

REPORT OF THE DIRECTOR **Plan No: 10/18/0077**

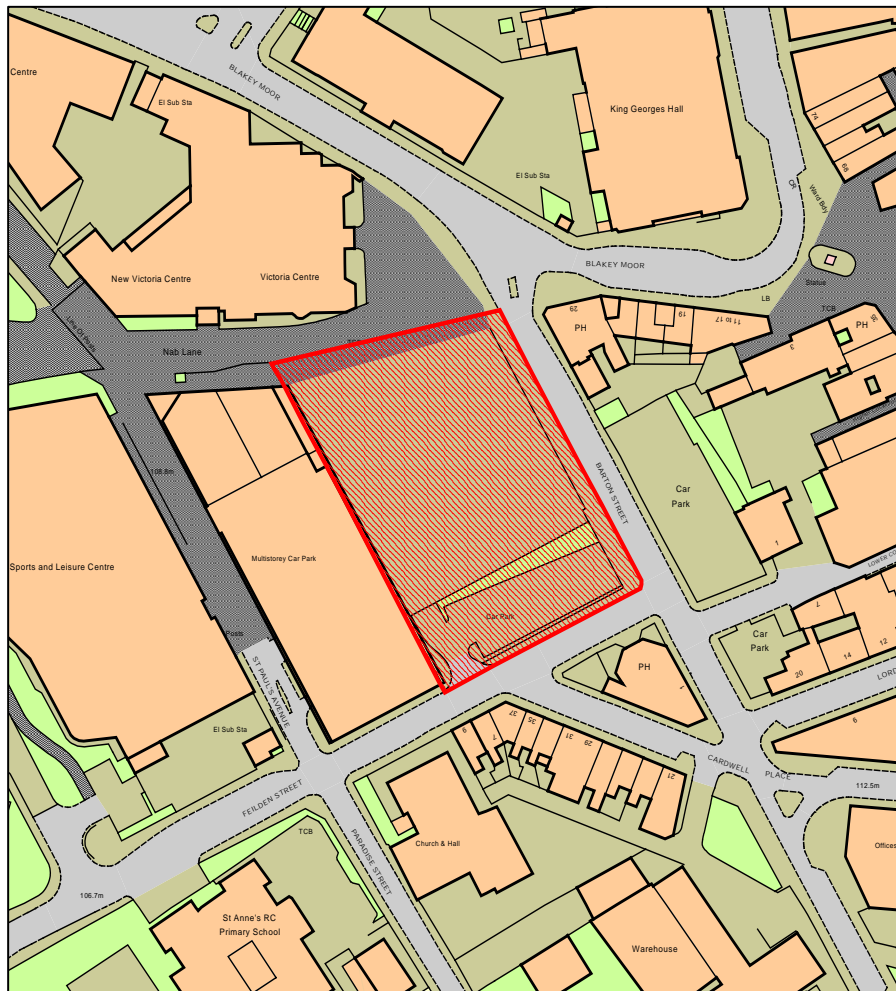
Proposed development: Redevelopment of the former Waves Leisure Centre site to include an 8 screen cinema, two A3 units (restaurants and cafes) together with under-croft car parking and associated landscaping.

Site address: Former Waves Water Fun Centre, Nab Lane, BLACKBURN, BB2 1LN

Applicant: Blackburn with Darwen Borough Council

Ward: Wensley Fold

Councillor Dave Harling	
Councillor Mohammed Khan O.B.E.	
Councillor Quesir Mahmood	



1.0 SUMMARY OF RECOMMENDATION

1.1.1 APPROVE – subject to recommended conditions.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1.1 The proposal will deliver a modern mixed-use leisure development which will strongly support the Borough's aspirational aims of a wider town centre offer on an allocated development opportunity site. It supports the Borough's planning strategy for enhancing the leisure offer whilst developing the evening economy within the Northgate Quarter and enhancing the Conservation Area. The development will also see the re-development of a brownfield site within a defined Inner Urban Area which is supported by Local Plan Part 2 Policy 2.

