

Public Document Pack

Planning and Highways Committee

Thursday, 18th April, 2019

6.30 pm

Conference Room 1, Blackburn Town Hall

AGENDA

- | | | |
|-----|--|---------|
| 1. | Welcome and Apologies | |
| 2. | Minutes of the Previous Meeting | |
| | Minutes of Previous Meeting | 3 - 6 |
| 3. | Declaration of Interest | |
| | Declaration of Interest Form | 7 |
| | Material Considerations | 8 - 9 |
| 4. | Planning Applications for Determination | |
| | Planning Application Summary | 10 - 11 |
| 4.1 | Planning Application 10/18/0094 | |
| | Furthergate Works / Lidl UK GmbH | 12 - 32 |
| 4.2 | Planning Application 10/19/0056 | |
| | Land off Queen Victoria Street | 33 - 60 |
| 4.3 | Planning Application 10/19/0074 | |
| | 27 Blackburn Enterprise Centre | 61 - 65 |
| 4.4 | Planning Application 10/19/0089 | |
| | St Aidan's Respite Centre | 66 - 71 |
| 5. | Petition regarding Planning Application 10/19/0123 | |
| | Petition Report | 72 - 76 |
| | Petition | |
| 6. | Appeals Monitoring Update | |

**Appeals Monitoring Report
Appeal Monitoring Decisions from 6th October 2018 -
5th April 2019**

77 - 82

**Part II - The Press and Public may be excluded during
consideration of the following items**

**7. Enforcement Update Report
Committee Enf Report 18/04/2019**

83 - 91

Date Published: Wednesday, 10 April 2019
Harry Catherall, Chief Executive

Agenda Item 2

PLANNING AND HIGHWAYS COMMITTEE

Thursday, 21 February 2019

PRESENT – Councillors; Smith (in the Chair), Akhtar, Brookfield (substitute for Richards), Casey, Daley, Davies, Hardman, Khan, Khonat, Oates, Riley and Slater.

OFFICERS - Martin Kenny (Principal Planner), Michael Green (Legal), Safina Alam (Highways) and Wendy Bridson (Democratic Services).

RESOLUTIONS

66 **Welcome and Apologies**

The Chair welcomed everyone to the meeting. Apologies were received from Cllrs Jan-Virmani and Richards.

67 **Minutes of the Previous Meeting**

RESOLVED – That the minutes of the last meeting held on 20th December 2018 be confirmed and signed as a correct record.

68 **Declaration of Interest**

RESOLVED - There were no Declarations of Interest received.

69 **Planning Applications for Determination**

The Committee considered reports of the Director of Growth and Development detailing the planning applications.

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

70 **Planning Application 10-18-0326**

Applicant – M J Hart Homes c/o Agent

Location and Proposed Development – Land off Albert Street, Hoddlesden

Full Planning Application for Erection of 14 dwellings.

Decision under Town and Country Planning Acts and Regulations –

Approved subject to;

- Delegated authority being given to the Director of Growth & Development to approve planning permission subject to an agreement under Section 106 of the Town and Country Planning Act 1990, relating to the provision of a plot to provide affordable housing (at 30% discounted market sale) in perpetuity. The dwelling must remain at a

discount for future eligible households. Should the S106 agreement not be completed within 6 months of the date of this resolution, the Director of Growth & Development will have delegated powers to refuse the application;

- The conditions highlighted in the Director's Report and subsequent conditions in the Update Report; and
- The Developers and Planning Officer ensure frequent liaison take place with Ward Councillor Julie Slater and the Lead Petitioner

71 Planning Application 10-18-1048

Applicant – Hearle Homes, Mr Mike Critchley, Unit 4, Canterbury Street, Blackburn, BB2 2HT

Location and Proposed Development – Land at Tower View, Darwen

Full Planning Application for Erection of 17 houses with associated roads, pavements, garages and gardens

Decision under Town and Country Planning Acts and Regulations –

Approved subject to;

- Delegated authority being given to the Director of Growth & Development to approve planning permission subject to an agreement under Section 106 of the Town and Country Planning Act 1990, relating to the payment of a commuted sum of £20,000 towards: off-site provision of Green Infrastructure. Should the S106 agreement not be completed within 6 months of the date of this resolution, the Director of Growth & Development will have delegated powers to refuse the application; and
- The conditions highlighted in the Director's Report.

72 Planning Application 10-18-1220

Applicant – Blackburn with Darwen Borough Council

Location and Proposed Development – Car Park, Old Bank Lane, Blackburn

Variation / Removal of Condition / Minor Material Amendment for Remove Condition No.2 pursuant to planning application 10/17/1083 – Improvements to the Old Bank Lane / Shadsworth Road Junction

Decision under Town and Country Planning Acts and Regulations –

Approved subject to the removal of condition No. 2 on the original planning permission granted for the car park (planning application 10/17/1083).

73 Planning Application 10-19-0026

Applicant – Blackburn with Darwen Borough Council

Location and Proposed Development – Land to the rear of Briar Road, Blackburn with Darwen Borough Council

Full Planning Application (regulation 3) for Installation of 2.4m security fencing

Decision under Town and Country Planning Acts and Regulations –

Approved subject to the conditions highlighted in the Director's Report.

74 Petition relating to Planning Application 10-18-1093

Members were informed of the receipt of a petition supporting planning application 10/18/1093.

The petition was received on 14th January 2019 and contained 29 signatures. The reasons for supporting the planning application were summarised in the report.

Members were advised that at the time of the report being prepared, no decision on the application had been reached.

RESOLVED – That the Committee note the petition.

75 Petition re: Bus Service 33 Darwen to Royal Blackburn Hospital

Councillor Riley provided a verbal update informing Members of the receipt of a petition relating to bus service 33 from Darwen to Royal Blackburn Hospital.

The Committee heard that this service had previously been run by Moving People but had unfortunately become unsustainable due to the low number of passengers per journey.

RESOLVED –

- That the petition be noted;
- That the petition be appropriately re-directed to the relevant department within Royal Blackburn Hospital; and
- That the Lead Petitioner be informed of the above action.

76 Petition re Oakfield House

Members were informed of the receipt of a petition relating to planning application 10/18/1184.

The petition was received on 8th February and contained 102 signatories. Details of the objections raised in the petition were summarised in the report.

Members were informed that at the time of the report being prepared, no decision on the application had been reached.

RESOLVED – That the Committee note the petition.

77 Exclusion of the Press and Public

RESOLVED – That the press and public be excluded from the meeting during consideration of Item 8 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.

78 Enforcement Report

A report was submitted seeking authorisation to take enforcement action against all persons having an interest in land at 21-23 Mincing Lane, Blackburn, BB2 2EB.

Background information including grounds for the request were outlined in the report.

RESOLVED – That authorisation be given to the proposed enforcement action at 21-23 Mincing Lane, Blackburn, BB2 2EB.

79 Petition in Support of Planning Application 10-18-1184

Members were informed of the receipt of a petition relating to planning application 10/18/1184.

A petition was received on the 20th February, containing 304 signatories in support of planning application 10/18/1184. The reasons in favour of the proposal were summarised in the report.

Members were informed that at the time of the report being prepared, no decision on the application had been reached.

RESOVLED – That the Committee note the petition.

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

<u>MATERIAL:</u>	<u>NOT MATERIAL:</u>
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



BwD Council - Development Control

General Reporting

REPORT NAME: Committee Agenda.

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: 18/04/2019

Application No	Applicant	Site Address	Ward
Application Type			

10/18/1094

Lidl UK Gmbh
C/O Agent

Furthergate Works
St Clements Street
Blackburn
BB1 1AB

Audley & Queens Park

Full Planning Application (Regulation 3) for Demolition of existing building and the erection of a Lidl store (Use Class A1) with associated works including improved access, parking area and landscaping

RECOMMENDATION: Permits

10/19/0056

Countryside Properties UK Ltd
C/O Agent

Land off Queen Victoria Street
Blackburn
BB2 2RZ

Mill Hill & Moorgate

Full Planning Application for Demolition of existing buildings on site and the erection of 68 dwellings and associated works

RECOMMENDATION: Permits

10/19/0074

Blackburn with Darwen Borough Council
Mrs Lorraine Bradley
Enterprise Centre
Furthergate
Blackburn
BB1 3HQ

27 Blackburn Enterprise Centre
Furthergate
Blackburn
BB1 3HQ

Audley & Queens Park

Full Planning Application (Regulation 4) for Change of use of second floor unit (suite 27) from taxi booking office to general office

RECOMMENDATION: Permits

Application No	Applicant	Site Address	Ward
Application Type			
10/19/0089			
Blackburn with Darwen Borough Council	Mrs Suzanne Kinder	St Aidans Respite Centre 124 St Aidan's Avenue Blackburn BB2 4EY	Mill Hill & Moorgate
Floor 3 Duke Street Blackburn			
Full Planning Application (Regulation 3) for Single storey side extension and new front porch, creation of new vehicular access and off street parking and replacement boundary fencing			
RECOMMENDATION: Permits			

REPORT OF THE DIRECTOR

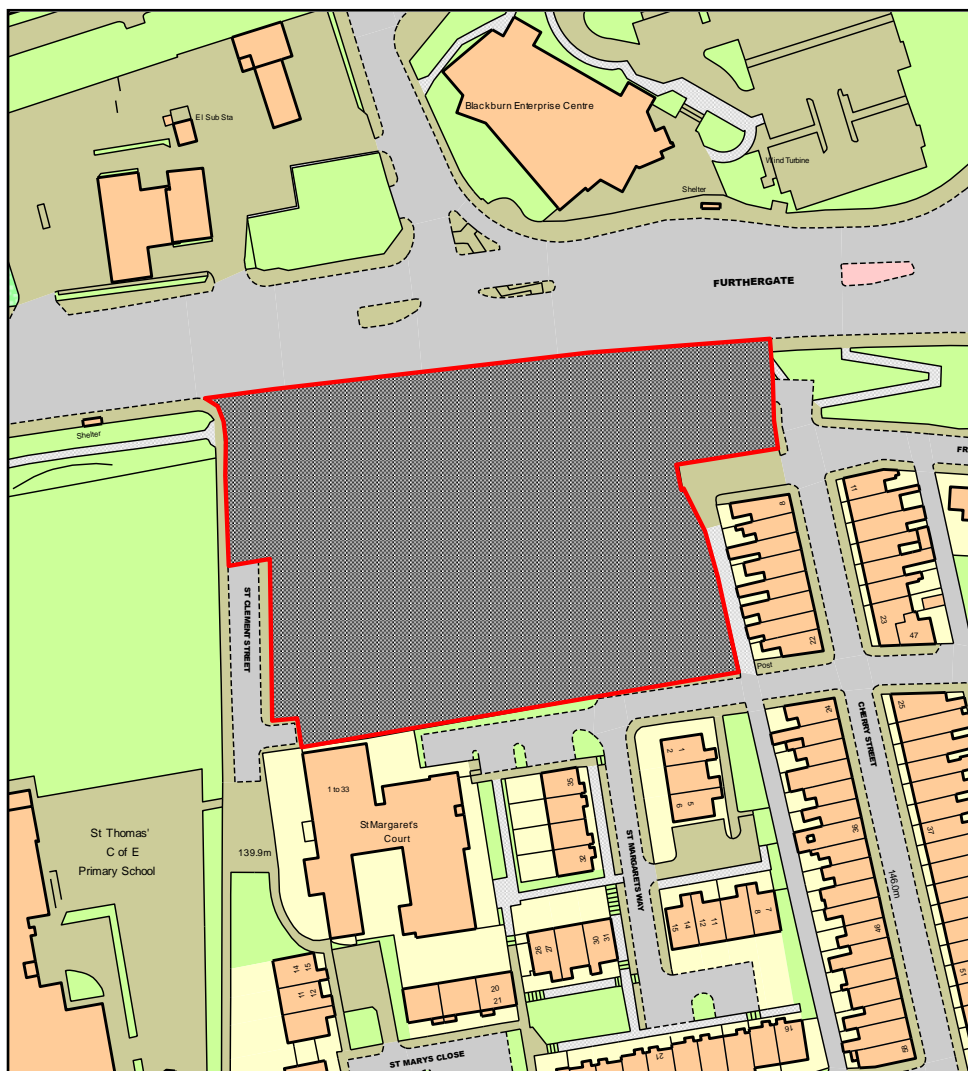
Plan No: 10/18/1094

Proposed development: Full Planning Application: Demolition of existing building and the erection of a Lidl store (Use Class A1) with associated works including improved access, parking area and landscaping.

Site address:
Furthergate Works
St Clements Street
Blackburn
BB1 1AB

Applicant: Lidl UK Gmbh

Ward: Audley & Queens Park
Councillor: Yusuf Jan-Virmani
Councillor: Maryam Batan
Councillor: Salim Sidat



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to conditions as set out in paragraph 4.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The proposal will deliver a high quality retail development with associated off-street parking provision, which will assist in widening the retail offer in the borough; in accordance with the Council's strategic aims and objectives for economic growth and expansion of public facilities and services, without prejudice to existing retail provision in the borough's Town and District Centres. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application or capable of being controlled or mitigated through planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site is Furthergate Works which is currently occupied by Fix Auto. It is located within the Inner Urban Area of Blackburn, to the immediate south of Furthergate - a length of the A678 arterial road that leads into Blackburn Town Centre - and is flanked by Cherry Street to the east and St. Clement Street to the west. An industrial building exists along the northern boundary adjacent to Furthergate with an associated parking / servicing area to the rear. A length of landscaped verge adjacent to Furthergate is also included which runs the length of the site. The site is essentially rectangular, extending to circa 0.87 hectares, with the existing building occupying a floor area of circa 1,733 square metres. Land levels throughout the site are consistent.
- 3.1.2 The area is generally defined by its mixed use character. Land to the north of Furthergate hosts a range of commercial uses. Land to the immediate west hosts St Thomas C of E Primary School and associated playing fields. Land to the south and east hosts residential terraces and cul-de-sacs.
- 3.1.3 The length of the A678 that is Furthergate comprises, in part, 6 lane traffic including a dedicated bus lane and 'ghost island'. The road forms a dominant physical separation between the allocated employment area to the north and the residential area to the south.
- 3.1.4 Vehicular access to the site will be from the east of St. Clements Street, close to its junction with Furthergate. Pedestrian connectivity is provided by footways along Furthergate and from the neighbouring residential street network.

