

# Planning and Highways Committee

Thursday, 19 October 2017

18:30

Meeting Room A, Blackburn Town Hall

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## AGENDA

### PART I: ITEMS FOR CONSIDERATION IN PUBLIC

- |     |   |         |
|-----|---|---------|
| 1   | Welcome and Apologies   |         |
| 2   | Minutes of the Previous Meeting   |         |
|     | Minutes 21st September 2017   | 3 - 5   |
| 3   | Declarations of Interest in Items on this Agenda  |         |
|     | <i>If a Board Member requires advice on any items involving a possible Declaration of Interest which could affect his/her ability to speak and/or vote he/she is advised to contact Phil Llewellyn at least 24 hours before the meeting</i> |         |
|     | Declaration of Interest Form  | 6 - 6   |
|     | <b>PLANNING MATTERS</b>   |         |
|     | Material Considerations   | 7 - 8   |
| 4   | Planning Application Summary  | 9 - 9   |
| 4.1 | Planning Application 10 17 1063   | 10 - 19 |
| 4.2 | Planning Application 10 17 1083   | 20 - 33 |

### PART 2: ITEMS FOR CONSIDERATION IN PRIVATE

- |   |   |  |
|---|---|--|
| 5 | PART 2 Enforcement Update                 |  |
|   | PART 2 - Enforcement For sale images 2006 |  |
|   | PART 2 Enforcement Photo                  |  |
|   | PART 2 Enforcement Photo (2)              |  |
|   | PART 2 Enforcement Photo (3)              |  |
|   | PART 2 Enforcement Location Plan          |  |

Date Published: Thursday, 19 October 2017  
Harry Catherall, Chief Executive

**PLANNING AND HIGHWAYS COMMITTEE**  
**21<sup>st</sup> September 2017**

***PRESENT*** – Councillors Dave Smith (in the Chair), Hardman, Pearson, Jac Slater, Groves, Liddle (substitute for Cllr Nuttall), Casey, Murray, I Hussain, Z Khan, Virmani, Brookfield, Oates, Khonat and Riley.

***OFFICERS*** – Ian Richardson, Gavin Prescott, Rabia Saghir, and Rebecca Bird.

**RESOLUTIONS**

**15     Welcome and Apologies**

The Chair welcomed everyone to the meeting. Apologies were received from Councillor Nuttall.

It was noted that item 4.1 planning application 10-17-0278 has been withdrawn. The applicant had formally withdrawn the planning application on the 20th September 2017. It was reported that the applicant was aiming to address the issues/concerns that were identified in the main report.

**16     Minutes of the last Meeting held on 17<sup>th</sup> August 2017**

**RESOLVED** – That the minutes of the last meeting held on 17<sup>th</sup> August 2017 were confirmed and signed as a correct record.

**17     Declarations of Interest**

A declaration of interest was submitted by Cllr Pearson in relation to application 10-17-0620 on the agenda (lived next door and had raised objections to the application).

**18     Planning Applications**

The Committee considered reports of the Director of Planning and Prosperity detailing the planning applications listed overleaf.

In considering the applications, the Committee took into account representations or submissions provided by individuals with the officers answering points raised during discussion thereon.

**RESOLVED** – (1) That the following decisions be made on the applications set out overleaf:

<b><u>Application No.</u></b>	<b><u>Applicant</u></b>	<b><u>Location and Description</u></b>	<b><u>Decision under Town and Country Planning Acts and Regulations</u></b>
10/17/0278	Mr Readey	Old School Grounds, Blackburn Road Edgworth.	Withdrawn at the request of the applicant on 20.09.2017.
<b>At this point Councillor Pearson left the Committee room due to the declaration of interest made in relation to 10/17/0620</b>			
10/17/0620	Mr Hales	Butlers Arms, Pleasington Lane, Pleasington, Blackburn. BB2 5JH  Full Planning Application for External decorative lighting additional outside seating area and outside bar.  Cllr Marrow spoke against the application.	Approved. Subject to conditions outlined in the report.
<b>At this point Cllr Pearson was invited to re-join the Committee.</b>			
10/17/0694	Mrs Mercer	Mondeor, 27a Hoddlesden Road, Hoddlesden, Darwen, BB3 3LR  Full Planning Application for Rear single storey extension to nursery.  Kelly Ward spoke in support of the application.	Approved. Subject to conditions outlined in the report.
10/17/0829	Mr Sajeed Patel	10 Clarence Park, Blackburn, BB2 7FA  Full Planning Application for Proposed retrospective application to previously approved Planning Application (10/15/1539), amendments to balcony and fenestrations.  Mrs Julie Cripps spoke against the application. Councillor Lee spoke against the application.	Approved. Subject to conditions outlined in the report.

### **Exclusion of the Press and Public**

**RESOLVED** – That the press and public be excluded from the meeting during consideration of the following item in view of the fact that the business to be transacted is exempt by virtue of paragraph 5 of Schedule 12A to the Local Government Act 1972.

### **19 Enforcement Update**

The Director of Growth and Development submitted an Enforcement Update report to present Members with an overview on Planning Enforcement matters since 1<sup>st</sup> January 2017.

**Planning & Highways Committee**  
**Thursday, 21<sup>st</sup> September 2017**

**RESOLVED** - That the report be noted.

Signed: .....

Date: .....