2.1.2 The application site is located at a prominent point where the college campus meets Blackburn Town Centre, and is a principal walking route into the town centre within the historic Northgate Conservation Area. The proposed development will ensure that this prominent site and its immediate surroundings will become an extremely attractive public space during the daytime and into the evening. This will be achieved by the development of the high quality building, the inclusion of attractive canopy lighting features and associated improvements to the public realm which will encourage increased activity and safety in the area and improved access to the Feilden Street Car Park. The associated works to the adjacent public space, which will form Jubilee Square, between some of the town's key attractions of King George's Hall, Blackburn Leisure Centre, the Technical College and the application site will bring dynamism to this public space. The proposed cinema building has been designed to be a discernible and positive new addition to the area, and one which enhances the character of the Conservation Area.

2.1.3 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 the recommended planning conditions.

2.1.4 The key issues to be addressed are as follows:

- Development Plan designation & principle of development
- Site layout and design issues
- Impact on amenity
- Highways & transportation
- Drainage and flood risk
- Heritage.

3.0 RATIONALE

3.1.1 Site and Surroundings

- 3.1.2 The application site is located within the defined town centre boundary of Blackburn and in the Northgate Conservation Area. It comprises a rectangular parcel of land which is currently vacant. The site was previously in use as Waves Leisure Centre until its demolition in 2016.
- 3.1.3 The site is open to three of four sides, the multi-storey Feilden Street car park sits almost directly adjacent on south-western boundary. To the north lies the Grade II listed Victoria Centre. To the east and south are a mixture of commercial shops and eateries. The area generally is characterised as the point where the college campus meets the town centre, comprising old and new buildings, the leisure centre, car parks and commercial/retail units.
- 3.1.4 The topography of the site sees the levels fall gradually from the north-east corner down to the south-west corner, a fall of some 2.5m.

3.2 Proposed Development

- 3.2.1 Planning permission is sought for the construction of an 8 Screen Cinema (2,084sqm) and two A3 units (restaurants and cafes) of 150sqm & 169sqm approx) confined within one building; with an undercroft public car park below the building. The building will be visible over two distinct heights, a large glazed entrance foyer fronting Nab Lane measuring approximately 7.2m in height and a rear box section featuring a parapet roof at an approximate height of 11.5m.
- 3.2.2 The cinema will cater for up to 1000 visitors and include an entrance foyer with seating, ticket stands with a concessions area which includes a bar area. Due to the environment that cinemas operate under with late night screenings and the town centre location no proposed hours of operation are requested.
- 3.2.3 The two A3 units (restaurants and cafes) offer no figure on the number of covers to be incorporated into the scheme as no end users are proposed at this time. Additionally, the no restrictions on the hours of opening are proposed, to allow the units to operate in conjunction with the cinema as well as other town centre uses.
- 3.2.4 Boundary treatments will see the introduction of seating areas and planting along the Nab Lane and Barton Street frontages with a mix of hard and soft landscaping. The western boundary of the site will be secured to allow for an emergency route out of the cinema and also a well-lit route from the undercroft car park into the cinema is proposed. The application is also accompanied by a landscaping plan to be introduced across the site.

3.2.5 Pedestrian access to the site is available from the undercroft car park and via Barton Street to the entrance from Nab Lane. Upon entry users will be covered by the canopy, offering an external waiting area providing access to the Cinema and A3 units.

3.2.6 Separate vehicular and pedestrian access and egress to the proposed car park would be provided off Feilden Street via two priority junctions. The majority of the parking spaces are located underground, with some surface car parking spaces to be provided to the south of the building. The provision includes 10 spaces for electric vehicles, with charging points, and eight disabled parking spaces. Provision for motorcycle parking is provided in the undercroft car park along with pedestrianised zones for safe movements of users. Servicing for the site is to be undertaken from the service compound located off Feilden Street. The undercroft car park is proposed to be a public pay-and-display car park, to be used by all visitors to the town centre.