- 3.1.5 The site is well served by the public transport links that run along Furthergate, which forms part of the wider Pennine Reach network.
- 3.1.6 The site is unallocated, in accordance with the Blackburn with Darwen Borough Local Plan Part 2, Site Allocations and Development Management Policies.

3.2 Proposed Development

- 3.2.1 The proposal seeks planning permission for the demolition of the existing building and erection of a Lidl Store (use Class A1), comprising 1,896 square metres gross internal floor area with a net sales area of 1,312 square metres, and associated works including alterations to the St. Clement Street / Furthergate junction, vehicular access into the site from St. Clements Street, vehicular egress from the site onto Cherry Street, car parking and landscaping; as set out in the submitted drawings. The proposal seeks to supplement Lidl's pre-existing offer in Blackburn with Darwen through the introduction of a new store to cater for residents in the east of the borough and transient trade.
- 3.2.2 Lidl's position in the market is defined by a 'retail philosophy centred on simplicity and maximum efficiency at every stage of business, from supplier to consumer'. It is categorised as a 'deep discounter' concentrating on selling a limited range of primarily own brand goods at competitive prices.
- 3.2.3 The planning application is submitted following pre-application discussions and a follow-up written appraisal of the merits of the proposal. The main issues are summarised as follows:
- *The need to justify loss of the existing B2 employment use (employment uses typically are identified as industrial B1, B2 or B8 uses).*
 - *The need to justify the proposed out of centre retail use, to ensure no unacceptable impact on the borough's defined Town and District Centres, through submission of a Retail Impact Assessment and Sequential Test. The scope of the assessments was agreed at pre-application stage.*
 - *The need to safeguard neighbouring residential amenity and air quality, through submission of targeted reports to assess likely impacts.*
 - *The need to demonstrate appropriate access / egress arrangements, to ensure safe and efficient highway movement, through submission of a Transport Statement and other supplementary reports as deemed necessary. Concern was expressed at the potential conflict of vehicles turning right out of the St. Clements St / Furthergate junction.*
 - *The need to provide off-street parking and serving in accordance with the Council's adopted standards.*

- 3.2.4 *The need to ensure appropriate design standards, in order to reinforce the established character of the locality. Concern was expressed at the intention to site the car park to the front of the site and building to the rear which could result in a car dominated form of development, inconsistent with the general pattern along Furthergate.*

3.3 Development Plan

- 3.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

- 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 Blackburn with Darwen Core Strategy:

- CS2: Types of Employment land
- CS3: Land for Employment Development
- CS4: Protection and reuse of employment sites
- CS11: facilities and Services
- CS12: Retail Development
- CS16: Form and Design of New Development

3.3.2 Blackburn with Darwen Local Plan Part 2 (2015):

- 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 27: District Centres – a Framework for Their Development
- Policy 29: Assessing Applications for Main Town Centre Uses
- 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 National Planning Policy Framework (The Framework):

The Framework sets out the government's aims and objectives against which planning policy and decision making should be considered. At its heart is a presumption in favour of sustainable development, which should proceed without delay, unless impacts which significantly and demonstrably outweigh

the benefits of a proposal are identified. The following sections of the Framework are considered relevant to assessment of the proposal:

- Section 6: Building a strong, competitive economy
- Section 7: Ensuring the vitality of town centres
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places

3.4 Assessment

3.4.1 The Development Plan reaffirms The Framework's principles of sustainability which includes support for sustainable economic development and encouragement of effective re-use of land; subject to the principles of high quality design and securing a good standard of amenity for all existing and future occupants of land and buildings.

3.4.2 In assessing this application, the following important materials considerations have been taken into account:

- Principle
- Accessibility and Transportation
- Amenity
- Design / Character and Appearance
- Environment

3.4.3 Principle

The principle of the development is guided by the sites current employment use (notwithstanding that it is not allocated as an Employment Site in the Local Plan Part 2), which is accepted as a lawful B2 use, and retail policy. Taking each in turn:

3.4.4 The Core Strategy sets out the principle of protecting existing employment sites (typically classified as B1, B2 or B8 uses) whether allocated as such or not, in order to maximise economic potential and in recognition of an under provision within the borough. The Commercial Property Market Study, published in December 2015, sets out in detail the Borough's position relative to employment provision; a copy of which was provided to the applicant at pre-application stage. The study builds on the borough's 2013 Employment Land Review and evidence base for the subsequent Development Plan.

3.4.5 The site's location is considered to be highly sustainable, by virtue of its position on a main arterial road and proximity to motorway links. Moreover, its size and layout is of a type that is evidently in demand. Accordingly, the principle of an A1 proposal is tested against the aims and objectives of Core Strategy Policy CS4, which sets out a presumption towards retention of employment land, unless it's current use causes an unacceptable loss of amenity for surrounding uses or it is demonstrated that the land is no longer capable of beneficial use for employment within the life of the Core Strategy.

- 3.4.6 Notwithstanding the sites generally sustainable location, the primary point of access from St. Clements Street is less than optimal for general employment purposes, on account of the volume and type of vehicular movement associated therewith. This is considered to be in contrast to the type of heavy traffic generated by a Lidl store, which is limited to only one Heavy Goods Vehicle (HGV) delivery a day. HGV conflict with traffic associated with drop off and pick up times along St. Clements Street for the nearby St. Thomas C of E Primary School, is also recognised as problematic. In this regard, the highway network will benefit from the proposal offering 2 hours free parking, thereby allowing parents to park free of the public highway.
- 3.4.7 The sites size of less than 1 hectare is considered to limit its redevelopment potential for a viable employment use, particularly through a new build proposal. In this context, it should be recognised that permission exists for the demolition of the existing building, which was secured under permitted development rights afforded by the (General Permitted Development) Order 2015 (as amended), following assessment of a prior notification submission to the Local Planning Authority (10/18/1064). The building can, therefore, be lawfully demolished without any obligation to redevelop the site.
- 3.4.8 The sites proximity to residential uses to the south and east is such that detriment to amenity levels currently experienced could be unduly impacted by vacation of Fix Auto's from the site. The Fix Auto operation, although an accepted, lawful, general industrial B2 use, is relatively non-intrusive in terms of noise generation and general nuisance although a degree of noise from vehicle maintenance is nonetheless experienced. This is in contrast to the potential alternative B2 uses of the site which could pose a much greater threat to residential amenity by virtue of increased activity, odour, dust, light or other forms of pollution, which could not be controlled under the planning process.
- 3.4.9 Reinforcing this position, a letter from the Director of Fix Auto's, confirms the intention to relocate regardless of whether the application is approved; an eventuality which exposes the site to alternative unrestricted B2 uses and a consequential increased threat to residential amenity.
- 3.4.10 The proposed Lidl store represents a de-intensified use of the site, with a reduced threat to neighbouring amenity. It is submitted that during public exhibitions held by Lidl, prior to submission of the planning application, neighbouring residents anecdotally raised their concern at current noise levels experienced from the site and offered support of the proposal as a more residentially compatible use.
- 3.4.11 Alternative B1a industrial office accommodation is not considered viable, on account of the scale of the building making it unsuitable for such conversion. This is supported by the aforementioned Market Study which identifies a local office market demand on smaller suites of below 500 square metres.
- 3.4.12 Alternative B8 storage and distribution accommodation is also considered less than viable, on account of the sites logistics, scale and general market demand for larger buildings.

- 3.4.13 Submitted figures identify the site as currently employing 23 staff, within a floor space of 1,733 sqm (plus mezzanine), equating to 1 employee per 113 sqm. The proposed Lidl store will employ 40 staff on a floor area of 1,896 sqm, equating to 1 employee per 45 sqm; thereby demonstrating a greater than existing employment opportunity. Moreover, Fix Auto's stated intention to relocate within the borough ensures a net employment gain.
- 3.4.14 Within the life of the Development Plan, additional employment land is committed; together with the key strategic employment allocation at Whitebirk, adjacent to Junction 6 of the M65 which, although located within the Borough of Hyndburn, is well positioned to serve Blackburn with Darwen, with approximately 40% attributed to the borough's identified need.
- 3.4.15 Taking into account these demonstrable material circumstances, the proposal is considered to be consistent with Policy CS4 of the Development Plan and the objectives of The Framework.
- 3.4.16 Impact of the borough's strategic retail aims and objectives also guides the principal of the proposal. In this regard, scope of the Sequential Test and Retail Impact Assessment was agreed at pre-application stage, in order to inform retail impact on the relevant Town and District Centres in proximity to the application site; on account of the site being located neither within or on the edge of a defined Centre. The scope of the assessment is as follows:

The Sequential Test

- Blackburn Town Centre
- Little Harwood District Centre (27/3)
- Bastwell District Centre (27/4)
- Whalley Range District Centre (27/5)
- Johnson Street District Centre (27/7)
- Higher Eanam (27/8)
- Audley Range (27/10)

The Retail Impact Assessment

- Blackburn Town Centre
- Little Harwood District Centre (27/3)
- Bastwell District Centre (27/4)
- Whalley Range District Centre (27/5)
- Johnson Street District Centre (27/7)
- Higher Eanam (27/8) and
- Audley Range (27/10)
- New Bank Road (27/6)
- Whalley Banks (27/9)

- 3.4.17 An audit of the submitted information was independently undertaken by G L Hearn, on behalf of the Council, on the premise that the relevant Development Plan policies are broadly consistent with The Framework.
- 3.4.18 The Sequential Test assessed suitability of the former Blackburn Indoor Market, in Blackburn Town Centre, which is currently being marketed.

Although the site is suitable in size, a number of issues are identified by the applicant; including flood risk (the site lies within Flood Zone 2 and 3); costs associated with the culvert beneath the site; historic setting of the site relative to its proximity to listed buildings and the Council's preferred option of a comprehensive redevelopment of the site. Although some of the issues cited are not considered to prohibit the proposal, the site is recognised as currently occupied by businesses which would need to be relocated; indicating that the site is unlikely to be immediately available. Its distance from a main road would also be contrary to meeting Lidl's business requirements. Accordingly, the site cannot be considered sequentially preferable.

3.4.19 The Lidl owned site at Eanam / Cicely Lane is also discounted as sequentially preferable, on account of logistical issues identified by Lidl which has prevented them from bringing the site forward for development.

3.4.20 The final site considered is on Canterbury Street which is accepted as being too small to accommodate the proposal.

3.4.21 No other sites are identified either within or on the edge of the identified Centres which could be considered more or equally as accessible as the application site. Moreover, the Council have not identified any additional sites which should be sequentially considered.

3.4.22 Accordingly, the proposal is considered compliant with the Sequential approach to retail development.

3.4.23 Retail impact assessment considers impact on investment in Blackburn Town Centre. The Council are satisfied that the proposal will not prejudice delivery of the key strategic former market's site. No other investment in any surrounding centres which could be prejudiced by the proposal has been identified.

3.4.24 Impact of the vitality and viability of the identified Centres is supported by data based on population and expenditure drawn from a five minute drive time from the application site. Although there are some differences in turnover of centres and stores identified in the applicant's assessment and data possessed by the Council, the proposed spread of trade is considered to have been reasonably assessed. Whilst it is accepted that the majority of trade will be drawn from larger superstores at Tesco and Asda, it is important to recognise that these stores are not afforded any retail policy protection. Localised trade drawn from surrounding District Centres demonstrates a reasonable spread given the location and overall health of those Centres. Overall, the trade drawn from Blackburn Town Centre is considered to be insignificant, given the projected turnover of the Centre.

3.4.25 The overall retail impact of the proposal on the identified Centres is not considered to be 'significantly adverse'. Accordingly, the proposal is considered compliant with Development Plan Policies CS12 and 29.

3.4.26 Consequently, the principle of the proposal is compliant with the Development Plan and The Framework.

3.4.27 Accessibility and Transportation

Policy 10 requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced and that appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards.

3.4.28 A Transport Statement submitted in support of the application has been reviewed by Capita Highways and the Council's highway consultee; supplementing detailed drawings which propose an alteration to the St. Clements Street / Furthergate junction in the form of widening the radii and realignment of the footway. These works are supported and would be delivered under a Section 278 agreement with the Local Highways Authority to be secured by application of an appropriately worded condition.

3.4.29 The primary access / egress at the site will be taken from the existing point east of St. Clements Street. Initial concern was expressed at the proximity to the St. Clements Street / Furthergate junction – measured at circa 30m – and the threat of queuing traffic onto Furthergate. The existing circumstances associated with the industrial use are, however, recognised as having the potential to generate a higher volume of heavy goods vehicular movement which is considered to balance out concern in this regard, insofar as the proposed use not presenting a significant additional threat to highway efficiency.

3.4.30 Concern was also expressed at the frequency of traffic movements at the St. Clements Street / Furthergate junction, particularly with regard to right turn manoeuvres onto Furthergate. Consequently, utilisation of an existing egress contiguous with adopted highway, directly onto the northern most point of Cherry Street, has been negotiated with the applicant. This is rather than the alternative existing access / egress immediately adjacent to no. 8 Cherry Street, on account of this land being outside of the ownership of the applicant. Use will be limited to egress only and will serve as an effective alternative to the St. Clements Street / Furthergate junction, particularly for local traffic; thereby alleviating right turn pressures onto Furthergate. Egress only limitation at the junction will be secured by condition.

3.4.31 Convenient pedestrian access to the site is offered from both Furthergate and St. Clements Street

3.4.32 Appropriate provision and layout of 117 car parking spaces will be provided on site, of which 6 are disabled and 8 are parent child. In addition, 2 Powered Two Wheel spaces and 6 cycle stands will be provided, as will a taxi pick up and drop off point. Parking provision is considered acceptable when assessed against the Council's adopted parking standards. Moreover, the site benefits from excellent links to public transport which operates frequently along the A678.

3.4.33 The overall internal site layout appropriately caters for HGV deliveries; as demonstrated by a Swept Path Analysis and includes safe crossing points for customers and staff.

3.4.34 A Demolition Method Statement supports the application which has been reviewed as an acceptable methodology in addressing traffic management during demolition works. Although a similar Construction Method Statement has not been submitted to address the construction phase of the development, this can be secured by condition.

3.4.35 A Travel Plan has also been submitted and reviewed. The plan is considered to appropriately address the fundamental principles of sustainable travel. Its delivery will be secured by condition.

3.4.36 Amenity

Policy 8 requires a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; with reference to noise, pollution, nuisance and the relationship between buildings.

3.4.37 Position of building

The proposed store will be single storey, positioned circa 3.4m from the southern boundary of the site, along a length of circa 77m. Appropriate separation between residential uses at St. Margaret's Court, St. Margaret's Close and Cherry Street, in accordance with adopted standards, is achieved; thereby ensuring satisfactory levels of residential amenity.