Chair of the meeting  
at which the minutes were confirmed

**DECLARATIONS OF INTEREST IN  
ITEMS ON THIS AGENDA**

**Members attending a Council, Committee, Board or other meeting with a personal interest in a matter on the Agenda must disclose the existence and nature of the interest and, if it is a Disclosable Pecuniary Interest or an Other Interest under paragraph 16.1 of the Code of Conduct, should leave the meeting during discussion and voting on the item.**

**Members declaring an interest(s) should complete this form and hand it to the Democratic Services Officer at the commencement of the meeting and declare such an interest at the appropriate point on the agenda.**

MEETING: **PLANNING AND HIGHWAYS COMMITTEE**

DATE:

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

(Paragraphs 8 to 17 of the Code of Conduct for Members of the Council refer)

## Material Consideration

**“Material Considerations”** are not limited to matters relating to amenity and can cover a range of considerations, in regard to public or private interests, provided that there is some relationship to the use and development of land.

Where it is decided that a consideration is material to the determination of a planning application the courts have held that the assessment of weight is a matter for planning judgement by the planning authority, rather than the court. Materiality is a matter of law for the Court, weight is for the decision maker. Accordingly it is for the Committee to assess the weight to be attached to each material consideration, but if a Council does not take account of a material consideration or takes account of an immaterial consideration then the decision is vulnerable to challenge in the courts.

By section 38(6) of the Planning & Compensation Act 2004 Act every planning decision must be taken in accordance with the development plan (taken as a whole) **unless material considerations indicate otherwise**. The policies and guidance contained in the hierarchy of planning documents are important material considerations and the starting point for the Committee in its assessment of development proposals and most decisions are usually taken in line with them.

However, the Committee is legally obliged to consider all material matters in determining a planning application and this means that some decisions will not follow published policy or guidance. In other words, the Committee may occasionally depart from published policy when it considers this is outweighed by other factors and can be justified in the circumstances of the particular case. Similarly, in making a decision where there are competing priorities and policies the Committee must exercise its judgement in determining the balance of considerations

The following provides a broad guide of what may and may not be material, though as with any broad guidance there will on occasions be exceptions

<b><u>MATERIAL:</u></b>	<b><u>NOT MATERIAL:</u></b>
Policy (national, regional & local)	The identity of the applicant
development plans in course of preparation	Superceded development plans and withdrawn guidance
Views of consultees	Land ownership
Design	Private Rights (e.g. access)
Visual impact	Restrictive covenants
Privacy/overbearing/amenity impacts	Property value
Daylight/sunlight	Competition (save where it promotes a vital and viable town centre)
Noise, smell, pollution	Loss of a private view
Access/traffic/accessibility	“moral issues”
Health and safety	“Better” site or use”
Ecology, landscape	Change from previous scheme
Fear of Crime	Enforcement issues
Economic impact & general economic conditions	The need for the development (in most circumstances)
Planning history/related decisions	

Cumulative impact	
Need (in some circumstances – e.g. green belt)	
Impacts upon and provision of open/amenity space	
existing use/permitted development rights/fall back	
retention of existing use/heritage issues	
fear of setting a precedent	
composite or related developments	
Off-site benefits which are related to or are connected with the development	
In exceptional circumstances the availability of alternative sites	
Human Rights Act 1998 & Equality	

Before deciding a planning application members need to carefully consider an application against the provisions of the Human Rights Act 1998.

Protocol 1 of Article 1, and Article 8 confer(s) a right of respect for a person's private and family life, their possessions, home, other land; and business assets.

Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their representation, and comments,

In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Head of Planning and Transport has concluded that some rights conferred by these Articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that interference is proportionate, in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. Furthermore he believes that any restriction on these rights posed by the approval of an application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Other duties have to be taken into account in determining planning applications for example the promotion of measures to reduce crime, the obligation not to act in a discriminatory manner and promote equality etc.

**NB: Members should also be aware that each proposal is treated on its own merits!**

#### Reasons for Decision

If members decide to go against officer recommendations then it is their responsibility to clearly set out their reasons for doing so, otherwise members should ask for the application to be deferred in order that a further report is presented setting out the background to the report, clarifying the reasons put forward in the debate for overriding the officer recommendation; the implications of the decision and the effect on policy; what conditions or agreements may be needed; or just to seek further information.

If Members move a motion contrary to the recommendations then members must give reasons before voting upon the motion. Alternatively members may seek to defer the application for a further report. However, if Members move a motion to follow the recommendation but the motion is lost. In these circumstances then members should be asked to state clearly their reasons for not following the recommendations or ask that a further report be presented to the next meeting



### REPORT OF THE DIRECTOR OF GROWTH & DEVELOPMENT

#### LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 BACKGROUND PAPERS

There is a file for each planning application containing application forms, consultations, representations, Case Officer notes and other supporting information.  
Gavin Prescott, Development Manager – Ext 5694.

**NEIGHBOUR NOTIFICATION:** The extent of neighbour notification is shown on the location plans which accompany each report. Where neighbours are notified by individual letter, their properties are marked with a dot. Where a site notice has been posted, its position is shown with a cross.