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 and the 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:

3.3.3 Core Strategy

- Policy CS1: A Targeted Growth Strategy
- Policy CS11: Facilities and Services
- Policy CS12: Retail Development
- Policy CS16: Form and Design of New Development
- Policy CS17: Built and Cultural Heritage
- Policy CS22: Accessibility Strategy

3.3.4 Local Plan Part 2

- Policy 1: The Urban Boundary
- Policy 2: The Inner Urban Area
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 26: Town Centres – a Framework for Development
- Policy 28: Development Opportunities

- Policy 29: Assessing Applications for Main Town Centre Uses
- Policy 39: Heritage
- Policy 40: Integrating Green Infrastructure

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).

3.4.2 The following headings and content of the NPPF are relevant to the consideration of the current proposals:

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
4. Promoting sustainable transport;
7. Requiring good design
12. Conserving and enhancing the historic environment

3.4.3 Additional material planning considerations:

- National Planning Practice Guidance (NPPG)
- Planning (Listed Buildings and Conservation Areas) Act (Adopted 1990)
- Northgate Conservation Area Character Appraisal (Adopted June 2009)
- Northgate Conservation Area Development Guide (Adopted June 2009)
- Blackburn with Darwen Borough Council Parking Standards (Adopted April 2014)
- Blackburn Town Centre Public Realm Strategy (June 2009)

3.5 Assessment

3.5.1 Principle of the development

The application site is allocated on the adopted Policies Map as being a 'Development Opportunity' (LLP2 Policy 28/11). Policy 28/11 indicates that, "planning permission will be granted for a range of uses, either as stand-alone uses or as a mix of uses" including residential, employment, leisure, entertainment, culture and tourism. The NPPF, at paragraphs 18 and 19, is committed to securing and supporting sustainable economic growth, requiring Local Planning Authorities to plan proactively to meet the development needs of business. The Framework further states that Local Planning Authorities should

promote competitive town centre environments, recognising that town centres are at the heart of communities and their vitality and viability should be supported. The principle of the development is, therefore, accepted and encouraged, in accordance with Local Plan Policies and The Framework's presumption in favour of sustainable development, which should proceed without delay; acknowledging 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.

Design and Layout

3.5.2 Policy 11 of the Local Plan requires development to present a good standard of design, demonstrating an understanding of the wider context and make a positive contribution to the local area. The policy sets out a list of detailed design requirements relating to character, townscape, public realm, movement, sustainability, diversity, materials, colour and viability. This underpins the main principles of sustainable development contained in the NPPF which seeks to secure high quality design.

3.5.3 A detailed Design and Access Statement accompanies the application, and sets out the key design principles which are taken forward in the application proposals design response, reflecting not only the policy requirements but the comments given by officers as part of extensive pre-application discussions. These design driver considerations include:

- Site context of the surrounding area
- Scale and massing
- Elevations and materials
- Sense of arrival
- Internal arrangement
- Site access and use
- Hard and soft landscaping
- Security and operation
- Servicing of the site and;
- Flood risk.

3.5.4 The building has a modern yet sympathetic flat roof design positioned over two-levels incorporating a parapet, screening the plant room on the box rear section. The large glazed entrance foyer and canopy allows for the facilities to be used all year round providing an active frontage to entice people into the public realm whilst offering protection from the elements.

3.5.5 The building is constructed of stone-coloured textured brick to the lower section, with cladded panels which are set out in a variety of shapes and patterns in a mix of browns/bronze colours with matte and reflective textures. The entrance foyer is predominately glazed with an

aluminium canopy and entrance lighting. The car park is to be enclosed with matching walling, mesh panels and fenced areas to harmonise with the building and provide safety and security. This design approach ensures the development sits well within the context of the area, reduces the visual impact on the low level surrounding terrace buildings, and is positioned to frame the public realm and the Grade II Listed Technical College.

3.5.6 The proposal is considered to be well designed, forming a sympathetic yet contemporary addition to the surrounding area. Construction materials are key to the design, and it is considered important to ensure that those used are sympathetic to the surrounding area so as not to compromise the overall appearance of the locality. As such, a condition requiring material samples to be submitted is recommended.