3.4.38 Noise

The site is positioned adjacent to residential uses identified above, located to the south and to the east. Store opening hours will be limited by condition to between 07:00 – 22:00 hours daily, with the exception of Sundays and Bank Holidays which will be limited to 10:00 – 17:00 hours. However, on account of the relative proximity of the proposed development and the potential impacts on residential amenity, a Noise Impact Assessment has been submitted and reviewed by the Council's Public Protection consultee. It is accepted that appropriate levels of residential amenity will be achieved during daytime hours; aided by provision of a 2.4m high acoustic fence mitigate noise disturbance to adjacent dwellings along Cherry Street. Night time noise is, however, considered to pose a significant threat to residential amenity; in recognition of the applicants desire to be able to receive deliveries, on occasion, when traffic conditions and other external factors outside of their control dictate the need during the night (ie between 23:00 and 07:00). In this regard, the applicant argues that the existing industrial B2 use of the site is unrestricted. Moreover, as previously acknowledged, the current site occupiers (Fix Auto) will be vacating the site regardless of the outcome of this application. In such circumstances, a future industrial use of the site could well give rise to greater residential amenity impact, by virtue of increased activities, including deliveries on a continued unrestricted basis. In this context, and having regard to the aforementioned acoustic fence, the ability to receive night time deliveries, on an infrequent basis, is considered to be not inappropriate.

3.4.39 Appropriate amenity levels during demolition and construction phase of the development shall be secured by conditions limiting works to between the

hours of 08:00 – 18:00 Monday to Friday; Saturdays 09:00 – 13:00 and no works on Sundays or Bank Holidays, and control of noise, vibration, dust and light pollution in accordance with submitted methodology statements.

3.4.40 Lighting

Impact of column mounted lighting to the external areas of the site has also been assessed by the Council's Public Protection consultee. Providing is implemented in accordance with the submitted scheme of mitigation, it is considered to pose no significant threat to residential amenity. Timely implementation of the scheme will be secured by condition.

3.4.41 Air quality

Two electric vehicle charging points will be provided within the western end of the car park; in accordance with the Council's strategic Planning Advisory Note on air quality.

3.4.42 Contaminated land

Threat from potential ground contamination can be considered by appropriate reports which will be secured by condition.

3.4.43 Drainage

Policy 9 requires incorporation of appropriate drainage measures, in order to demonstrate that it will not be at an unacceptable risk of flooding.

3.4.44 A Flood Risk Assessment (FRA) submitted in support of the application identifies the site as located within Flood Zone 1 which, according to the Environment Agency data, attributes a less than 0.1% risk of fluvial flooding. Review of the FRA and drainage strategy by the Councils Drainage consultee and United Utilities confirms no objection to the proposal, providing foul and surface drainage measures are appropriately introduced. These requirements will be secured by condition.

3.4.45 Ecology

Policy 9 requires consideration of ecological matters, including protection / mitigation of important habitat.

3.4.46 A Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment support's the application. The same was considered under the aforementioned application for demolition. The appraisals demonstrate no significant ecological disturbance, including no identified presence of bats. No additional surveys are, therefore, required. Indeed through introduction of proposed landscape enhancement, a net gain in biodiversity will be achieved. Recommended avoidance and mitigation measures through demolition and construction phases will be secured by condition.

3.4.47 Design / Layout / Character and Appearance

Policy 11 requires a good standard of design and 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.

3.4.48 The layout of the site involves siting the car park to the front, adjacent to Furthergate and the store building adjacent to the rear boundary. Although this layout is contradictory to the pre-application response, which advocated the car park to the rear to avoid perception of a parking dominated street scene; the applicant submits that the design has been informed by the site constraints and their operational requirements, which would be compromised by an alternative layout. Moreover, easily identifiable car parking is considered important to the overall strategic objectives of the company. Whilst the layout is not considered an optimal urban design solution, it is not, on balance, considered demonstrably harmful, having regard to the sites context and its surroundings, including the green corridor adjacent to Furthergate which acts as an effective landscape break between the highway and the development. Appropriate hard and soft landscaping will feature across the site, further softening the visual impact of the development.

3.4.49 The green corridor referred to is within the applicants control, following agreement reached with the Council's Property Management team. An appropriate maintenance strategy of this area will be secured by condition, to ensure its enhancement.

3.4.50 The proposed building is single storey, contemporary in its design. It features a single height glazed entrance positioned at the north western corner of the frontage. The western elevation will be full height curtain wall glazing. Remaining elevations will be steel clad in an appropriate contrasting cream / grey combination. The roof will be grey clad and mono pitched, sloping gently from south to north. Advertisements will feature along much of the frontage of the building. These will be considered under a separate application for Advertisement Consent. Design of the building is appropriately responds to the sites characteristics and the wider commercial make-up of Furthergate.

3.4.51 Summary

This report assesses the full planning application for demolition of the existing building, erection of new Lidl store and associated works. In considering the proposal, a wide range of material considerations have been taken into account.

4 RECOMMENDATION

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

- 3 year implementation period
- Implementation of deconstruction / demolition in accordance with submitted methodology
- Prior to commencement of construction, submission of a Construction Method Statement
- Prior to commencement of construction, submission of technical design of junction improvement to Furthergate / St. Clements St and to the Cherry St egress

- Prior to commencement of construction, submission of a scheme for the maintenance and connectivity through the green corridor along Furthergate
- Visibility splays to remain unobstructed
- Prior to implementation of the use, submission of a covered storage area for PTW and cycle spaces
- Implementation of agreed Travel Plan
- Implementation of agreed lighting scheme and mitigation methods
- Control of trading hours to between Monday to Saturday: 07:00 – 22:00 hours and Sundays and Bank Holidays 10:00 – 17:00 hours
- Hours of demolition and construction restricted to 08:00 – 18:00 Monday to Friday; Saturdays 09:00 – 13:00 and no works on Sundays or Bank Holidays
- Provision of two electric vehicle charging points
- Boundary treatments, including acoustic fence, to be implemented prior to commencement of use
- Prior to commencement of construction, submission of a Contaminated Land Report
- Prior to commencement of approved use, submission of a Validation Report demonstrating effective contaminated land remediation.
- Unexpected contamination
- Prior to commencement of construction, submission of a surface water drainage scheme
- Foul and surface water to be drained on separate systems
- Implementation of recommended ecological appraisal methodology
- Prior to commencement of approved use, implementation of all agreed hard landscaping and implementation of all soft landscaping within first available planting season after completion of the development
- Limitation of the premises to the approved A1 use and no alternative use without express consent
- No sub-division or mezzanine of the building with express consent

5 PLANNING HISTORY

5.5 No relevant planning history

6 CONSULTATIONS

6.1 Arboricultural Officer
No response offered.

6.2 Drainage Section
No objection subject to implementation of separate foul and surface water drainage scheme; by condition.

6.3 Environmental Services

Only a draft response received to date, pending submission of additional information requested. A full response will be provided by way of an update report, prior to the Committee date.

6.4 Public Protection

Noise / Dust / Vibration

Recommended conditions:

- Opening hours limited to between 07:00 – 22:00 Monday – Friday and 10:00 – 17:00 hours on Sundays and Bank Holidays
- Site working hours to be limited to between 08:00 – 18:00 Monday to Friday and 09:00 – 13:00 on Saturday. No works on Sundays or Bank Holidays.
- Implementation of the 'Deconstruction / Demolition Method Statement' control measures.
- Deliveries to the premises to be restricted to between 07:00 – 22:00 Monday – Sunday. This condition is considered unreasonable, on account of the fall-back position of an unrestricted B2 industrial use of the site.

6.4.1 *Air Quality*

Recommended conditions:

- Submission of a report detailing the siting and type of the two electric vehicle charging points proposed
- An assessment of the air quality impact undertaken
- Details of appropriate mitigation identified

These conditions are considered unnecessary on account of the agreed provision of the two charging points which are considered to accord with the aims and objectives of the Council's 'Planning Advisory Note: Air Quality (PAN)'; in acknowledgement of the PAN's advisory status.

6.4.2 *Contaminated Land*

Recommended conditions:

- Submission of detailed proposals for site investigations.
- Submission of validation of remedial measures.
- Unexpected contamination.

6.5 Highways Authority

No objection following satisfactory resolution of secondary egress to Cherry Street and subject to junction improvements to Furthergate / St. Clements St junction. However, there are still concerns over vehicles turning right onto Furthergate at the St Clements Street junction.

Recommended conditions:

- Submission of Construction Method Statement.
- Submission of junction improvements and secondary egress technical design
- Submission of maintenance and pedestrian connectivity strategy through green corridor along Furthergate
- Visibility splays to remain unobstructed
- Submission of covered PTW and cycle spaces.

- 6.6 Capita Ecology
No response offered.
- 6.7 Lancashire Constabulary
Recommended crime prevention measures incorporated into the development.
- 6.8 United Utilities
No objections, subject to submission of a surface water drainage scheme and foul and surface water to be drained separately; by condition.
- 6.9 Public consultation has taken place with 185 letters posted to neighbouring addresses, a press notice published on 8th December 2018 and display of three site notices on 8th November 2018. In response, 2 letters of objection have been received which are shown within summary of representations below.
- 7 **CONTACT OFFICER: Nick Blackledge, Planner – Development Management.**
- 8 **DATE PREPARED: 4th April 2019.**

9 SUMMARY OF REPRESENTATIONS

Objection – Asda Stores Ltd, Grimshaw Park, Blackburn. Rec – 31/01/2019

31st January 2019

Dear Nick,

10/18/1094 I Demolition of existing building and the erection of a Lidl store (Use Class A1) with associated works including improved access, parking area and landscaping I Furthergate Works, St Clement Street, Blackburn, BB1 1AB.

On behalf of ASDA Stores Ltd. (ASDA), TPS Transport Consultants Ltd (TPS) has reviewed the Transport Assessment, prepared by SCP, to accompany the above application for a Lidl foodstore on St Clement Street, Blackburn. Our review has sought to determine whether the development proposals will enable the continued satisfactory operation of the road network, whilst ensuring that road safety is not detrimentally affected.

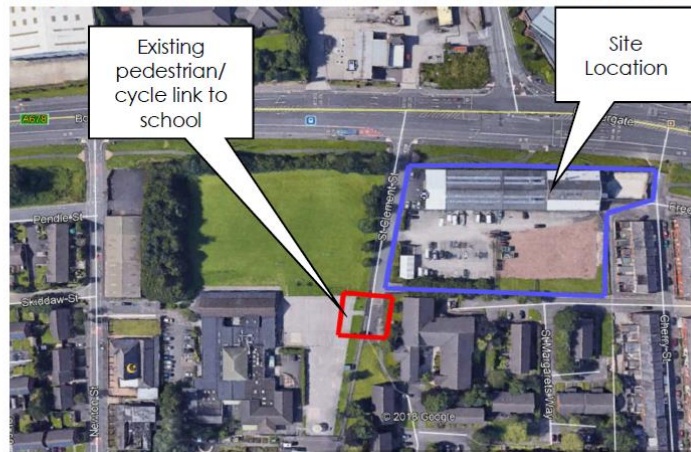
Following our review of the Transport Assessment we have several concerns regarding the highways impact of the proposals. These concerns form the basis of ASDA's formal objection to the application and are summarised below.

Planning History and Development Proposals

The development proposals consist of the demolition of the existing accident repair centre (B2 use) on the site, and the construction of an A1 foodstore to be occupied by Lidl, with an RFA of 1,104sqm. The proposals include 101 car parking spaces, with servicing via the customer car park. The development site fronts onto the A678 (Furthergate), which is a key route into Blackburn, and takes access from St Clement Street, to the west of the site.

St Clement Street provides access, primarily, to the existing accident repair centre, although it also serves as a secondary access to St Thomas C of E school. There is no vehicular access to the school from here, albeit the TA suggests it is used for drop off / pick up, with journeys to the school then made on foot, via a pedestrian and cycle link from the southern end of St Clement Street. **Figure 1** below shows the existing pedestrian and cycle link into the school from St Clement Street.

Figure 1 – Location of existing pedestrian and cycling link into the school from St Clement Street



(Source: Google)

Servicing

The TA includes a swept path analysis drawing to demonstrate the movements of HGV vehicles servicing the foodstore, but the swept path analysis provided only demonstrates left-in and left-out movements to and from Furthergate with no confirmation of the intended servicing routes. Furthermore, in order to undertake the left turn into St Clement Street, the HGV is required to overrun the centerline.

The TA suggests that 'this is not a significant issue', however the development proposals result in an intensification of use of St Clement Street and we would, therefore, suggest that there will be an increased risk of conflict between HGVs, customers and school related traffic.

Furthermore, the TA does not detail when servicing will be undertaken. We would suggest that a condition is imposed which restricts deliveries to outside store (and school) opening hours. We would also request that confirmation of servicing routes and / or further swept path analysis drawings are provided to demonstrate additional movements can be undertaken satisfactorily.

Car Parking

As is stated within the TA, a total of 101 parking spaces are to be provided as part of the development proposals, which is compliant with the Blackburn and Darwen Council policy. Although the parking provision is compliant with Council policy, the parking accumulation section of the TA shows that the maximum accumulation would not exceed 51, meaning approximately 50% spare capacity at any given time, which will allow for increased demand at particular times of the year (e.g. Christmas and Easter).

The consultant has then stated that the car park – “*will be able to cater adequately for the customers traffic with the added school pick-up / drop-off activity of the nearby St Thomas School*”. The TA goes on to state that the car park will be monitored so as to establish whether school traffic is having a negative effect on the customer car parking, and if so, Lidl reserves the right to restrict parking to customers only.

No further detail on likely levels of parking associated with the school is included, neither is consideration given to the implications if parking for the school could not be accommodated within the Lidl car park. The Council cannot, therefore, have confidence that parking issues on St Clement Street will not occur. The TA should be revised to include a detailed assessment of existing school related parking on St Clements Street (and on the existing accident repair centre, if applicable). This should then be used to undertake a revised car park accumulation assessment, which combines the school and Lidl parking demand, with consideration given to the maximum anticipated demand during busier periods.

Further details should be provided as to how parking associated with the school will be managed if it can no longer be accommodated within the Lidl carpark (in the future). There are no parking restrictions currently on St Clement Street, in the vicinity of the site access, and there is nothing to stop school related parking occurring here (as seen in **Figure 2** below). This would not only impact on the movement of customer vehicles but would also preclude servicing of the store, based on the swept path analysis submitted.