#### PLANNING APPLICATIONS FOR DETERMINATION Date: 19/10/2017

Application No	Applicant	Site Address	Ward
Application Type			
10/17/1063	Mr Peter O'Gorman 7 Rockcliffe Avenue BACUP OL13 8JH	New Century Works 6 Higher London Terrace Darwen BB3 3DF	Sudell
Full Planning Application for Erection of steel fence to existing mill wall (resubmission of 10/17/0524)			

#### RECOMMENDATION: Permits

10/17/1083	Blackburn With Darwen Borough Council Martin Eden Room 414a 4th Floor Blackburn Town Hall Blackburn BB1 7DY	Land off Old Bank Lane Old Bank Lane Blackburn	Queens Park
Full Planning Application for Construction of 517 space surface level car park comprising 467 standard spaces (2.5m x 5m) and 50 larger spaces (3.75m x 6.2m); an additional 20 motorcycle spaces, new barrier-controlled access from Old Bank Lane, boundary footpath along southern perimeter, landscaping, timber knee-high fence rail, 28No. 6m high LED lighting columns and 2no. CCTV masts/cameras			

#### RECOMMENDATION: Permits

Proposed development: Full Planning Application for Erection of a steel fence to existing mill wall (resubmission of 10/17/0524).

Site address: New Century Works, 6 Higher London Terrace, Darwen,

Applicant: Mr Peter O'Gorman

Ward: Sudell

Councillor Roy Davies	
Councillor Eileen Entwistle	
Councillor Jane Oates	



## **1.0 SUMMARY OF RECOMMENDATION**

### **1.1 APPROVE – subject to conditions.**

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

2.1 The proposal will see the construction of a green powder coated steel paladin style fence. It will be affixed to the inside of a red brick factory wall extending above the wall by 1.450 metres. The combined height of the wall and proposed fence will be 2.950 metres. It will sit to the rear of nos. 40 – 56 Anyon Street. The applicant submits that the fence is required as a security measure to prevent unlawful tipping of domestic waste onto the factory roof. The application represents a resubmission of a previously refused retrospective applicant to consider an unauthorised palisade fence in the same location, at a total height (including the factory wall) of 3.45 metres.

2.1.1 The key issues to be addressed are as follows:

- Principle of the development
- Impact of the development on the neighbouring residential amenity.

2.1.2 Careful consideration has been applied to the visual appearance of the proposal and its impact on residential amenity; particularly to the outlook from residential properties on Anyon Street and its benefit to the applicant by way of improved security and the associated economic benefits of savings achieved from the avoidance of having to lawfully dispose of waste thrown onto the application site.

2.1.5 The proposal is considered to support the Council's Core Strategy objectives, as well as achieving compliance with relevant national and local plan policies of the adopted Blackburn with Darwen Borough Local Plan Part 2.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

3.1.1 The application site lies within the Inner Urban Area of Darwen. It consists of a section of wall along the eastern perimeter of a factory known as New Century Works. The factory is located within the heart of a residential area, bounded by residential terraced rows to the north, south and east. To the west lies a series of domestic garages.

3.1.2 The section of wall which will host the proposed fence is a traditional red brick construction, commonly found around the perimeter of

factories of the era. It abuts the back alley serving dwellings on Anyon Street and sits circa 8 metres from the rear elevation of nos 14-156 inclusive.

### **3.2 Proposed Development**

- 3.2.1 Planning permission is sought for the erection of a circa 40 metre long, green powder coated, steel paladin style fence, projecting 1.450 metres above the height of the existing factory wall.

### **3.3 Development Plan**

- 3.3.1 In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.

- 3.3.2 The Development Plan comprises the Core Strategy, the adopted Local Plan Part 2 – Site Allocations and Development Management Policies and the Darwen Town Centre Conservation Area SPD. In determining the current proposal the following are considered to be the most relevant policies:

#### **3.3.3 Core Strategy**

- CS1 – A Targeted Growth Strategy
- CS11 – Facilities and Services
- CS16 – Form and Design of New Development
- CS20 – Cleaner, Safer, Greener

#### **3.3.4 Local Plan Part 2**

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 11 – Design

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

- 3.4.1 National Planning Policy Framework (The Framework).

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. For decision taking, this means approving development proposals that accord with the development plan without delay (paragraph 14).

### 3.5 Assessment

#### 3.5.1 Principle of the development

The principle of the proposal is accepted, in accordance The Framework's presumption in favour of sustainable development, which should proceed without delay, unless demonstrable adverse impacts which significantly outweigh the benefits of a proposal are identified.

#### 3.5.12 Design / Visual Amenity

Policy 8 sets out that development will be permitted where it can be demonstrated that it would secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself, with reference to overlooking, and the relationship between buildings.

3.5.13 Policy 11 sets out that a good standard of design 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.

3.5.14 The proposed fence is a typical paladin construction. Its height of 1.450 metres above the existing factory wall is not considered excessive when assessed against its relationship with dwellings it opposes on Anyon Street, particularly given the context of the pre-existing industrial outlook onto the factory roof, which sits at a lower level to Anyon Street. Moreover, its proposed treatment with a green powder coat will further reduce its visual impact.

3.5.14 The fence should also be viewed in context of the existing fence it seeks to replace, which is recognised as an inappropriate, unattractive palisade design. The proposed fence is much less visually obtrusive and it will significantly reduce the existing sense of enclosure.

3.5.15 The existing fence presents a significant safety concern, as it is affixed to the outside of the factory wall, projecting into the back alley. The proposal will provide a remedy as it will be affixed to the inside of the factory wall, thereby safeguarding users of the back alley.

3.5.16 It is considered that weight should also be attached to the applicants personal circumstances. It is claimed that unlawful deposition of waste onto the factory roof is a repeated occurrence. The applicant states that the problem has been eradicated since erection of the existing fence; notwithstanding its unauthorised status. The proposed fence, at the reduced height is considered to provide equal protection.

