to hospital, 32 responses to 999 calls and 40 GP call outs.
- Notwithstanding the above concerns, support for the proposal is offered based on the proposed revision of the Legal Agreement to ensure occupants are from the Local Authority area only.
- The revised Legal Agreement provides a sufficient focus on local residents to mitigate the budget concerns raised. The Planning Authority will need to ensure any future applications for residential care/ extra care are subject to detailed assessment against need of such provision in order to manage the risks of oversupply and potential impact to budgets and public services.

6.8 Canal & River Trust

Request additional information to assess visual impact of the proposal on the canal.

- Requests improvements to the footpath adjacent to and over the canal including surfacing, railings, rebuild of canal wall and removal of self seeded vegetation from canal wall.
- Submission of land contamination report and ecology surveys.

7.0 CONTACT OFFICER: Robert Buffham, Principal Planning Officer.

8.0 DATE PREPARED: 26th August 2016.

Summary of Consultations

Comment

Further to the above planning application number I would like to comment as follows:

We do not have any issue with the development as proposed, in fact we would welcome the improvement to this site. Our only concern is the level of parking proposed for the size of the development. 18 spaces for an 88 bed care home appears to be inadequate and there may be implications on the highway traffic.

This representation is made on behalf of:

Twin Valley Homes
Prospect House
Wharf Street
Blackburn
BB1 1JD

BATEMAN THERMOTOOLING LTD.

DESIGN & MANUFACTURER OF THERMOFORM TOOLING

HART STREET
BLACKBURN
LANCS



RECEIVED
23 JUN 2015

Fao Brian Bailey
Director of Growth & Prosperity,
Planning Section,
Regeneration Department,
Blackburn with Darwen Borough Council,
Town Hall,
Blackburn
Lancs
BB1 7DY

18th June 2015

Planning Application reference 10/15/0296

Dear Sir,

With reference to the above planning application, notice of which (addressed to S Bateman Sons Ltd) was received on the 16th June.

We wish to make the following comments regarding this development:

- We are immediately adjacent to proposed development.
- Our company is a small manufacturing unit with 24 hours and a 7 day week operating CNC Machining Centres & CNC Milling Machines with 22 kw Air Compressor driving these machines, we also have plans to expand the upper floor with the installation of a CNC Router machine for use in daytime/evening only.
- Our company supplies tooling for Thermoform machines to various companies based in the UK and Europe and due to very tight lead times dictated by our customers it is necessary to operate 'lights-out' (machines operating unattended).
- The summary of this is that noise from our machines should be considered by the planners.

Please acknowledge receipt of this letter.

Yours sincerely,



L. Bateman
Bateman Thermotooling Ltd