Figure 2 – No existing parking restriction on St Clement Street



(Source: Google)

In regards to the layout of parking within the site, the TA states that 'car parking spaces are 2.5m wide by 5.2m in length, in accordance with the operator's standard requirements for new stores and BwDC car parking standards', however, the site layout plan does not reflect this. The site layout plan shows spaces varying in width and those along the frontage are identified as 4.8m in length, as shown in **Figure 3**; we would request then, that the plan is updated accordingly.

[illegible]

Capacity Assessment

Furthermore, there appears to be no flow diagram relating to passby trips (only new trip distribution is included). In light of this, we have been unable to relate the flow diagrams and thus the model inputs to the trip generation calculations in the report. We cannot, therefore, be confident that the capacity assessments accurately reflect the development impact. We would, request that the inconsistencies are addressed in the flow diagrams so that the impact of the development's trips can be traced throughout the immediate highway network, in particular the adjacent junctions.

Furthermore, we would request that queue length data is used to validate the models and is made available, with a view to understanding how queuing back from the adjacent junctions impacts on the St Clement Street junction. The TA suggests that queue length surveys have been undertaken but no evidence of this is provided within the submitted document.

Summary

Following our review of the Transport Assessment, prepared by SCP to support the planning application for a Lidl foodstore on St Clement Street, Blackburn, we would like to draw your attention to the following points:

- More detail is required to establish current levels of school parking on St Clement Street (and the site, if applicable) and an accumulation assessment should be undertaken to demonstrate



whether this can be accommodated within the Lidl carpark during the busiest periods, and, if this provision is later removed, what impact resultant on-street parking would have on the ability of customers and servicing vehicles to access the store;

- No swept path analysis is provided to demonstrate vehicles turning right-in and right-out of the development site, no justification for this is provided. Given that servicing will take place via the customer car park, we would suggest a condition is imposed alongside any consent, to restrict servicing to outside store (and school) opening hours;
- The traffic data for the Saturday assessment was collected during the October half term school holidays, meaning that this data cannot be assumed to be representative of a neutral period. We would, therefore, request that traffic data should be recollected. Furthermore, queue length data should be made available, so the interaction between neighboring junctions and St Clement Street can be understood; and
- Inconsistencies are present within the flow diagrams relating to the development trips at the adjacent junctions surrounding the site; we would recommend this to be amended and the revised flow diagrams made available for review.

Given the above, it is considered that the Transport Assessment currently provides insufficient detail regarding development traffic movements, servicing and car parking, particularly. The highway authority cannot, therefore, arrive at a sound decision on the impact of the development proposals at this stage and, therefore, the application should be refused on highway grounds.

Comment - Fix Auto Blackburn, Furthergate Works, St Clement Street,
Blackburn. Rec – 01/03/2019

Dear Nick,

**PLANNING APPLICATION REF. 10/18/1094: PROPOSED LIDL STORE,
FURTHERGATE WORKS, ST CLEMENT STREET, BLACKBURN, BB1 1AB**

I am writing to you as the owner of the above planning application site and as the owner of the business, T.Gillibrand (Blackburn) Ltd t/a Fix Auto Blackburn, which currently operates from the site.

I can confirm that we have been considering our on-going occupation of the site for a long period of time and that it is our intention to relocate the business from the site.

I can also confirm that we have been in discussions with Blackburn with Darwen Borough Council regarding alternative sites and that it is our intention to continue the business's operation within the town.

The Lidl proposal will help to facilitate the relocation of the business to premises which better meets our future needs.

Hopefully this letter assists the Council in providing clarity over this position. If you require any further information, please do not hesitate to let me know.

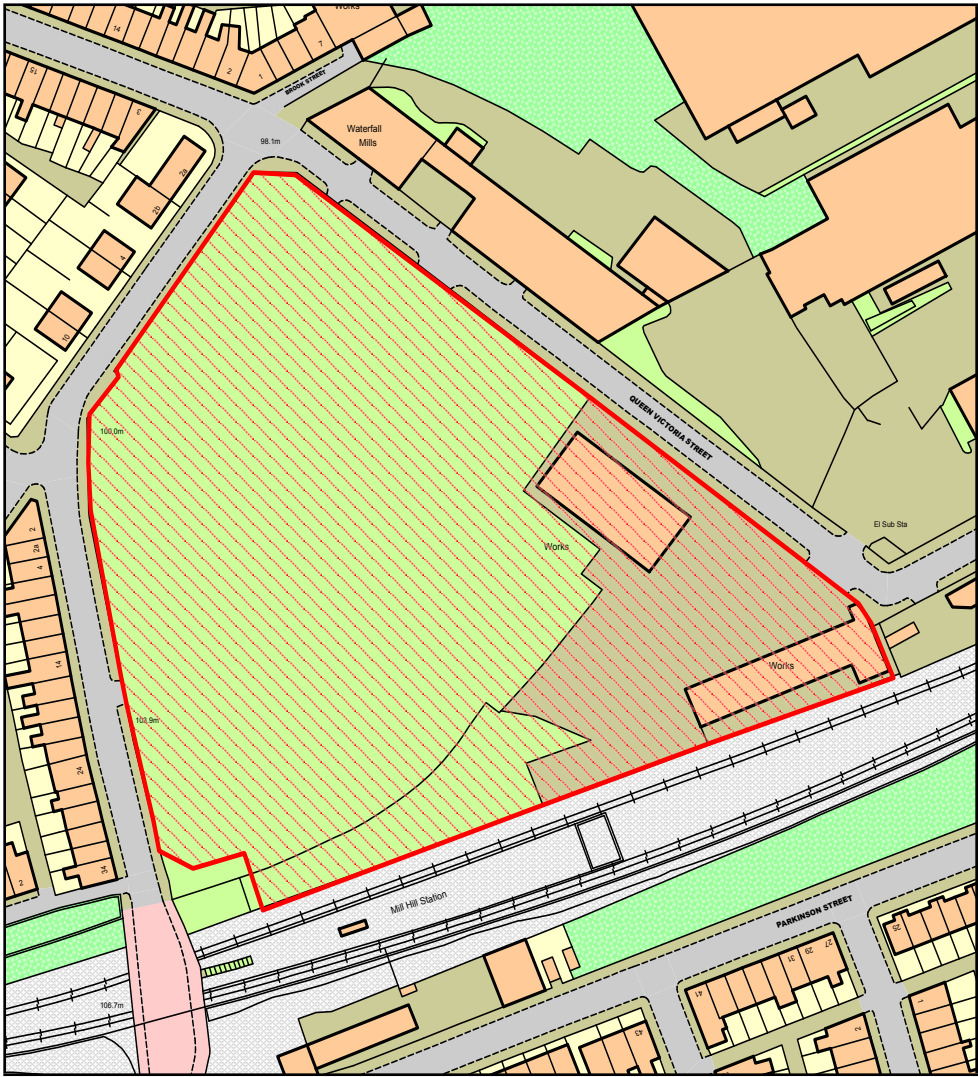
Proposed development: Full Planning Application for Demolition of existing buildings on site and the erection of 68 dwellings and associated works

Site address:
Land off Queen Victoria Street
Blackburn
BB2 2RZ

Applicant: Countryside Properties UK Ltd

Ward: Mill Hill & Moorgate

Councillor	Damian Talbot
Councillor	Julie Gunn
Councillor	Jim Smith



1.0 SUMMARY OF RECOMMENDATION

- 1.1 APPROVE – subject to the recommended conditions set out in section 5.0 of this report; the Grampian Condition set out in section 5.0 of this report will facilitate the implementation of an off-site crossing point in the North Blackburn locality.**

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1** The proposal will deliver a high quality housing development which will widen the choice of family housing in the Borough. It supports the Borough's planning strategy for housing growth as set out in the Core Strategy. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1** The application site comprises of an irregular shaped parcel of land situated directly to the north of Mill Hill train station. The land measures approximately 1.77 hectares of previously developed land. The site slopes from south to north and there are significant levels changes in the western part of the site. The majority of the site is vacant however there are two small industrial buildings with associated hard standing in the southeast corner of the site. One of these buildings is vacant whilst the other is currently being used as an auto repair shop. The remainder of the site is scrubland, a bank of trees did once line the western perimeter but these have subsequently been felled
- 3.1.2** The site is bounded by the residential terrace of New Chapel Street to the west and further residential dwellings situated along Mill Hill Street to the north. To the east of the site are a number of commercial and industrial buildings many of which are still operational. Mill Hill train station is situated to the south of the site with the train track running adjacent to the southernmost part of the site.

3.2 Proposed Development

- 3.2.1** The proposal is a full planning application for the demolition of the existing buildings on site and the erection of 68 dwellings and associated works.
- 3.2.2** The proposed development will provide 68 dwellings comprising of two, three and four bedroom houses. The proposed mix of dwellings comprises of 17 two bedroom houses, 47 three bedroom houses and 4 four bedroom houses in a mix of detached, semi-detached and terraced dwellings.
- 3.2.3** The dwellings proposed will be managed housing stock for rent and will not be sold on the open market.

- 3.2.4 The materials used in the area around the application site are predominantly red brick, white render with grey roof tiles with elements of red roofs and buff brick. The proposed materials reference themselves to the local vernacular without being a pastiche. The internal street scenes and the frontage to Queen Victoria Street will look to compliment this existing character while being careful not to repeat the form of existing residential stock that surround the boundaries of the site. The proposed materials will consist of a light red brick, red multi brick and buff multi brick with selected plots being partially rendered (white) or tile hanging to provide further variety within the street scene.
- 3.2.5 The site will be accessed via one main access point directly off Queen Victoria Street. A pedestrian link is also to be provided from the site to New Chapel to facilitate the use of the nearby train station.
- 3.2.6 The central part of the site has been identified as an area of public open space which will contain a pathway and street furniture.

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 (2011)

CS1: A Targeted Growth Strategy
CS5: Locations for New Housing
CS6: Housing Targets
CS7: Types of Housing
CS8L Affordable Housing Requirements
CS13: Environmental Strategy
CS15: Protection and Enhancement of Ecological Assets
CS16: Form and Design of New Development
CS19: Green Infrastructure
CS20: Cleaner, Safer, Greener
CS21: Mitigation of Impacts / Planning Gain
CS22: Accessibility Strategy

3.3.3 Local Plan Part 2 (2015) (LPP2)

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

Policy 12: Developer Contributions

Policy 18: Housing Mix

Policy 40: Integrating Green Infrastructure and Ecological Networks with New Development

3.4 Other Material Planning Considerations

3.4.1 Residential Design Guide SPD

This document provides targeted advice to ensure high quality new homes. It aims to ensure that new development reflects the individual and collective character of areas of the Borough and promotes high standards 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

Green Infrastructure & Ecological Networks (December 2015)

The Blackburn with Darwen Green Infrastructure and Ecological Networks SPD outlines further detail and guidance around policies protecting, improving and creating green infrastructure and ecological networks. It sets out the authority's approach to green infrastructure in new residential developments.

3.4.3

National Planning Policy Framework (NPPF)

The National Planning Policy Framework (Framework) is a material consideration in planning decisions. The Framework sets out a presumption in favour of sustainable development in Paragraph 7. It identifies at Paragraph 8 that there are three overarching objectives to sustainable development. These are Economic, Social and Environmental. Paragraph 11 of the Framework explains that for decision taking, this means approving development proposals that accord with the development plan without delay. Chapter 5 of the Framework relates to delivering a wide choice of high quality homes, and Chapter 8 relates to promoting healthy communities.

3.5 Assessment

3.5.1 When assessing this application there are a number of important material considerations that need to be taken into account. They are as follows:

- Principle of the development;
- Highways and access;
- Drainage;
- Design and Layout;
- Amenity impact;
- Ecology; and
- Affordable housing

3.5.2 Principle of the development

- 3.5.3 The principle of the development is considered under the Blackburn with Darwen Local Plan Part 2: Site Allocations and Development Management Policies and the Core Strategy.
- 3.5.4 Core Strategy Policy CS1 sets out the principle that development should be concentrated within defined urban areas. This is reiterated in Policy 1 of the LPP2 which states that the defined Urban Area is the preferred location for new development. Development in the Urban Area will only be granted planning permission where it complies with the other policies of this Local Plan and the Core Strategy. The application site is located within the defined urban area boundary of Blackburn on the proposals map.
- 3.5.5 Policy 7 relates to Sustainable and Viable Development and echoes the presumption in favour of sustainable development set out in the NPPF. Thus, applications that accord with policies in the Local Plan will be approved without delay unless material considerations indicate otherwise.
- 3.5.6 Members will recall that an outline application (Ref. 10/12/1181) for the erection of 60 houses with children's play area was approved in October 2013 and renewed in June 2016 (Ref. 10/15/0672). The principle of residential development on the site has therefore already been established for 5 years, and the extant outline permission represents a material fall-back position.
- 3.5.7 Subsequently the majority of the site has remained vacant for a number of years. It is in an area which is relatively difficult to access from main transport routes. In addition, the history of previous uses on the site (authorised and unauthorised) would mean that the site requires significant remediation before it could be redeveloped.
- 3.5.8 Members are advised that Queen Victoria Street forms a significant boundary between residential-type uses to the north and west of the site, and employment-type uses to the east. As such, a residential development on the application site would not prejudice the operability of the rest of the businesses in the Business and Industrial Area extending back to Stancliffe Street.
- 3.5.9 It is therefore considered that the principle of the form of development set out in this application is acceptable and in accordance with the provisions of the development plan in terms of delivering a high quality residential development site within the defined urban area. This position is subject to the more detailed considerations also being in accordance with adopted development plan policy and national guidance.
- 3.5.10 Highways and access**
- 3.5.11 Core Strategy Policy 22: Accessibility Strategy and Local Plan Policy 10: Accessibility and Transport, aim to ensure that new developments provide appropriate provision for access, car parking and servicing so as to ensure the safe, efficient and convenient movement of all highway users is not prejudiced.