3.5.17 The scheme is considered compliant with Policies 8 and 11 of the Local Plan Part 2.

### 3.5.24 Summary

This report assesses the full planning application for the proposed car park and associated work. In considering the proposal, a wide range of material considerations have been taken into account and the development is considered to have sufficient merit to achieve compliance with the Development Plan.

## 4.0 RECOMMENDATION

### 4.1 Approve subject to:

Conditions which relate to the following matters:

- Commence within 3 years.
- Removal of unauthorised fence within 28 days of the date of approval

## 5.0 PLANNING HISTORY

- 5.1 10/17/0524 – Retrospective application for erection of steel palisade fence to existing mill wall; refused planning permission 14th June 2017 for the following reason:

*The fence, by virtue of its siting and utilitarian design, represents a visually intrusive feature, harmful to the outlook of neighbouring dwellings; contrary to Policies 8 and 11 of the Blackburn with Darwen Borough Plan Part 2.*

## 6.0 CONSULTATIONS

- 6.1 9 neighbouring properties were consulted by letter and a site notice was displayed. Ward Councillors were also consulted.

- 6.1.2 Two objections were received expressing concern towards the unsightly appearance of the fence, from a Ward Councillor and a local resident. It should be noted that the local resident objection appears to be based on the understanding that the application represents a second request for planning permission for the existing unauthorised fence.

## 7.0 CONTACT OFFICER: Nick Blackledge, Planner

## 8.0 DATE PREPARED: 6<sup>th</sup> October 2017.



## 9.0 SUMMARY OF REPRESENTATIONS

### Objection – Councillor Roy Davies 29.08.2017

I object to this planning application as I consider it to be unsightly to residents who live in the street, and the height being completely unnecessary.

### Objection Jill Bury, 40 Anyon Street, Darwen 29.09.17

THIS WAS  
MY VIEW  
SINCE  
1978  
TIL  
2017



How  
WOULD  
YOURSELF  
OR  
MR. GPRIN  
LIKE  
THIS TO  
LOOK AT  
EVERY  
DAY!



10/17/1063

MY FAMILY - AND I ARE  
SO SAD FOR THE VIEW WE  
ARE NOW LEFT TO LOOK AT!

SINCE 1978 WE HAVE LIVED  
IN OUR HOME WHICH WE OWN!

THE INVASION OF THE FENCE  
2017 HAS SEEN BETTER TIMES.

SILBURY  
40 ANYON ST,  
DARWIN LANCES  
BB3 3AA.

REF 10/17/1063

GAVIN PRESCOTT

27.9.17

- TODAY I WAS WALKING DOWN-  
HILL TO MY HOUSE - 40 ANYON ST.,  
DARWIN BB3 3AA, AND BY CHANCE  
SPOTTED THIS (NOTICE OF PLANNING  
APPLICATION) TAPED TO A POST, FIVE  
HOUSE LENGTHS FROM MY HOME.

- THE BIGGEST JOKE IS APART  
FROM MYSELF NO-ONE ON THIS  
ROW WOULD GIVE A TOSS IF THE  
FENCE WAS THERE OR NOT. ALSO  
THEY WOULD NEVER HAVE BOTHERED  
TO READ THE NOTICE.

- NOT LONG AGO COUNCILLOR JANE  
OATES PERSONALLY CAME TO MY  
HOUSE TO STATE THAT YES, AS SHE



Item 4.1

HAD PROMISED MANY MANY MONTHS AGO THE FENCE HAD BEEN REFUSED AND WOULD BE COMING DOWN.

- I PLEADED MY CASE OF DISGUST THAT SUCH A STRUCTURE HAD BEEN ERECTED WITH NO THOUGHT OF THE DISTRESS IT WOULD CAUSE

TO THE HOME OWNERS THAT NOW WOULD BE BLIGHTED WITH THEIR VIEW.

- GRANTED, AS I SAID, THE NEIGHBOURS ON THIS STREET HAVE LITTLE OR NO CARE WHAT THEIR VIEW IS.

- HOWEVER I AM EXTREMELY UPSET THAT EVEN THOUGH I STRONGLY PLEADED MY CASE, PRODUCED, PHOTOS OF MY VIEW BEFORE AND AFTER THIS HIDEOUS FENCE WAS ERECTED. THIS MAN IS STILL BEING ALLOWED ANOTHER SHOT AT KEEPING HIS FENCE.

- (resubmission of 10/17/05 24)

- SO WILL HE BE ALLOWED HIS FENCE AS LONG AS HE JUST KEEPS RE-APPLYING

- Item 4.1
- I HOPE JUSTICE WILL PREVAIL BECAUSE I STRONGLY OBJECT TO THIS STRUCTURE.
  - I AM SPEAKING AS LOUDLY AS

I CAN BECAUSE I AM A LONE WOLF IN THIS CASE.

- APPARENTLY MR. PETER O'GORMAN HAS COMPLAINED ABOUT PERSONS THROWING HOUSEHOLD WASTE ONTO HIS PREMISES SO FUELING HIS REASON FOR ERECTING THIS STRUCTURE.
- I VIEW EVERY DAY THE GOINGS ON AFFECTING HIS PREMISES AND NEVER EVER HAVE I SEEN SUCH WASTE THROWN ONTO THE ROOFS.

- I OBJECTED TO HIS LAST APPLICATION, PUT IT IN WRITING, PHOTOS TO PROVE THE ASSAULT THIS HAS PUT ON MY VIEW (WHICH SHOULD STILL BE ON THE RECORDS.)