3.5.7 High quality landscaping is an important feature of this proposal and the applicant has submitted a landscaping scheme covering both hard and soft surfacing and planting areas. The Council's Arboricultural Officer has requested further details regarding the species and location of trees alongside Barton Street, which are recommended to be clarified via a suitably-worded planning condition. Furthermore, following comments from Lancashire Constabulary on security of the development, the applicant has requested a final landscaping scheme to be agreed to allow for additional security features to be incorporated into the scheme which are likely to influence the final landscaping scheme.

3.5.8 In summary, the comprehensive details submitted relating to the design and layout of the proposal are considered to demonstrate that the building and infrastructure accords with the provisions of the relevant policies of the development plan, and landscaping details can be finalised by way of planning condition.

3.5.9 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.

3.5.10 The Council does not have any prescribed minimum separation distances between dwellings and community buildings, such as a cinema. However, minimum distances of 21m between habitable room windows are identified within the Council's adopted Residential Design Guide SPD. A figure that can be revised upwards by 3m if there is a substantial difference between building heights or levels.

3.5.11 Given the town centre location, the consideration that the surrounding area is predominantly commercial in character, there are no known residential properties that would suffer a loss of amenity from loss of light or over bearing impact. This is also considered to be same for the nearby commercial buildings with the only building likely to be affected being the adjacent multi-storey car park. As the proposal will not alter the function of the car park, the impact is considered to be acceptable in this instance. There are not considered to be any other nearby receptors that would suffer any unacceptable amenity impacts from the introduction of the proposed structure.

3.5.11 The development will increase general noise and activity in the locality, when compared to the existing vacant site. Following the construction period, this is likely be from customers and associated traffic movements including the drop off / pick up of customers, car park users or noise from external social areas within the development area. These impacts are of a more sporadic nature and not a constant source of noise, being limited to specific periods of the day such as evening / weekend use. The external space has been located to the front of the building under the canopy and will limit potential noise to a confined area.

3.5.13 The application has been accompanied by a comprehensive Acoustic Planning Report which is under review by the Council's Public Protection Team. Conclusions will be reported within the Committee Update Report.

3.5.14 The application was accompanied by a comprehensive Phase 1 Desk Top Study and Phase 2 geo-environmental assessment in relation to the ground conditions. Follow review by Public Protection colleagues an addendum report was submitted for consideration. The council's Public Protection Team offered no objection to findings and have requested that an unexpected contamination condition is included as part of any grant of permission.

3.5.15 The proposal is considered to be compliant with the development plan and can be adequately controlled by the recommended hours of operation conditions during the construction period.

3.5.16 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.

3.5.17 A Transport Statement (TS) and drawings accompanied the submitted application and have been reviewed by the Local Highway Authority. The assessment evaluates the existing transport and highways context of the site, access, parking and servicing conditions and trip generation. This allows an assessment to be made as to whether the highways network has the capacity to accommodate the potential increases in traffic as a result of the proposed development.

3.5.18 The TS offers evidence to support the assertions made in relation to the trip generation and traffic impact of the proposed development and that whilst there will be some time specific impacts upon the surrounding highway network it would not be to the detriment of road safety or the safe, efficient and convenient movement of all highway users.

3.5.19 The applicant's report concludes that the site is located in a sustainable town centre location which is highly accessible on foot, by cycle and is also accessible by public transport. The number of vehicle trips generated by the proposed cinema can be considered as negligible, having no material traffic impact on the local roads and junctions in the vicinity of the site. The proposed car park access and egress junctions are acceptable in capacity terms.

3.5.20 The Council's Highways Officer has reviewed the accompanying documents and drawings and offers no objection in principle subject to details of the electric vehicle charging points being provided via a suitable planning condition.

3.5.21 Drainage and flood risk

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.

3.5.22 Following review of a supporting Drainage Strategy Report, no objection has been offered by United Utilities; subject to the application of conditions to ensure implementation of an appropriate scheme of surface drainage and the separate drainage of surface and foul water.

3.5.23 Heritage

The proposed development is located within the Northgate Conservation Area which is an area of considerable townscape significance. The Northgate Conservation Area was originally designated in 1994 and is the largest of five Conservation Areas within

Blackburn Town Centre, containing copious examples of nineteenth and early twentieth century civic architecture, such as the Town Hall, King Georges Hall and the College of Technology and Design. The College of Technology and Design is located directly to the north of the development site and is a Grade II listed building completed in 1894 in a Northern Renaissance style.