- 3.5.12 The proposal identifies one vehicular point of access being taken from Queen Victoria Street. Dwellings on the periphery of the site will have parking access direct from the existing road network. A pedestrian access will be provided in the south western corner of the site linking the development to New Chapel Street and most notably Mill Hill Train Station.
- 3.5.13 Parking provision for the development in accordance with the Council's adopted parking standards; 2 spaces for 2/3 bed units and 3 spaces for 4+ bedroom properties would require a total provision of circa 136 spaces. The application proposes a total provision of 2 spaces per dwelling. It is noted that this is below the recommended requirement for a four bed dwelling; however given that the development will only accommodate 4 four bed dwellings it is considered that their cumulative impact upon the highway network within the site would not be significant enough to warrant the refusal of the application.
- 3.5.14 The Highways Officer noted that the driveway parking spaces did not accord with the adopted space requirements of 5.5m x 2.4m. Subsequently this has been amended for plots 1, 5, 6, 11, 14, 22, 26, 28, 32, 33, 40, 42, 43, 44, 46, 51, 52, 53, 54, 55, 57, 58, 62, 63, 65, 66, 67, 68. The remainder of the plots either meet the 5.5m requirement or are unable to be increased due to the presence of retaining walls throughout the site, plot positioning in relation to the road, proposed levels and requirement to achieve satisfactory interface distances. There are no garages being provided.
- 3.5.15 The Highways Officer has confirmed that as not all driveways have been amended to accord with the adopted space requirements that there are still concerns regarding vehicles overhanging the highways which in turn could affect the safety of pedestrians on the footways.
- 3.5.16 The site is well situated to provide access to a range of alternative modes of transport. The nearest bus stops to the site are located on the site frontage along New Mills Street and adjacent Mill Hill Train Station, all within the recommended 400m walking distance. Further to this Mill Hill Train Station is located approximately 50m south of the site. Therefore it is considered that the proposal can provide forms of sustainable development in transport terms and therefore accords with CS22 of the Core Strategy and Policy 10 of the LPP2 and Section 9 of the NPPF.
- 3.5.17 The initial Highways comments received identified that they had no objection in principle to the proposed access arrangements subject to a number of issues being addressed prior to a decision being made. Subsequently the following additional information was submitted or made available to the Highways Officer to overcome the identified issues. A visibility plan, amendments to the layout to accommodate footway connections through the POS, sections of the retaining walls requested the retaining wall calculations, the soil specification for the retaining walls and the submitted s278 scheme.

3.5.18 A Construction Environmental Management Plan has been submitted which includes details of the construction mitigation methods such as a wheel wash and a method statement. Subject to a condition being attached ensuring that this is adhered to throughout the construction phase of the development the Highways Officer has confirmed that the information submitted is adequate.

3.5.19 Due to the proposed increase in dwellings in the locality should the current scheme be approved, provides justification for contribution towards off-site highway works. A contribution is sought to provide for a pedestrian zebra crossing. The contribution will be secured via a Grampian condition, for a scheme to be received for approval and works to be carried out prior to occupation of the first dwelling.

3.5.20 Following the submission of the additional information the Highways Officer has confirmed that the internal road had been widened on the bend to 5.5m. The developer has offered a tracking plan to show a refuse vehicle can manoeuvre with ease. However this does not necessarily assess two vehicles passing one another, with is probably the daily occurrence that we should be designing for.

3.5.21 The Highways Officer has confirmed that in regards to the retaining wall structures insufficient details have been supplied with regards to the gabion wall calculations. Therefore to ensure that this is adequate a structure informative will be added for the remaining details to be picked up as part of the Technical Construction Approval.

3.5.22 Drainage

3.5.23 United Utilities have examined the proposed drainage details and Flood Risk Assessment (FRA), and have confirmed that the drainage design, in principle, is acceptable, subject to the application of suitably worded conditions to ensure their effective construction and future management. Specifically those conditions will need to address:

- Drainage carried out in accordance with principles set out in the submitted FRA and no surface water will be permitted to drain directly or indirectly into the public combined sewer. Any variation to the discharge of foul shall be agreed in writing the LPA prior to the commencement of the development.
- Prior to the occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the LPA.

3.5.24 The Lead Local Flood Authority's (LLFA) initial response stated that they had no objection to the scheme subject to the imposition of a number of pre-commencement conditions. The applicant subsequently submitted additional updated documents to overcome the need for the pre-commencement conditions.

3.5.25 Following a formal assessment of the additional information submitted by the development, by the LLFA it was noted that the developers Floor Risk Assessment (FRA) proposed a 50% reduction in surface water runoff for a brownfield site. It is the Council's wish for the site to be considered as Greenfield land and therefore would require an equivalent Greenfield run off also. This was also backed by the Environment Agency and the developer has been informed that the FRA and drainage design needs to be amended for the site to have equivalent Greenfield runoff and 40%cc.

3.5.26 The above comments are subject to the appraisal of the amended FRA and drainage design of the scheme. Assessment is ongoing and a full response will be provided on the committee update report.

3.5.27 Design and Layout

3.5.28 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.

3.5.29 Detailed Design and Access and Planning statements have been provided which set out the key design principles derived from the assessment carried out by the developer considering the site constraints and ensuring the development is in keeping with the existing local character of the area, which have informed the site design and layout.

3.5.30 The main aim of the proposal is to ***produce a development that fits in and complements the existing character of the area. High quality, site specific design produces an interesting and varied street scene creating a distinctive place to live.***

3.5.31 The layout presents itself to the existing highway by means of one road leading into the site and connects to the public open space providing a strong sense of place. The house form perimeter blocks ensure that each property benefits from a private rear garden, incurtilage parking and landscaped gardens.

3.5.32 In terms of housing mix, the proposal includes 47 three bedroom houses, 4 four bedroom houses and 17 two bedroom houses. A mix of terraces, semi-detached and detached dwellings are proposed. Policy 18 of the Local Plan Part 2 illustrates that the Council requires a detached and semi-detached housing offer to be the principal element of the dwelling mix on any site that is capable of accommodating such housing, and therefore the proposal meets this policy requirement.

- 3.5.33 The proposed development provides a nett residential density of a little under 39 dwellings per hectare, when considering the developable area of 1.77 hectares. The previously approved outline scheme sought the erection of 60 dwellings, the proposed layout relating to this application will deliver 68 units.
- 3.5.34 Policy does not preclude a higher number of units being provided on site and as such, subject to a detailed consideration of matters of design and layout. Moreover, the applicant has demonstrated that the economic viability of the scheme, through their Viability Appraisal submission, is dependent on delivery of the proposed number of units. It is, therefore, considered that the social and economic benefits of the development, including its contribution towards the boroughs housing obligations, outweigh potential concern regarding the number of units per hectare.
- 3.5.35 High quality landscaping is an important feature of this proposal. As part of the proposal the existing brick wall and palisade fence around the site will be removed and replaced with a grass verge slope and a public open space to the centre of the site. This will soften the development and will serve to provide a distinct boundary around the site. The application is accompanied by a Landscape proposal drawing for the site post construction which will be conditioned to ensure the satisfactory appearance for the development.
- 3.5.36 The houses throughout the proposed development are standard house types for the developer, though have been specifically chosen for this site to help it assimilate with the context of the site. The properties have carefully considered internal layouts to offer a variety of configurations to appeal to families of varying sizes and needs. The house types represent an appropriate variety of styles and, together with their orientation, will create varied and attractive street scenes.
- 3.5.37 Details of the proposed boundary treatments have been provided, alongside a detailed layout to illustrate the boundary treatments for each part of the site. Frontage and treatments within the site will include a mix of brick walls, high close board fencing of varying heights and a post and rail fence around the Public Open Space.
- 3.5.38 Core Strategy Policy 20 and Policy 8 of LLP2 seek to reduce crime through effective design solutions. The scheme has been assessed by the Lancashire Police Designing Out Crime Officer. They have made a number of recommendations as part of their response including security fencing during the construction phase, intruder alarm systems to be fitted to cabins where tools etc will be stored, on-site CCTV, security lighting and the use of a security personnel if necessary. Many of these matters sit outside the scope of development management however the Construction Environmental Management Plan sets out in detail the security measures which will be implemented during the construction phase of the development. The other matters will be attached as a series of informatives to the decision notice, as necessary.

3.5.39 The details submitted illustrate a design and layout which show dwellings, infrastructure and landscaping which accords with the provisions of the relevant policies of the development plan.

3.5.40 Amenity impact

Policy 8 of the LPP2 relates to the impact of development upon people. Importantly, at section (ii) of the policy there is a requirement for all new development to secure satisfactory levels of amenity for surrounding uses and future occupiers of the development itself. Reference is made to matters including; noise, vibration, odour, light, dust, privacy/overlooking and the relationship between buildings.

3.5.41 The Residential Design Guide SPD indicates an appropriate separation of 21 metres between facing windows of habitable rooms of two storey dwellings, unless an alternative approach is justified to the Council's satisfaction. Where windows of habitable rooms face a blank wall or a wall with only non-habitable rooms a separation of no less than 13.5 metres shall be maintained, again unless an alternative approach is justified to the Council's satisfaction.

3.5.42 Following assessment, not all of the separation distances are compliant with the requirements of the SPD. Therefore, the separation distances between the proposed properties within the site are broadly in accordance with the Council's aforementioned adopted standards, though the occasional marginal sub-standard interface exists.

3.5.43 The south of the site abuts onto the railway track and platform of Mill Hill Train Station. The light spillage report submitted in support of the application states that to mitigate any glare a 3m high fence on the boundary between the development and the railway line would be sufficient. The boundary treatment plan states that a 3m fence will be erected adjacent the station platform and a 2.5m fence adjacent the railway track from where the station platform finishes to the south eastern corner of the site. The Public Protection officer is currently assessing the submitted details and the findings of this will be presented in a committee update report.

3.5.44 The south east corner of the site abuts onto an existing business 'Workgreat Ltd (Fencing & Firewood Factory). Following the initial assessment of the Noise & Vibration Assessment report the Public Protection officer raised concerns regarding the loss of amenity that existing business may have on plots 65, 66, 67 & 68. Consequently the developer has amended the layout of the south east corner of the site re-orientating the properties to offer more protection to the rear garden areas. Further to this the developer proposes to

erect a 3.5m high acoustic barrier adjacent to WorkGreat Ltd, on the boundary of plots 67 and 68. A 3.5m high close boarded fence is proposed adjacent to the railway line next to plot 68 and a 3.5m high close boarded fence is proposed between plots 64-68. The Public Protection officer is currently assessing the submitted details and the findings of this will be presented in a committee update report.

3.5.45 Further assessment in relation to land contamination, air quality and the potential risks to future occupants and users of the site is required. Reports are currently under assessment and the findings on these issues will be presented in the committee update report

3.5.46 **Ecology**

3.5.47 The ecology impact of the proposal has been fully assessed by the Capita Ecology team and found to be acceptable subject to the implementation of a number of conditions. The ecology survey confirmed that the site does not support species of high value and that the trees which bounded the western edge of the site (which subsequently have already been felled by the developer) have either no potential or low potential in regards to supporting bat roosts. Regardless of this, it is recommended that the following conditions be attached adopting reasonable avoidance measures, such as:

- The works to be carried out in accordance with the methodology contained within the CEMP.
- If site clearance works are to take place between bird nesting season a pre-commencement check within 48 hours of the start of works shall be carried out
- The works to be carried out in accordance with the Invasive Species Method Statement
- No external lighting shall be installed before a lighting strategy is submitted and agreed in writing by the LPA.
- Prior to development going above slab level details of the provisions of bat and bird boxes shall be submitted to and agreed in writing by the LPA.

3.5.48 Members should note further to the above the impact of the development on ecology were considered acceptable through the previously approved outline application 10/12/1181 and the subsequent application 10/15/0672.

3.5.49 Policy 9 of the LPP2 states that where one or more tree is to be removed as part of the development, a condition will be attached requiring that an equivalent number or more new trees are planted either on or near the site, unless a clear justification is provided for not doing so. The development will

incorporate the provision of over 70 new trees and therefore exceeds the requirements of the policy resulting in a new gain of biodiversity.

3.5.50 It is therefore considered that the development would not have an unacceptable environmental impact and therefore accords with Policy CS13 of the Core Strategy and Policy 9 of the LPP2.

3.5.51 Affordable housing

A Viability Assessment has been submitted in support of the application. The report is currently under assessment and the findings on this will be presented in the committee update report.

4.0 CONCLUSION

4.1 This report assesses the full planning application for 68 dwellings on land at Queen Victoria Street, Blackburn. In considering the proposal a wide range of material considerations have been taken in to account during the assessment of the planning application.

4.2 The assessment of the proposal clearly shows that the planning decision must be made in terms of assessing the merits of the case against any potential harm that may result from its implementation. This report concludes the proposal provides a high quality housing development with associated infrastructure, which meets the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, and the National Planning Policy Framework.

5.0 RECOMMENDATION: Approve subject to Conditions which relate to the following matters:

- Commence within 3 years
- Approved drawings/details
- Materials to be implement as agreed subject to the approved drawings/details
- Boundary treatment to be erected subject to the approved drawings/details
- S278 Grampian condition for offsite highway works
- Sightlines clearance to be kept in perpetuity
- Closure of existing access points where required
- Land contamination
- Air Quality
- Noise
- Light
- Highways – standard conditions
- Drainage carried out in accordance with principles set out in the submitted FRA and no surface water will be permitted to drain directly or indirectly into the public combined sewer. Any variation to the discharge of foul shall

be agreed in writing the LPA prior to the commencement of the development.

- Prior to the occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the LPA.
- Works to be carried out in accordance with FRA and proposed drainage design
- The works to be carried out in accordance with the methodology contained with the CEMP.
- If site clearance works are to take place between bird nesting season a pre-commencement check within 48 hours of the start of works shall be carried out
- The works to be carried out in accordance with the Invasive Species Method Statement
- No external lighting shall be installed before a lighting strategy is submitted and agreed in writing by the LPA.
- Archaeology - level 2-3 Building Record of the goods shed (ie drawn, photographic and description record)
- Archaeology – If any evidence is found on site then this must be adequately recorded and submitted
- Prior to occupation of the development hereby permitted the Public Open Space shall be completed in accordance with approved drawings/details
- Prior to development going above slab level details of the provisions of bat and bird boxes shall be submitted to and agreed in writing by the LPA.
- Permitted development rights to be removed (Part 1, Classes A to E)
- Limitation of construction site works to: 08:00 to 18:00 Mondays to Fridays, 09:00 to 13:00 Saturdays, Not at all on Sundays and Bank Holidays.

6.0 PLANNING HISTORY

- 6.1 10/15/0672 – Outline Planning Application for the erection of 60 houses with children's play area (Approved with Conditions 01/06/2016)
- 6.2 10/12/1181 – Erection of 60 houses with children's play area (Approved with Conditions 25/10/2013)
- 6.3 10/09/0317 – Outline application for the erection of 66 houses with parking and landscaping (Refused August 2009)
- 6.4 10/08/0481 – Outline application for the erection of 66 houses with parking and landscaping (Withdrawn)
- 6.5 There are a series of further applications affecting the site, though none are considered relevant to the determination of this application

7.0 CONSULTATIONS

- 7.1 Environmental Services

No objection.