MRS. MARION JILL BURY  
40 ANYON ST. BB3 3AA.  
DARVING LANCASHIRE

Proposed development: Full Planning Application for Construction of 517 space surface level car park comprising 467 standard spaces (2.5m x 5m) and 50 larger spaces (3.75m x 6.2m); an additional 20 motorcycle spaces, new barrier-controlled access from Old Bank Lane, boundary footpath along southern perimeter, landscaping, timber knee-high fence rail, 28No. 6m high LED lighting columns and 2no. CCTV masts/cameras

Site address: Land off Old Bank Lane, Old Bank Lane, Blackburn,

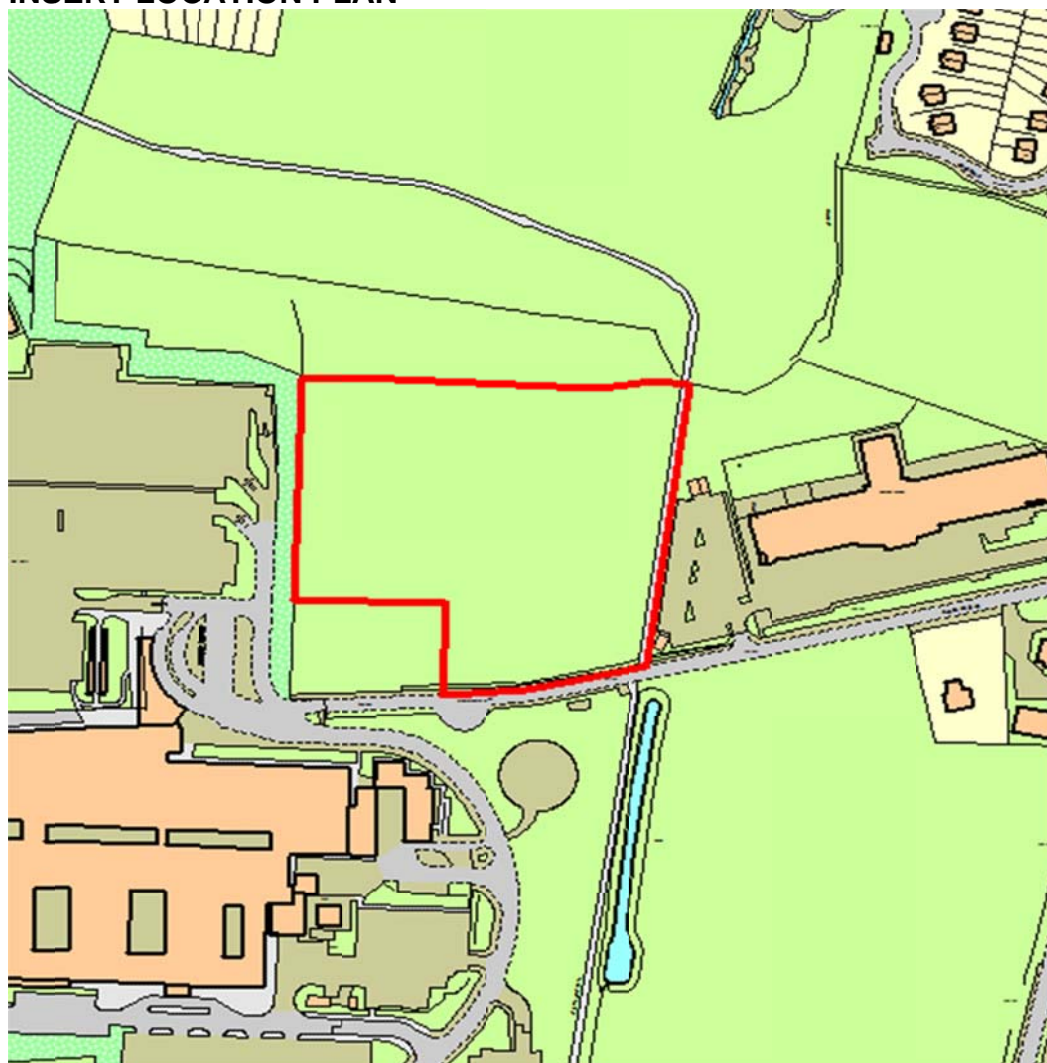
Applicant: Blackburn with Darwen Borough Council

Ward: Queens Park

Councillor Faryad Hussain	
Councillor Salim Mulla	
Councillor Mustafa Desai	

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#### INSERT LOCATION PLAN



## **1.0 SUMMARY OF RECOMMENDATION**

Item 4.2

### **1.1 APPROVE – subject to conditions.**

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

2.1 The proposal will see the construction of a 517 space surface level car park, comprising 467 standard spaces measuring 2.5m x 5.5m; 50 larger spaces measuring 3.75m x 6.2m; 20 motorcycle spaces; barrier-controlled access from Old Bank Lane; boundary footpath along the southern perimeter of the car park; associated landscaping; timber knee-high fence rail; 28no. 6m high LED lighting columns and 2no. CCTV masts / cameras. The car park is intended, primarily, to provide additional parking provision for patients and visitors of the Royal Blackburn Hospital (RBH), whilst significantly alleviating pre-existing road congestion in the locality caused by traffic queuing along Haslingden Road to access the hospitals existing car. The car park will also be available for general public use and may also provide additional provision to meet the demand of local business; on an option to lease basis.

2.1.1 The key issues to be addressed are as follows:

- Principle of the development
- Impact of the development on the surrounding highway network
- Impact of the development on amenity
- Drainage
- Ecology

2.1.2 Careful consideration has been applied to the recognised under provision of car parking spaces for hospital patients and visitors and the resulting impact on the surrounding highway network caused by queuing traffic along Haslingden Road, particularly around patient visiting times, when traffic is often queued back towards the junction of the M65, a result of which can be increased patients waiting times due to consultants arriving late into the hospital for their afternoon clinics. The proposal has been considered in the context of RBH's large catchment area, which demonstrates that 72% of patients attend from outside the borough, and the significant reduction in bus services which travel to and from the hospital at peak times, as a result of budgetary pressures from cuts in government funding. A single bus service runs every 30 minutes. However, due to congestion of the highway network, buses cannot run to schedule, exemplified by a 13 minute bus journey from the Blackburn Bus Station to the hospital often taking up to 45 minutes. Notwithstanding this reduction in public transport services, the location of the site is considered sustainable, accessible via a choice of alternative modes of transport.



- 2.1.3 The benefits of the proposal have been assessed against its potential impact on the highway network; on amenity, including air quality, light pollution and land contamination; drainage and ecology.
- 2.1.5 The proposal is considered to support the Council's Core Strategy objectives, as well as achieving compliance with relevant national and local plan policies of the adopted Blackburn with Darwen Borough Local Plan Part 2.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

- 3.1.1 The application site comprises an area of undeveloped land, which is located and accessed to the north of Old Bank Lane, Blackburn, to the north east of the RBH campus. To the west of the site lies a surface level car park serving the hospital and to the east Newfield School. North of the site is open land covered in a low lying vegetation. The area generally is characterised as mixed, comprising the extent of the hospital, employment units and residential properties.
- 3.1.2 It is recognised that adjacent to the south east corner of the site, planning permission was granted for a Satellite Renal Dialysis Unit, on 25<sup>th</sup> April 2017 (ref. 10/17/0177). The development has yet to commence.

### **3.2 Proposed Development**

- 3.2.1 Planning permission is sought for a 517 space surface level car park, comprising 467 standard spaces measuring 2.5m x 5.5m; 50 larger spaces measuring 3.75m x 6.2m; 20 motorcycle spaces; barrier-controlled access from Old Bank Lane; boundary footpath along the southern perimeter of the car park; associated landscaping; timber knee-high fence rail; 28no. 6m high LED lighting columns and 2no. CCTV masts / cameras.
- 3.2.2 Surface construction will be asphalt, which will be lit by LED lanterns, mounted on 6m high columns.
- 3.2.3 Access will be taken from Old Bank Lane and will be barrier controlled. Two barriers will be provided on the access and egress with sufficient off-highway queuing space to alleviate congestion on the highway.
- 3.2.4 A boundary footway will be provided around the southern perimeter of the car park, to link with the existing footway on Old Bank Lane, providing pedestrian links to the hospital via Old Bank lane and to the Queens Park area and Haslingden Road, via the adjacent footway / cycleway, which will be improved by the introduction of illuminated bollards.

- 3.2.5 The car park will be open 24 hours a day every day of the year and will be monitored by 2no. column mounted CCTV cameras. ~~Item 11.2~~ It will be managed and maintained by Empark, the Local Health Authority's Car Park Management Company, who look after the adjacent RBH car park and it will be patrolled during working hours. A communications link will also be provided to the hospital car park management offices.

### **3.3 Development Plan**

- 3.3.1 In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.

- 3.3.2 The Development Plan comprises the Core Strategy, the adopted Local Plan Part 2 – Site Allocations and Development Management Policies and the Darwen Town Centre Conservation Area SPD. In determining the current proposal the following are considered to be the most relevant policies:

#### **3.3.3 Core Strategy**

- CS1 – A Targeted Growth Strategy
- CS11 – Facilities and Services
- CS16 – Form and Design of New Development
- CS17 – Built and Cultural Heritage
- CS20 – Cleaner, Safer, Greener
- CS22 – Accessibility Strategy

#### **3.3.4 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

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

- 3.4.1 National Planning Policy Framework (The Framework).

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. For decision taking, this means approving development proposals that accord with the development plan without delay (paragraph 14).

3.4.1 Paragraph 32 of The Framework require that *“all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take into account of whether:*

- *The opportunities for sustainable transport modes have been taken into up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *Safe and suitable access to the site can be achieved for all people; and*
- *Improvements can be undertaken within the transport network that could effectively limit the significant impacts of the development.*

3.4.2 The site is located adjacent to the RBH. Core Strategy Policy CS22 identifies the hospital as one of the borough’s five main transport hubs. A “transport hub” is described as being an area of the borough that will be a major focus for development, particularly of types which are open to the public or attract significant number of journeys.

### **3.5 Assessment**

#### **3.5.1 Principle of the development**

The application lies within the Inner Urban Area, not otherwise allocated; as defined on the Adopted Policies Map of the Local Plan Part 2. The principle of the development is, therefore, accepted, in accordance with Local Plan Policies and The Framework’s presumption in favour of sustainable development, which should proceed without delay and its requirement for planning to support economic development, identifying and responding positively to opportunities for growth and promoting the vitality of urban areas, taking into account their different roles and characters.

#### **3.5.2 Highways**

Local Plan Part 2, Policy 10 sets out that development will be permitted provided it has been demonstrated that road safety and the safe, efficient and convenient movement of all highway users is not prejudiced; that appropriate provision is made for vehicular access, off street servicing and parking, in accordance with the Council’s adopted standards and that the needs of disabled people should be fully provided for, including those reliant on community transport services. The policy also requires submission of a supporting Transport Assessment (TA) for proposed development that has the potential to significantly affect existing transport systems.

3.5.3 A TA has been submitted and reviewed by Highways and Transport colleagues. The Assessment concludes that no new trips would be generated by the proposal, which would essentially involve the redistribution of existing traffic flows on the local network. The parking



assessment indicates that the existing RBH parking provision is not in accordance with the Council's benchmark standards. Currently 2,299 car parking spaces are available, inclusive of 126 disabled bays. The benchmark standards recommend 2626 car parking spaces, inclusive of 263 disabled bays. The proposed additional 517 spaces would bring the total provision to 2899, representing an over provision but broadly in accordance with the benchmark standards, particularly given the presumption to the availability of spaces for the wider commercial community.

- 3.5.4 An evaluation has been undertaken of the operational capacity of the Haslingden Road / RBH Access roundabout and Haslingden Road / Shadsworth Road roundabout. The results indicate improved junction performance as a result of the redistribution of traffic flows on the local network.
- 3.5.5 Access to and from the site is to be taken from Old Bank Lane. Despite the absence of vehicle tracking into and out of the site, it is considered that the means of access is appropriate.
- 3.5.6 Junction improvements to Old Bank Lane and Shadsworth Road are acknowledged as necessary, to facilitate the development. It is considered reasonable to secure these by application of an appropriately worded condition attached to the planning permission.
- 3.5.7 The layout and orientation of the parking bays is appropriate and sufficient manoeuvring space is provided, in accordance with the Council's standards.
- 3.5.8 A Construction Management Statement should also be required by condition, to ensure minimised disruption during construction.
- 3.5.9 The sites location is recognised as sustainable. The car park seeks to balance existing and future car demand alongside other sustainable transport measures to encourage non-car modes. The accompanying TA provides details of an emergent Travel Plan for the hospital that is being prepared by the East Lancashire NHS Hospital Trust, the aim of which is to reduce the impacts of car travel through measures to encourage greater use of public transport, cycling and walking.
- 3.5.10 Notwithstanding the inevitable increase in traffic to Old Bank Lane, the TA does not identify the need for a pedestrian crossing point on Old Bank Lane to link the Public Right of Way which runs from north, at Haslingden Road, to south adjacent to the car park and beyond into Audley. The Council is, however, committed to monitoring the situation upon completion of the car park and, should justification be demonstrated for the introduction of a crossing point, provision may be made.

3.5.11 Accordingly, the Council's Highways and Transport consultee offer no objection to the proposal, in compliance with Policy 10. Item 4.2

3.5.12 Amenity

Policy 8 sets out that development will be permitted where it can be demonstrated that it would 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.

3.5.13 In recognition of the potential of the proposal to impact upon air quality, an air quality scoping letter has been submitted, underpinned by the content of the aforementioned TA. The existence of the Intack Air Quality Management Area (AQMA) is recognised, which is located at the north end of Shadsworth Road. The scoping letter, however, indicates that concern is unfounded as, with the exception of Old Bank Lane, the baseline traffic levels will not be increasing. No objection is, therefore, offered from Public Protection colleagues towards air quality impact. Provision of electric vehicle charging points is, however, recommended through application of a condition, in order to promote and cater for low emission vehicles.

3.5.14 A Phase 1 Desk Study in respect of land contamination was submitted at pre-application stage and reviewed by Public Protection colleagues, which identified no on site sources of contamination. No further investigation was deemed necessary, given the low risk end use of the site.

3.5.15 The submitted Lighting Statement, detailing the proposed car parking lighting, has been reviewed by Public Protection colleagues. Although the car park is well separated from residential properties, application of a condition to control potential light intrusion is recommended.

3.5.16 Overall, the scheme is considered compliant with Policy 8.

3.5.17 Drainage

Policy 9 sets out that development will be required to demonstrate that it will not be at an unacceptable risk of flooding and impact on environmental assets or interests, including habitats, species and trees.

3.5.18 Following review of a supporting Flood Risk Assessment, no objection has been offered by the United Utilities, The Environment Agency or the Council's Drainage team; subject to application of conditions to manage surface water drainage, in order to reduce the risk of flooding and pollution to the watercourse.

### 3.5.19 Trees and Landscaping

A supporting Tree Survey identifies the need for the removal of 23 groups of trees; G2 and G3 which lie to the front of the site abutting Old Bank Lane and G4, the largest group running through the site north to south. The loss of G4 is accepted and will be mitigated by compensatory planting secured through application of a condition. It is, however, considered that G2 and G3 can be retained, providing they are managed accordingly, to ensure they do not compromise sight lines.

### 3.5.20 Ecology

An Ecology Appraisal has been submitted. To date, no response has been received. Comments received will be reported in the Update Report.

### 3.5.21 Design and Layout

Policy 11 sets out that all new development will be required to present a good standard of design and will be expected to demonstrate an understanding of the wider context; and make a positive contribution to the local area.

3.5.22 The design of the car park is considered to respect the wider context of the area, ensuring an appropriate feature within the local setting. Provision of soft landscaping is proposed around the perimeter to enhance its visual appearance, to be secured by condition.

3.5.23 The scheme is considered compliant with Policy 11.

### 3.5.24 Summary

This report assesses the full planning application for the proposed car park and associated work. In considering the proposal, a wide range of material considerations have been taken into account and the development is considered to have sufficient merit to achieve compliance with the Development Plan.

## 4.0 **RECOMMENDATION**

### 4.1 **Approve subject to:**

Conditions which relate to the following matters:

- Commence within 3 years.
- Scheme of Junction improvements to Old Bank Lane / Shadsworth Road to be submitted and approved within 6 months of the implementation of the car park. Scheme to be implemented within an agreed timescale.
- Construction Management Plan to be submitted, approved and implemented.

- Surface water drainage scheme to be submitted, approved and implemented. Item 4.2
- Landscaping scheme to be submitted approved and implemented.
- Tree protection to be undertaken in accordance with measures detailed in submitted Tree Survey
- Provision of electrical vehicle charging points.
- Light intrusion control.

## **5.0 PLANNING HISTORY**

5.1 No relevant planning history exists.

## **6.0 CONSULTATIONS**

### **6.1 Arboricultural Officer**

No objection see paragraph 3.5.19.

### **6.1.2 Local Authority Drainage**

No objection, subject to application of drainage condition to ensure implementation of an appropriate scheme of surface water drainage.

### **6.1.3 United Utilities**

No objection, subject to application of drainage condition to ensure implementation of an appropriate scheme of surface drainage.

### **6.1.4 Environment Agency**

No objection.

### **6.1.5 Public Protection**

#### *Amenity*

No objection. Recommended conditions:  
Control of light intrusion into residential properties  
Provision of electrical vehicle charging pions

#### *Contaminated Land*

No objection.

### **6.1.6 Highways**

No objection. Recommended condition:  
Construction Management Plan.

### **6.1.7 Lancashire Constabulary**

Consideration given to security in the form of CCTV and appropriate lighting. Appropriate land and direction floor markings and signage.

### **6.1.8 Ecology**

No objection, subject to appropriate mitigation measures.

6.1.9 46 surrounding properties were consulted by letter, consisting of commercial and residential and a series of site notices were displayed. Ward Councillors were also consulted.

6.1.10 A single letter of objection was received. The material planning consideration referred to in the letter is summarised as follows:

- Tree planting / landscaping
- Road Safety
- Drainage

**7.0 CONTACT OFFICER: Nick Blackledge, Planner**

**8.0 DATE PREPARED: 4<sup>th</sup> October 2017.**

## **9.0 SUMMARY OF REPRESENTATIONS**

Objection Mrs S Speller, 207 Fancy Row, Haslingden Road 27.09.17

Planning Department.  
Town Hall.  
Blackburn.  
Ref.  
Application no. 10/17/1083.

28 SEP 2017

207, Haslingden Rd.  
Fancy Row,  
Blackburn.  
BB1 2ND.  
01254 679373  
27/09/17.  
sylviaspellars@btinternet.com.

Dear Sir/Madam.

I wish to raise concerns re the above mentioned plans and request that you act on your responsibility for Duty and Care towards residents of the borough.

1. Inadequate Tree Planting/Landscaping.

Numerous near mature trees in this now wooded area as well as the ancient hedging shown to be destroyed as well as the natural wildlife. Red Deer, Pheasants, etc. etc. Replaced by a huge hospital car park, coping with thousands of vehicles daily. Mainly all short stay with engines stopping and starting creating an enormous amount of air pollution. This situation requires more trees/landscaping to cope with the added pollution and not less as is shown. This ought to be evaluated for not only air, but noise and light pollution also. Young saplings will not help for some 10 years or so.

2. Road Safety.

Old Bank Lane has no pedestrian crossing.  
An extremely busy foot/cycle way from Haslingden Rd to Old Bank Lane which forces users to cross the road to continue. There is no path on either side of exit when

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you reach Old Bank Lane. Many disabled scooter users from Shadsworth as well as my own husband use this route to get out of their walls. Their only safe route away from traffic congestion, deafening noise from sirens and cars and choking vehicle emissions immediately next to you. They as well as baby pram pushers, pedestrians, and cyclists cannot reach anywhere including Shadsworth, Queen Park Area, Audley Range directions as well as users from the other direction without having to cross Old Bank Lane. Even if attending the hospital!

This was the only safe pedestrian walk from our homes left in this area. Unable to walk for exercise from your home due to all the congestion from traffic and noise and air pollution. No pedestrian crossing anywhere to the green grass across the road to attempt a walk. Nearest is at Guide Village at least 1 1/3 mile away. This situation deserves a consideration of care.

### 3. Sewage • Rain Water.

Surprised to note that you consider the Old Bank Lane sewers along with a storage tank as being sufficient to deal with all the water from such a large area. Old Bank Lane constantly floods in heavy rain now with all the natural drainage of a green field as is presently. The sewers have historically only ever served one small property. A farmhouse which was purchased on notice given by your Council when hospital plans were being drawn up. Even though it is stated that there is no available history. If you inspect the old maps this will become clear. Our properties already suffer from the poor drainage



system passed by planners on the Evolution Park to ~~Item~~ 4.2  
road. Mainly due to the raising of the ground level, well  
above our ground level from 1800 years.

The level of the car park surely must not be increased  
higher than road level is at present and all surface  
water should be directed away from the direction of  
our already suffering homes.

This letter is also on behalf of the ten homes on  
Fancy Row and including all residents that we  
speak to.

Please take time to show consideration to this  
whole situation. Our intention is not to oppose  
the plans due to the desperate traffic situation,  
simply to draw attention to the enclosed details.

Thank You



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