3.5.24 Although the Former Waves swimming pool has now been demolished, the Northgate Conservation Area Appraisal makes reference to this building as an example of where infill sites have been developed previously in an unsympathetic manner resulting in a detrimental impact upon the setting of the former Technical College. Although the Conservation Area Appraisal document indicates that a juxtaposition of old and new can sometimes be positive within the context of a Conservation Area, it states that, in the case of the former Waves development, this development did little to enhance the setting of the grand historical and architecturally interesting buildings or the character of this part of the Conservation Area. Now the site has been cleared it presents a significant opportunity to enhance the context, and the setting of the surrounding listed buildings.

3.5.25 The submitted details include a comprehensive Heritage Statement, which assesses the significance of the Conservation Area and Listed Building and assesses the impact of the proposed development upon this significance. In addition, visualisations of the building have been provided from a street level perspective, in order to enable an assessment of the visual impact and scale of the proposed development within the Conservation Area. The proposed scale and footprint of the building positively responds to the shape of the site, and the building is to be set back from the listed building, close to the multi-storey car park, thereby providing suitable distance between the proposed building, associated canopy and the listed building.

3.5.26 Due to the prominent position of this space, being a principal walking route into the town centre, it is stated within the Northgate Conservation Area Appraisal that this area has the potential to be an extremely attractive public space. The Public Realm Strategy recommends the improvement of the quality of the public realm and that the use of materials around King George's Hall and the Technical College should reflect the quality of the historic buildings. It is considered that linkages between the public open spaces of King George's Hall, the application site and the Technical College could bring dynamism to this public space which is welcomed. The proposal responds to this potential, providing a landscaping scheme which will have wider public realm benefits.

3.5.27 Historic England were consulted at pre-application stage, and confirmed that the proposal meets their remit for comment due to the scale of development in the conservation area. The following comment was received: *"We welcome the redevelopment of the former Wave's*

site, and believe that a cinema reflects the civic/public character of this area of the town. Its scale and mass is also sensitive to its surrounds. We have no objection to the proposals, considering it to be in line with paragraph 137 of the National Planning Policy Framework, and advise that it is not necessary for us to comment further on the scheme as it develops. Thank you for involving us at the pre-application stage. We consider your proposals have now reached a stage where they address any heritage considerations we may have.”

3.5.28 The development is therefore considered to be in compliance with Policy 39 of the Local Plan Part 2.

3.5.29 Summary

This report assesses the full planning application for the proposed cinema, café units and undercroft car park. 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 RECOMMENDATION

4.1 Approve subject to conditions which relate to the following matters:

- Commence within 3 years.
- Materials to be submitted.
- A3 units to be restricted to A3 use (café) only.
- Hours of construction limited to 7am-7pm Mon-Sat.
- Construction Method Statement.
- Hard and soft landscaping scheme.
- Foul and surface water to be drained separately.
- Surface water drainage scheme.
- Unexpected contamination.
- Details of electric vehicle charging points.
- Approved details and drawings

5 PLANNING HISTORY

5.1 No relevant planning history exists.

6 CONSULTATIONS

6.1 Arboricultural Officer

No objection subject to landscaping scheme being submitted and approved.

6.2 Environment and Leisure

No objection.

6.3 Local Authority Drainage
No comments received.

6.4 United Utilities
No objection, subject to application of drainage condition to ensure implementation of an appropriate scheme of surface drainage and the separate drainage of surface and foul water.

6.5 Public Protection

Contamination: No objection subject to condition on unexpected contamination.

Amenity: Holding comment, conclusions will be reported within the Committee Update Report.

6.6 Highways
No objection in principle subject to suitable conditions.

6.7 Lancashire Constabulary
No objection. A list of recommended security measures were provided, which have been passed to the applicant.

6.8 Public Consultation

No objections received.

7 **CONTACT OFFICER: Alec Hickey, Senior Planner**

8 **DATE PREPARED: 1st March 2018.**