7.2 Lancashire Fire and Rescue Service

No objections, but recommended that the scheme should be developed to meet the requirements of Building Regulations Approved documents B, Part B5 'Access and facilities for the Fire Service'

7.3 Drainage Section

Initial comments received: Discussions have been had with the Environment Agency regarding the FRA proposal and are both in agreement that the FRA and drainage design be changed for the site to have equivalent greenfield runoff and 40%cc.

Further comments will be updated following the assessment of the amended drainage design scheme and FRA by means of a committee update report upon receipt of the comments.

7.4 Network Rail

No objection subject to use of informatives on decision notice.

7.5 Lancashire Constabulary

No objections, but recommended that the scheme should be developed to achieve 'Secured by Design' accreditation.

7.6 Public Protection

7.6.1 Light

Initial comments received: The suitability of the mitigation options presented in the 'Light Spillage Survey' Ref:6480084/v4 are being assessed.

Further comments will be updated following the assessment of the amended/additional details by means of a committee update report upon receipt of the comments.

7.6.2 Noise

Initial comments received: A review of the submitted report 'Noise & Vibration Assessment for Reserved Matters Planning Application' - ref: 6479834/01 – October 2018 has been carried out and it is noted that no significant commercial or industrial noise was identified during the assessment (see report paragraph 6.29). A site visit was carried out recently and at least one business (Workgreat Ltd. ('Fencing & Firewood Factory') at Peel St., Blackburn) that adjoins the application site was identified which has the potential to cause loss of amenity at the proposed dwellings. They process wood using various saws on site, operate a forklift truck & have a telephone call alert bell which is noisy. A review of the report in respect of commercial/industrial noise sources to ensure that all potential impacts are identified and assessed is requested.

Further comments will be updated following the assessment of the amended/additional details by means of a committee update report upon receipt of the comments.

7.6.3 Air Quality

Initial comments received: Conditions 13 and 14 on the previously approved outline decision notice requires that the developer assesses a number of criteria and, if those criteria are satisfied, to provide a more detailed assessment of air quality. The developer has submitted a report which seeks to satisfy these requirements. I don't agree with the conclusions relating to the criteria, so I can't accept the findings of the report.

The report provides an estimate of on-site parking and traffic associated with the site from when it was a busy scrap yard, and compares these estimates with figures for the proposed development. The report concludes that there will be no significant increase in traffic or parking provision. However, I've looked at an aerial view from the year 2000 and subsequent years. There has been some limited recent activity on site, but the majority of the site has been empty for a long time and hasn't been a busy scrap yard for many years. The estimates for the scrap yard traffic and parking that they've used don't relate to what has been going on in recent years, and they won't help to assess the impact on local exposure.

As it stands, I recommend refusal because the developer hasn't satisfied conditions 13 and 14 of the 10/15/0672 decision notice. However, a revised assessment may be able to fulfil the relevant requirements and demonstrate that air quality isn't a significant issue. I would then be able to revise my comments (in which case I'm likely to recommend conditions relating to electric vehicle charging, gas boiler emission limits, and dust control during construction).

If a more detailed assessment is undertaken I recommend that the scope of the assessment is agreed beforehand.

Further comments will be updated following the assessment of the amended/additional details by means of a committee update report upon receipt of the comments.

7.6.4 Land Contamination

Initial comments received: The desk study has been based, in the main, on an Envirocheck report. This Section would always encourage a wide a consultation as possible when compiling a desk study. This is particularly relevant to this site, which has more recently been used as a scrap yard. There is very little information within the report regarding this use. This Section will require more information relating to the scrap yard in order to fully assess the site investigation and risk assessments undertaken to date. As such, further consultation/research will be required.

Significant contamination has been identified on site, which will require further consideration. There is still some uncertainty regarding the scrap yard, as outlined above, and therefore it is not clear whether the worst case conditions have been encountered.

Based on the assessment undertaken, the report has concluded that there are a number of hotspots at the site which require remediation in order to make the site suitable for use. It is not clear why the report has concluded that the contamination identified is 'hotspot' rather than site wide. There are no statistics in order to support this.

The reports have been referred to the Environment Agency to comment on the controlled waters risk assessment. Comments will be fed back when available.

In terms of the remedial works, until the above points are addressed, the remedial works cannot be considered further at this time. However, I would comment that further sampling at the site is considered likely due to the cut and fill works proposed, the excavations required and the need for imported material. In addition, a 300mm depth of fill in landscaped areas would not be in accordance with the Blackburn with Darwen Borough Council guidance, which specifies a min. 450mm in landscaped areas. Asbestos should be considered during any further site works in order to protect site workers and adjacent site users.

Further comments will be updated following the assessment of the amended/additional details by means of a committee update report upon receipt of the comments.

7.7 Growth – Housing

The Housing Growth Team would welcome good quality family homes in this location.

The principle of residential dwelling and mix is acceptable as proposals indicate a housing offer, which responds to the Council's growth strategy.

We would be supportive of the proposal subject to it meeting planning policy requirements and approval from Development Management.

In accordance with the Council's Affordable Homes Policy the developer will be required to provide 20% of the scheme for affordable housing. This can be on site, off site or through a S106 commuted sum payment.

We are supportive of new housing developments coming forward and will be willing to consider negotiating affordable homes provision/commuted sum requirement to support scheme viability.

7.8 Capita Ecology

The proposals are unlikely to have any significant effects on the integrity of any statutory or non-statutory sites and the reports provide recommendations for a range of habitats and species. We consider that the following issues that

were raised in the report's recommendations need to be addressed via planning conditions.

7.9 Highways

Parking provision is lacking for the 4 bed units, 3 spaces should be provided. Further to this some of the car parking spaces on the drives measure at 5.0m and not 5.5m (in accordance with the adopted Residential Design Guide), this needs to be addressed.

The scheme presents one main access point in from Queen Victoria Street. This is acceptable, subject to satisfactory sightlines. The internal road varies between 5.5 - 4.5m in width. The roads have been widened on the bend to accommodate the ability to allow vehicles to pass one another, a 2m continuous footway runs along one side of the road. Where the footway connects through the POS and where it ends prior to the POS, a material change should support the safe crossing on the internal road.

TRANSPORT STATEMENT

This has been reviewed. The TS has not been redone, they have just responded to the conditions that were attached to the original approval, and have not provided a full and concise assessment in terms of trip movements. Further consideration is to be given to this.

OFF-SITE HIGHWAY WORKS

There is an issue with the number of accidents in the area. With the increase of residential dwellings in the area there is a need for a pedestrian crossing along New Chapel Street, near the site, I would request this is secured through a Grampian condition.

OTHER

Standard matters applicable to all housing scheme, please consider:

- wheel wash and method statement will be required to be submitted for approval
- new and renewed footways surrounding the site, all costs to be borne entirely by the developer
- street furniture affected by development should be removed and relocated where necessary at location to be agreed by highways officer - all costs to be borne by the developer
- any old entrances that are no longer required should be permanently closed off and reinstated back to full footway

Additional comments were received on Friday 05/04:

Parking: driveway adjustments have been offered, a large number have been amended and now have the required 5.5m in length required. However there are still a number which do not fully satisfy the requirement. There are concerns that these vehicles would overhang the highway and affect the safety of pedestrians on the footway.

Access/Layout: upon review of the initial scheme, it was considered that the road had been widened on the bend; this current drawing shows this at 5.5m. The developer has offered a tracking plan to show a refuse vehicle can manoeuvre with ease. However this does not necessarily assess two vehicles passing one another, with is probably the daily occurrence that we should be designing for – this should be considered as part of the Technical Construction Approval.

A connective pedestrian path has been provided to link from the site to New Chapel Street, this should be presented for adoption and lit. Gradient to be approved at Technical approval.

Transport Statement: the response received is satisfactory, no further details are required

Offsite highway Works: the works to support the development are in effect a Raised Zebra Crossing, please attach this as a Grampian condition, for a scheme to be received for approval and works to be carried out prior to occupation of first dwelling. The local authority insists on design and delivery and the applicant are advised to contact the Highway Authority to progress the scheme.

Retaining Wall Structure: some details are received; however there are insufficient details with regards to the gabion wall calculations, please could we attach the structure informative, for the remaining details to be picked up at Technical Construction Approval with highways

7.10 Growth – Viability

Final comments still yet to be received

7.11 United Utilities

No objections, subject to conditions requiring separate foul and surface water systems, submission of a drainage scheme and details of maintenance/management of the sustainable drainage system; as also required by the Local Flood Authority.

7.12 Environment Agency

No objection to the proposed method of remediation as proposed for those parts of the site to which the above reports pertain.

7.13 Neighbours

5no individual letters of objection have been received (see Section 11).

8.0 CONTACT OFFICER: Rebecca Halliwell - Planner

9.0 DATE PREPARED: 05th April 2019

10.0 SUMMARY OF REPRESENTATIONS

Objection - Ian Moorcroft, 2A Mill Hill Street, Blackburn. Rec - 04/02/2019

To Who It May Concern, regards Reference No 10/19/0056
(Full Planning Application - Demolition of existing buildings.
on site and the erection of 68 dwellings & associated works,
Land off Queen Victoria Street Blackburn BB2 2RZ

My Concerns ~~for~~ or advice, recommendations for this is
Junction, Bottom of Mill Hill St./Queen Victoria Street to be
widened, ammended, STOP sign installed at junction extra.
Road markings, widening of Road. because traffic, wagons,
Long HGV, Busses mount the Kerb on both sides of.
pavement. Q.V.S./M.Hill St junction causing loud

traffic noise, damage to kerbs. maybe even widen the road all the way around from bottom of Mill Hill St to top of New Chapel St. where construction ends. There will be a increase of footfall, children. esp at the bottom mill hill st. bus. stop. and the children using it, getting to and from should not have to have their safety to and for compromised. it is a bad junction, It is also (Mill Hill St) a main road, very busy all times of day, night, maybe all of Mill Hill St needs widening, or moving of houses back? , , //

Objection - Workgreat Ltd, Peel Street, Mill Hill, Blackburn. Rec – 12/04/2019

12 / 02 / 2019 Letter for Rebecca Halliwell,
Growth & Development Dept Town Hall Blackburn Your ref 10/19/0056

Hi

We own the land / Business next door to the proposed development on Queen Victoria St Mill Hill Blackburn.

Having seen the plans we have a few reservations we think you should be aware of, whilst the obvious improvement to the area will clearly benefit everyone we are concerned about the noise our joiners shop would have on the adjacent housing shown on the plans. As I am assure you are aware we have been on the site on Peel st for about 30 years, In our busy joiners shop we use Circular saws constantly from 8am to 5pm each day. Our main workshop is just 50' or so from the corner three houses, Also as our site is very long we have an outside bell to tell us the phone is ringing, Whilst we only work six days a week and never at night we often start at 6 am in peak times like from Easter to November, I must also point out that we are regularly targets for burglars (when I say regular I do mean once or twice a week) so our audible alarm will keep our new neighbours up. Whilst it only takes us around twenty minutes to attend it will not be funny for anyone living close as sound really travels at night. That problem will either get much much worse with the houses or considerably better, time will tell.

The other point we would like to make is what happens if someone who buys / rents one of these houses and works nights and expects to sleep during the day ?

Could we possibly suggest that there is a distinct barrier between ourselves and any housing of at least 50' with some very high trees at least 3 to 4m to deaden sound or we are going to have some pretty angry house owners / renters. (We would be most happy to maintain this space)

Perhaps the Builders should be made to indemnify ourselves with an insurance policy should we have problems from house owners / renters who are too close to our property. We do not know how or if this can happen.

Please, please don't think we're opposed to houses because we are all for regeneration (the area needs it)

We just believe there should be a barrier / buffer zone between work areas and living areas.

I should also mention that we do run a Machine outside called a firewood processor, this is a machine that turns tree's into firewood it is particularly noisy but we have that half way down our land. (that runs every Saturday and sometimes during the week)

We also have a feeling that the back of the office (which was up when we purchased the property) could be made from some form of asbestos, the office is the border to this said land.

I have attached our websites so you can see what we do.

www.lancashiresummerhouses.co.uk

www.thefencingandfirewoodfactory.cvo.uk

Objection – Mr & Mrs S Fitton, 6 New Chapel Street, Blackburn. Rec – 12/04/2019

To whom it may concern.
I writing with regards
to the letter you sent
for the planning application
on Queen Victoria St
for 68 houses.
Last year we had to
go through all the noise

disruption of parking
and more serious cracks
in walls and floor with
the constant banging
that was made to the
houses being built on the
land that was the Blind
Works.

Next door to our house
is the sun bed shop. I
have Donna's Smith permission
to include in this letter
when she complained about
the sun bed's shaking when
client's were on them.

There is also a big
crack in the wall at the
end of the property. I doors
down at No. 2.

I believe that the trees
also are being removed
and the bats feed of them
I have notified the bat
protection people.

I am concerned about
the damage that will be
done with the constant
drilling I can't go through
that again. I have just

~~Home~~ come home from
Hospital after having a
stroke and have to go
through my cancer treatment.
There is no need for
more new house especially
on that land that once was
a scrap yard we were

informed a few years ago
that the land wasn't suitable
for houses, there are other
houses being built in
the area.

I don't think that
you or the council realise
what you are doing
to the property plus the
stress. I don't mind
the works being there he is
auntie.

We strongly object to
this application. I feel that
our home is in more

danger of being damaged

People that don't live
in this area condemn this
application including

Councilors that live at
the other side of town.

and the Gas place on
Queen Victoria Street that
is up for sale.

Please don't let this
application go through. If I
could I would come to
the meeting but I have
explained why I can't

There is an opportunity
for houses on Sparrow Lane
that was Lanside

Please keep me informed
of any further progress

Objection – Miss R. Rec – 26/04/2019

Site Address: Land off Queen Victoria Street Blackburn BB2 2RZ

Proposal: Demolition of existing buildings on site and the erection of 68 dwellings and associated works

Application Number 10/19/0056

Planning Officer: Rebecca Halliwell

20th January 2019.

Dear Rebecca,

I write in regards to the recent application that has been put forward on the land adjacent to Waterfall Mill, Mill Hill, Blackburn.

As a resident to the area, I have several concerns in relation to the application that has come forward particularly with the amount of proposed homes on the application.

In recent years we have seen several smaller sites finished in the area and subsequently struggle on the open market when offered for sale, therefore leaving the properties empty. Just looking through the properties that are on the market either for sale or to rent within 0.25 of a mile there are many homes that are vacant.

There has been a site in close proximity to Victoria Street, which has been partly constructed just off Charles Street, Blackburn. This was also purchased by a small home builder and left un-finished. Another eyesore to the area that then attracts crime.

All residents that have lived in the area for some time will know that the former site was used as a scrap yard for many years, just overlooking the land contamination reports, there is some serious work to be carried out in order to make the land and surrounding areas safe for the 'families' that the suggested scheme is presenting itself to.

Many national home builders have recently built or submitted applications to build in Blackburn, which will more than likely be pursued and completed in areas that do require mid to higher range housing. I cannot see that this development will bring anything to the area other than additional traffic to an extremely hectic Queen Victoria Street, along with added stress to local schools, health centres and community infrastructure in general. Following other schemes in similar areas, these properties will be offered to market no doubt over the value that the market dictates in that area, pushing the developer to rent the properties, adding more rental property to an area that is already over saturated.

I would be extremely grateful if you would bear in mind my comments when reviewing the application overall but particularly the sheer amount of houses to be built on such a small area of brownfield land.

To Rebecca Halliwell,

I am thrilled that the erection of 68 dwellings adjacent to my bungalow are to be built, but need to state that the bus route / main road through Mill Hill (MILL HILL ST.) needs to be taken into account.

In the last 12 months of my residence, I have seen quite a few minor accidents at the junction of Queen Victoria St. / Mill Hill St. and feel there needs to be a priority on this junction and the widening of the roads.

REPORT OF THE DIRECTOR

Plan No: 10/19/0074

Proposed development: Full Planning Application (Regulation 4) for Change of use of second floor unit (suite 27) from taxi booking office to general office

Site address:
27 Blackburn Enterprise Centre
Furthergate
Blackburn
BB1 3HQ

Applicant: Blackburn with Darwen Borough Council

Ward: Audley & Queens Park

Councillor Maryam Batan
Councillor Yusuf Jan-Virmani
Councillor Salim Sidat



1.0 SUMMARY OF RECOMMENDATION

- 1.1 The proposed development is **recommended to be approved** planning permission for the reason as stated in paragraph 4.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is presented to the Committee in accordance with the Scheme of Delegation which requires all planning applications submitted by Blackburn with Darwen Borough Council to be determined by the Planning and Highways Committee. No objections have been received.
- 2.2 The key issues to be addressed are:
- The adaptation of the Enterprise to changing business circumstances.
 - The designation of the setting of the Enterprise Centre within the Local Plan Part 2.
 - The context within which the proposed office is set and its impact within that setting.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The site of the proposed development is the Primary Employment Area located alongside the recently renewed Furthergate arterial road into Blackburn from the M65 and East Lancashire.
- 3.1.2 The Blackburn Enterprise Centre has been developed to offer 'flexible office solutions' which provide modern office suites, breakout and networking areas and small conference facilities. The project was designed to contribute to the success of the East Lancs Gateway Economic Development Zone.

3.2 Proposed Development

- 3.2.1 Planning permission for the change of use of Suite 27 from general office (B1 use) to taxi booking office (sui generis use) was only granted in December 2017 (planning permission 10/17/1239). It would seem that the change of use was only effected by one person using a laptop. That use has now ceased and the office has become available for letting again.
- 3.2.2 Members are advised that there are no permitted changes of use from a sui generis to another use class. Planning permission is therefore required to effect a change back to B1 use.

3.3 Development Plan

3.3.1 Blackburn with Darwen Borough Local Plan Part 2 – Site Allocations and Development Management Policies (2015)

Policy 8: Development and People
Policy 10: Accessibility and Transport
Policy 11: Design
Policy 14: Primary Employment Areas

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (NPPF) (2018):

Section 6: Building a Strong, Competitive Economy
Section 2: Achieving Sustainable Development

3.5 Assessment

- 3.5.1 The following issues are assessed below for Members to consider in determining whether or not to approve the proposed development. These are:
- The adaptation of the Enterprise to changing business circumstances.
 - The designation of the setting of the Enterprise Centre within the Local Plan Part 2.
 - The context within which the proposed office is set and its impact within that setting.

Business Adaptation

- 3.5.2 The NPPF sets out the economic objective of sustainable development as having a responsive element to support growth and innovation. Local Planning Authorities are required to allow for new and flexible working practices and to enable a rapid response to changes in economic circumstances (Paragraph 81).
- 3.5.3 The previous change of use to a taxi office took the premises from a B1 to a sui generis designation. The ending of the tenancy has left the Business Enterprise Centre with an office offering a specialist use with only the narrowest of markets. The return to a B1 designation would broaden the appeal of the premises and support the economic well-being of the Enterprise Centre.

Location

- 3.5.4 Policy 14 of the Local Plan 2 provides for the granting of planning permission for Use Classes B1, B2 and B8 within Primary Employment Areas, provided there is no conflict with the overall function and developability of the Area. With the Enterprise Centre being a B1 establishment, and within an area designated as a Primary Employment Area, the change of use back to general office is considered to complement the function of the Centre and

restores its ability to offer an additional flexible office unit for letting. The change back to B1 use is not considered to compromise the Centre's future economic well-being. It is, however, considered to provide an opportunity for an additional business to develop and grow.

Context

- 3.5.5 Understanding the context of the development, a requirement of Policy 11 of the Local Plan Part 2, is considered to be demonstrated in this proposal. In so doing, the development meets the NPPF's requirement for the development to achieve sustainability within this context.
- 3.5.6 The economic context: Policy 8 of the Local Plan 2 requires development to contribute positively to the economic character of the area in which it is set. The ability of the office to have a broader market appeal with a B1 use is considered to help achieve this, the proposal for a wider B1 offer than a narrow sui generis use providing a greater range of opportunities to the office marketplace.
- 3.5.6 The social context: Policy 8 of the Local Plan 2 also requires development to secure a satisfactory level of amenity for surrounding uses. The proposed office, by complementing the character of the whole Centre, is considered to achieve this requirement – the Centre being designated to offer B1 office facilities.
- 3.5.7 The environmental context: Policy 10 requires development to be conveniently located to public transport routes. Since the Business Enterprise Centre is located along a main route into and out of Blackburn Town Centre, the suite is served by a number of bus routes – so providing for alternative means of transport to private vehicles.

4.0 RECOMMENDATION

- 4.1 The proposed development is **recommended to be approved** planning permission for the following reason:
- Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal is an appropriate use and would not be detrimental to the business or economic amenity for occupiers of the premises or neighbouring premises or compromise highway safety in accordance with Policies 8, 10, 11 and 14 of the Blackburn with Darwen Local Plan Part 2 (December 2015).

5.0 PLANNING HISTORY

- 5.1 10/17/1239 – change of use from office to taxi booking office.

6.0 Consultations

6.1 No neighbouring properties were consulted and two site notices were erected. No responses were received.

6.2 Public Protection had no objections to the proposal.

6.3 No other statutory consultees were consulted.

6.0 CONTACT OFFICER: John Wilson, Planner. 01254 585142.

7.0 DATE PREPARED: 4th April 2019

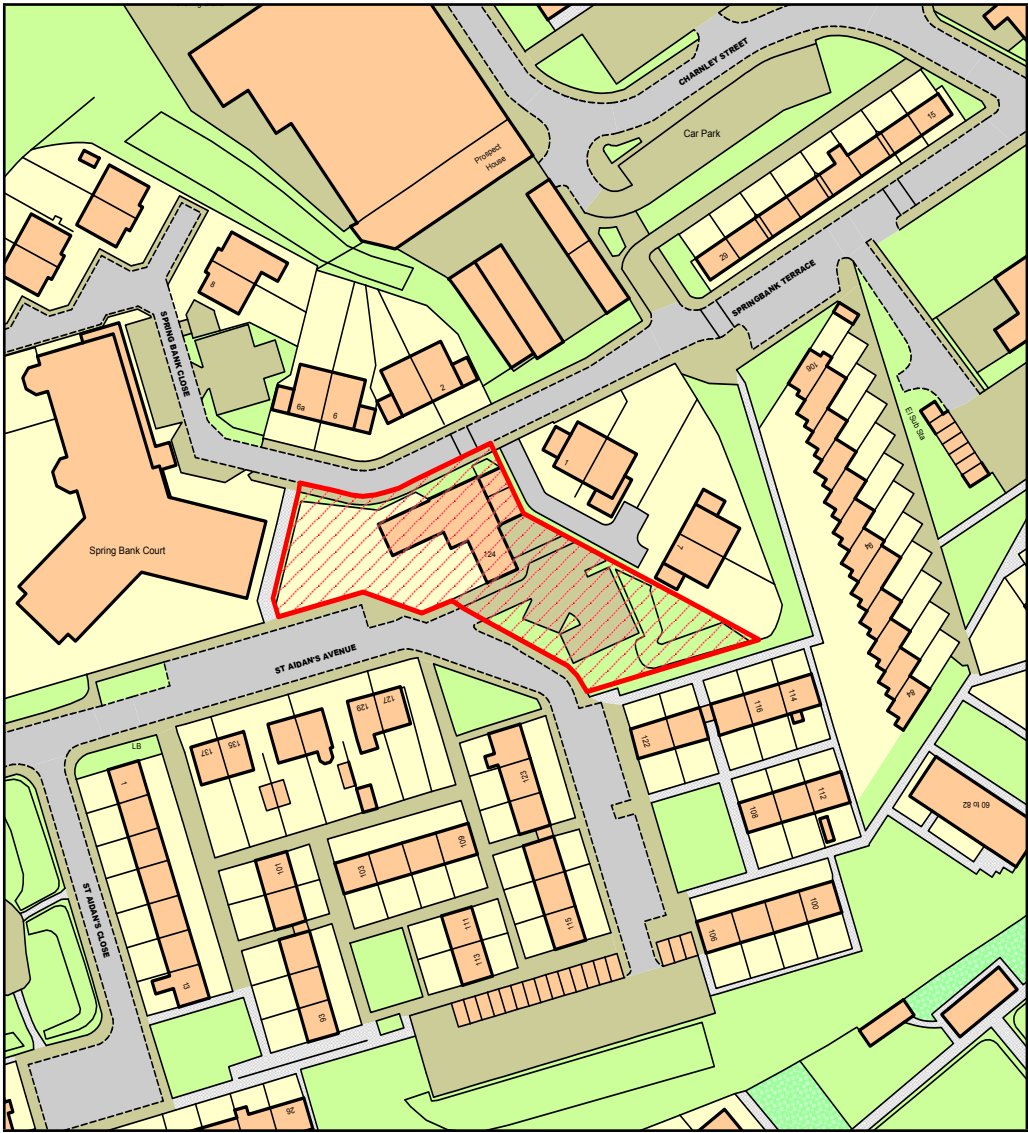
Proposed development: Single storey side extension and new front porch, creation of new vehicular access and off street parking and replacement boundary fencing

Site address:
St Aidans Respite Centre,
124 St Aidan's Avenue,
Blackburn, BB2 4EY

Applicant: Blackburn with Darwen Borough Council

Ward: Mill Hill & Moorgate

Councillor	Damian Talbot
Councillor	Julie Gunn
Councillor	Jim Smith



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – subject to the recommended conditions set out in section 5.0 of this report.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 The proposal will deliver a high quality development. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site comprises a detached dwelling located on the northern side of St Aidan's Avenue. The property is currently used as an Adult Respite Centre

3.2 Proposed Development

3.2.1 Permission is sought for:

- The formation of a new porch to provide an independent entrance
- Erection of a single storey side extension to create an additional living room
- The remodelling of the existing self-contained bedroom and bathroom
- The creation of off-street parking with automated gate off Spring Bank Close
- The creation of a pedestrian gate off Spring Bank Close
- The replacement of the existing metal fencing and extending wall in brickwork

3.2.2 The proposed single storey extension will be located on the western facing side elevation. It will project 3.3m from the side elevation and have a total length of 7.1m. Attached to this extension will be a further porch extension which will project 1.62m from the extension and have a width of 2.24m. The proposal will have a hipped roof with an eaves height and ridge height which will match the roof form the element the proposal will be attached too.

3.2.3 The proposed vehicular access will be 3m wide and will include a turning head and a disabled parking space. The pedestrian access point will be aligned with the new porch extension.

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 Local Plan Part 2 (2015)

Policy 7: Sustainable and Viable Development

Policy 8: Development and People

Policy 10: Accessibility and Transport

Policy 11: Design

3.4 Other Material Planning Considerations

3.4.1 Residential Design Guide SPD

This document provides targeted advice to ensure high quality new homes. It aims to ensure that new development reflects the individual and collective character of areas of the Borough and promotes high standards 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)

The National Planning Policy Framework (Framework) is a material consideration in planning decisions. The Framework sets out a presumption in favour of sustainable development in Paragraph 7, which is the “golden thread” running through both plan-making and decision-taking. It identifies at Paragraph 8 that there are three overarching objectives to sustainable development. These are Economic, Social and Environmental.

Paragraph 11 of the Framework explains that for decision taking, this means approving development proposals that accord with the development plan without delay.

3.5 Assessment

3.5.1 When assessing this application there are a number of important material considerations that need to be taken into account. They are as follows:

- Visual Amenity;
- Residential Amenity; and
- Highways.

3.5.2 Visual Amenity

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.

The proposed extensions would be attached to the existing property and therefore would be read in association with the existing building within the curtilage. Therefore the proposal would have no impact upon the character and appearance of the host building or the surrounding area. The proposed extensions will be set back away from the adjacent Highways and therefore would be no closer, or prominent, than the other buildings within the business park.

The proposed development is appropriately designed in terms of roof formation, scale, design and detailing to harmonise with the other buildings in the immediate area. It would be similarly proportioned and clad with matching materials which would maintain coherence with the existing buildings present at site.

The creation of a new vehicular access and pedestrian access will be softened by the landscaping scheme proposed as part of the development; further to this the proposal includes the removal of the existing boundary treatments which will be replaced. It is therefore considered that the proposed works will have no adverse impact upon the host property and the surrounding area. In terms of visual impact, I am of the opinion that the proposed access points would not adversely impact upon the character and appearance of the application site and the immediate area.

Therefore it is considered that the proposed development accords with Policy 11 of the LPP2.

3.5.3 Residential Amenity

Policy 8 supports development which have no unacceptable impact on the amenity of surrounding uses.

The proposed extension will include the insertion of habitable windows, therefore consideration must be given to the separation distances between the proposed development and the neighbouring properties.

The current offset distance between the existing side elevation of the host property and the side elevation of Spring Bank Court which is located west of the application site is approximately 23m. Therefore the proposed development will reduce this to approximately 20m. Taking into consideration, the existing boundary treatments of both properties and the fact that the two properties are divided by cut through walkway which connect Spring Bank Close and St Aidan's Avenue it is considered that the impact the proposed development will have will be negligible.

The nearest residential dwelling is located approximately 100m away from the proposed development. It is therefore considered that the development would have a negligible impact upon the amenity of the occupiers of the nearby residential dwellings. Further to this, the proposed development is located within an established business park and therefore would have no greater impact than the existing commercial units.

To the north of the application property lies a number of single storey bungalows along Spring Bank Court. This currently have an offset distance of 20m. The introduction of the single storey extension and porch element will decrease the offset to 17m. Given that a porch is not a habitable room, it is considered that there is sufficient distance between the proposed development and the aforementioned dwellings. It will therefore have limited impact upon the amenities of the occupiers of the dwellings.

The creation of the vehicular access and pedestrian access will be located adjacent the residential dwellings located on Spring Bank Close. Given that the proposed vehicular access be used infrequently due to the creation of just one disabled parking space and the existing vehicular access point off St Aidan's Avenue is remaining it is considered that the proposed would not have any undue impact on nearby residential properties.

Compliance with Policy 8 of the LPP2 is therefore achieved.

3.5.4 Highways and access

Local Plan Policy 10: Accessibility and Transport, aim to ensure that new developments provide appropriate provision for access, car parking and servicing so as to ensure the safe, efficient and convenient movement of all highway users is not prejudiced.

The Highways Officer raised initial concerns to the scheme however through the submission of an amended scheme and details these have been addressed accordingly.

The Highways Officer confirmed in principle that they were supportive of the scheme subject to the issues being addressed prior to a decision being made.

Therefore it is considered that the proposed development would have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

4.0 CONCLUSION

Taking into account the above, the proposed development will not result in any significant harm to the character and appearance of the existing dwelling or the surrounding area nor will it cause any significant harm to the amenity of neighbouring residents. The proposal will not have an unacceptable impact on highway safety.

5.0 RECOMMENDATION: Approve subject to Conditions which relate to the following matters:

- Commence within 3 years
- Materials as stated on the submitted drawing/details
- Bat Survey compliance
- Plans compliance

6.0 PLANNING HISTORY

N/A

7.0 CONSULTATIONS

7.1 Highways: In principle we are supportive of the scheme, there are however a number of outstanding matters that require further consideration.

8.0 CONTACT OFFICER: Rebecca Halliwell - Planner

9.0 DATE PREPARED: 05th April 2019

10.0 SUMMARY OF REPRESENTATIONS

N/A

DEPARTMENT OF GROWTH & DEVELOPMENT

ORIGINATING SECTION: Planning.

REPORT TO: Planning & Highways Committee.

TITLE: Petition regarding Full Planning Application for Change of use from residential to a care home for disabled young people

At

40 Manor Road

Blackburn

BB2 6LU

(Ref: 10/19/0123)

Applicant: Mrs Andrea Brighthouse

Ward: Wensley Fold

Councillor David Harling

Councillor Mohammed Khan

Councillor Quesir Mahmood

1.0 PURPOSE OF REPORT

- 1.1 To inform Members of the receipt of one petition relating to the above planning application.

2.0 BACKGROUND AND DETAILS

- 2.1 A planning application for the above development was received on 15th February 2019 and made valid on 6th March 2019.
- 2.2 A petition containing 25 signatures against the proposal was received on 28th March 2019. The reasons against the proposal are given as follows:
- 2.3 Summary of reasons:
- Pavement too narrow for suitable access ramps and often obstructed.
 - Road too narrow – concern for ambulance access and parking.
 - Insufficient parking space on road for current local residents. Staff 7 visitors would require additional parking.
 - Disabled parking spaces would lead to loss of on-street parking for local residents.
 - Most residents require two or more spaces on street for parking.
 - No alternative places to park.
 - Disruption and knock-on effect of having to park further afield.

- Disruption could have repercussions for community and neighbourhood cohesion due to competition for parking spaces.
- Additional traffic gridlock and chaos caused at school opening and closing times.
- Environment not appropriate for care home, which should have its own parking and suitable access for ambulances.

2.4 At the time of the Petition Report being prepared, no decision on the application had been reached.

3.0 **RECOMMENDATION**

3.1 It is recommended that the Committee note the petition.

4.0 **BACKGROUND PAPERS**

4.1 Planning application 10/19/0123 contains details of the application and can be viewed at
[http://planningdms.blackburn.gov.uk/NorthgateIM.websearch/\(S\(nxianpynk55tf43asdk1qv00\)\)/Results.aspx](http://planningdms.blackburn.gov.uk/NorthgateIM.websearch/(S(nxianpynk55tf43asdk1qv00))/Results.aspx)

5.0 **CONTACT OFFICER** – John Wilson – Planner 01254 585142

6.0 **DATE PREPARED** – 1ST April 2019.

Petition – 26th March 2019

We the undersigned who are residents of Manor Rd, oppose the planning application Ref:10/19/0123 for 40 Manor Rd. for change of use from residential to a care home for disabled young people for the reasons detailed in the attached letter:

NAME	ADDRESS	SIGNATURE
Abdul Molvi		
Zakiyyah Molvi		
Khadeejah Molvi		
Nazia Khan		
Uzma Khan		
Rizwan Choudhry		
Usman Khan		
DAVE DENTON		
Claire Boston		
Bhunu Gonil		
Craig Moore		
Zehra Akmal		
Sophia Khalid		
Ashfar Ahmad		
Nakash Ahmad		
IRFAN SHAH		
SOPHIA SHAM		
YUNUS KARIMATI		
NOORIMAN KARIMATI		
MUHAMMAD KARIMATI		
Fatima Rahim		
Mahammed Rahim		
Zehra Sheraz		
Shareen rahim		
A-TABAL		

Gavin Prescott, Planning Manager
Growth & Development Dept.
Blackburn with Darwen Borough Council,
Town Hall, Blackburn, BB1 7DY

Date: 26th March 2019

Dear Mr Prescott,

Ref: Planning application 10/19/0123 for 40 Manor Rd. for change of use from residential to a care home for disabled young people

I object to the proposed planning application mentioned above as I do not believe this residential road is appropriate for a care home for disabled young people on the grounds below:

- The pavement outside this property is too narrow for suitable disabled/ramp access to be provided without obstructing the pavement for pedestrians. Obstruction is already caused on a weekly basis when refuse/recycling is left on the pavement for collection as cottages on this side of the street do not have access to back alleys.
- The road itself is too narrow so only one car can pass through when cars are parked on either side (this is the norm daily). Cars also have to park half on the pavement to ensure enough space is left in the road for a car to pass. This would be a major concern for Ambulance access and parking too as there would obviously be a higher probability of an Ambulance being called for disabled residents.
- Manor Rd is a residential Rd. and not a main road where there is already insufficient parking available for the number of vehicles owned by residents. Staff and visitors would need to park which means residents (and our visitors) would lose parking spaces.
- In light of the pavement being too narrow and parking being full in the road already, we foresee at least one if not two disabled only parking spaces being assigned in future for use by the care home to accommodate larger vehicles with disabled access. We would lose 2 more parking spaces.
- We would be losing parking spaces on a road where many households/families have more than 2 or more vehicles including people carriers, 4x4s, transit vans, pickup trucks, a motor home and trailers.
- There are no alternative places for vehicles to park as we don't have drive ways or off street parking.
- There would be significant disruption to us and a knock on effect on residents of nearby streets (where there are elderly and families with young children) as vehicles would have to park further away and take up spaces that residents of those places use or block/restrict access to peoples garages nearby or private parking of apartments on Raven Rd. for example. There are also consequences for visitors who need to park.
- This disruption could also have community and neighbour cohesion issues as the competition for parking spaces could cause arguments and altercations in a residential area where we currently enjoy good relations between neighbours/residents.
- There is also a primary school on our road and there is traffic chaos/gridlock at school opening and closing times when children are dropped off and picked every day. This issue already causes tempers to run high and there arguments and beeping daily. This kind of environment is not appropriate to have a care home in this residential road.

- A care home for disabled people should have it's own parking and be in a suitable location where it does not add to traffic & parking problems and have continuous and easy access/egress for Ambulances and staff/visitors as well as the disabled residents themselves.

I would also like to point out that writing to only 9 'neighbours' is wholly inadequate as this issue directly affects our whole block/section from the junction of Raven Road to Carnarvon Road and also residents of Taunton Road and beyond. Most residents only found out through my neighbours.

I thank you in advance for considering the objection and look forward to hearing that this planning application will not be passed.

Yours Sincerely,

[Redacted Signature]

[Redacted Address]

GROWTH & DEVELOPMENT DEPARTMENT

**ORIGINATING SECTION: PLANNING (DEVELOPMENT
MANAGEMENT)**

REPORT TO PLANNING & HIGHWAYS COMMITTEE - 18th APRIL 2019

TITLE: APPEALS MONITORING REPORT

WARDS: ALL

1.0 PURPOSE OF THE REPORT

- 1.1 To present Members with an update of recently decided appeals since the last monitoring report in October 2018. You can see from the attached table, appeals in total were determined during the period 6th October 2018 to 5th April 2019. 5no appeals were dismissed, 1no appeal was allowed.
- 1.2 The update will be presented to the Cross Party Working Member Group at their meeting on the 21st May 2019.
- 1.3 With regards to the appeals allowed by the Inspectorate, and the reasons provided, these have been duly considered in detail by officers, and have been incorporated in the decision making culture as part of the Planning Service's Performance Improvement Plan, in order to reduce the number of appeals, and subsequently the number of appeals allowed.

2.0 RECOMMENDATION

- 2.1 That the report be noted.

3.0 BACKGROUND PAPERS

- 3.1 See the file numbers referred to.

**4.0 CONTACT OFFICER: Gavin Prescott, Planning Manager
(Development Management)**

5.0 DATE PREPARED 5th April 2019

APPEALS MONITORING REPORT RELATING TO APPEALS DETERMINED BETWEEN THE PERIOD 6TH OCTOBER 2018 AND 5TH APRIL 2019
PLANNING & HIGHWAYS COMMITTEE – 18TH APRIL 2019

APPEAL START DATE	APPEAL REFERENCE	APPEAL SITE ADDRESS & DEVELOPMENT DESCRIPTION	APPEAL TYPE	APPEAL DECISION	APPEAL DECISION DATE	REASONS FOR DECISION
22/08/2018	APP/M/2372/W/18/3206272 10/17/1382	Ellerbeck Private Hotel 37 Wellington Street St Johns, Blackburn – Erection of detached double garage and part demolition of garden wall	Written Representations	Dismissed	18/10/2018	The Inspector considered that given the position of No. 37 to the north of No. 35 and the height, depth and location of the garage on the common boundary the garage would result in an unacceptable reduction in the amount of daylight received by the rear habitable room windows of No. 35 and appear dominant and overbearing. This would unacceptably affect the living conditions of the residents of No. 35 contrary to development plan1 Policy 8.
04/07/2018	APP/M/2372/W/3205033 10/18/0352	17 Derby Street, Blackburn – Proposed gable side and rear single storey extensions	Written Representations	Dismissed	12/10/2018	The Inspector considered that in terms of the plot size, the extension would be disproportionate to the existing dwelling, the

Page 79

2 | Page

APPEALS MONITORING REPORT RELATING TO APPEALS DETERMINED BETWEEN THE PERIOD 6TH OCTOBER 2018 AND 5TH APRIL 2019
PLANNING & HIGHWAYS COMMITTEE – 18TH APRIL 2019

APPEAL START DATE	APPEAL REFERENCE	APPEAL SITE ADDRESS & DEVELOPMENT DESCRIPTION	APPEAL TYPE	APPEAL DECISION	APPEAL DECISION DATE	REASONS FOR DECISION
	10/18/0829	Blackburn – First floor rear extension	Representations			considered that whilst there would be no increase in depth, the proposed additional height and bulk of a first floor extension above the existing ground floor extension, adjacent to the boundary of the two properties, would unacceptably increase the overbearing and domineering effects of the extension for the occupants at No 85. It would also breach the 45 degree angle rule set out in RES E2 of the Council's Residential Design Guide Supplementary Planning Document (Design Guide) which seeks to maintain a satisfactory relationship between existing buildings and proposed extensions and to avoid an overbearing impact on adjacent properties

APPEALS MONITORING REPORT RELATING TO APPEALS DETERMINED BETWEEN THE PERIOD 6TH OCTOBER 2018 AND 5TH APRIL 2019
PLANNING & HIGHWAYS COMMITTEE – 18TH APRIL 2019

APPEAL START DATE	APPEAL REFERENCE	APPEAL SITE ADDRESS & DEVELOPMENT DESCRIPTION	APPEAL TYPE	APPEAL DECISION	APPEAL DECISION DATE	REASONS FOR DECISION
11/12/2018	APP/M/2372/D/18/3216903 10/18/0702	12 The Coppice, Blackburn – Double storey side & single storey rear extension	Written Representations	Allowed	26/03/2019	and amenity areas. The Inspector considered that the extension would make the house appear wide and the proportions of the house would be altered. However, given the design of the house and its location, the inspector did not consider that it would unduly detract from the appearance of the house itself or the wider area. As such it would not conflict with Policy 11 or the SPD. In addition, the inspector considered that the proposal would not unduly harm the living conditions of the occupiers of the neighbouring properties.

TOTAL NUMBER OF DECISIONS: 6

TOTAL NUMBER ALLOWED: 1 (17%)

TOTAL NUMBER DISMISSED: 5 (83%)

APPEALS MONITORING REPORT RELATING TO APPEALS DETERMINED BETWEEN THE PERIOD 6TH OCTOBER 2018 AND 5TH APRIL 2019

PLANNING & HIGHWAYS COMMITTEE – 18TH APRIL 2019

APPEAL START DATE	APPEAL REFERENCE	APPEAL SITE ADDRESS & DEVELOPMENT DESCRIPTION	APPEAL TYPE	APPEAL DECISION	APPEAL DECISION DATE	REASONS FOR DECISION
------------------------------	-----------------------------	--	--------------------	------------------------	---------------------------------	-----------------------------

TOTAL NUMBER SPLIT DECISIONS: 0

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted