

Public Document Pack

Planning and Highways Committee

Thursday, 19th March, 2020

6.30 pm

Meeting Room A, Blackburn Town Hall

AGENDA

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Date Published: Wednesday, 11 March 2020
Denise Park, Chief Executive

PLANNING AND HIGHWAYS COMMITTEE

Thursday, 20 February 2020

PRESENT – Councillors, Councillor David Smith (Chair), Akhtar, Casey, Khan, Khonat, Hardman, Slater, Jan-Virmani, Oates, Riley, Hussain, Pearson and Browne.

OFFICERS - Gavin Prescott (Development Manager), Rabia Saghir, Safina Alam and Martin Kelly

RESOLUTIONS

86 Welcome and Apologies

The Chair welcomed everyone to the meeting.

There were no apologies received.

87 Minutes of the Previous Meeting

RESOLVED – That the minutes of the previous meeting held on 16th January 2020 be confirmed and signed as a correct record.

88 Declaration of Interest

There were no Declarations of Interest Received.

89 Planning Applications for Determination

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

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

89.1 Planning Application 10/18/1149

Applicant – Barnfield Blackburn Ltd

Location and Proposed Development – Land at Greenbank Terrace and Milking Lane, Darwen, BB3 0RN

Hybrid Planning Application - Full planning permission - new link road and access points; Outline planning permission with all matters reserved (with all matters reserved except for access) for a mixed use development comprising a maximum of the following: 100 dwellings (C3), 9,000m² of employment use and careers hub (B1/B2/B8/D1), and associated ancillary works.

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Director’s Report and in the Update Report.

89.2 **Planning Application 10/19/0807**

Speaker – Cllr Julie Slater

Applicant – Mr A Shorrocks

Location and Proposed Development – Vacant land off Victoria Buildings, Waterside, Darwen.

Full Planning Application for; residential redevelopment of 10 No. detached dwellings including access and associated landscaping.

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Director's Report and a Section 106 of the Town & Country Planning Act 1990, relating to the payment of £39,060; broken down as follows:

- A. £2,500 per unit towards provision of affordable housing in the borough.
- B. £1406 per unit towards Green Infrastructure in the area (details of where to be spent to be confirmed).

Should the Section 106 agreement not be completed within 6 months of the date of the planning application being received, the Director of Growth and Development will have delegated powers to refuse the application.

89.3 **Planning Application 10/19/1062**

*Speakers – Sophie Roberts (The Agent)
Stuart Fairbrother (Objector)*

Applicant – Great Places Housing Group

Location and Proposed Development – Land at Bowen Street Blackburn BB2 2RL

Full Planning Application for Erection of 24 No. new build dwellings

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Director's Report and in Update Report.

89.4 **Planning Application 10/19/1081**

*Speakers – Graham Trewella (Agent)
Cllr Julie Daley (In Support)
Lukman Patel (Objector)*

Applicant – Westholme School

Location and Proposed Development - Westholme School, Wilmar Lodge, Meins Road, Blackburn, BB2 6QU.

Full Planning Application for Conversion and extension of existing buildings to form a new teaching block together with improvements at existing parking areas.

Decision under Town and Country Planning Acts and Regulations –

RESOLVED –

Approved subject to the conditions highlighted in the Directors Report and in the Update Report.

And the application is to be referred to the The Secretary of State for Communities and Local Government (“the Secretary of State”) under The Town And Country Planning (Consultation) (England) Director 2009 as the whether the application can be determined by the local planning authority or is to be “called-in”.

89.5 Planning Application 10/19/1100

Speakers – Ryan Grant (Agent)

Cllr Julie Slater

Applicant – Brian Newman

Location and Proposed Development – Land adjacent to Horrobin Fold Turton Bolton BL7 0HL

Full Planning Application for Demolition of existing outbuildings and erection of a detached eco-home with associated parking, landscaping, garden area and attached single garage

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Director’s Report

89.6 Planning Application 10/19/1145

Speaker – Mr Niall Mellon (Agent)

Applicant – Seddon Construction Ltd

Location and Propose Development –Land at Shakespeare Way Blackburn BB2 2LY

Full Planning Application (Regulation 4) for; erection of 56 no. dwellings, open space and associated works. Site address: Land at Shakespeare Way Blackburn BB2 2LY

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Director’s Report and Update Report

89.7 Planning Application 10/19/1232

Speaker – Anne Kirkpatrick (Objector)

Applicant – Mr A Hussain

Location and Proposed Development – 32 Eden Park, Blackburn, BB2 7HJ

Full Planning Application (Retrospective) for Retention of increased size of ground floor bay window and first floor balcony to rear

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Director’s Report, plus additional condition relating to a landscaping scheme along the party boundary with No.21 The Pastures to be submitted within 3 months of the decision date The agreed scheme shall be implemented during the next first available planting season.

90 Diversion of Public Footpath 30 Darwen

A report was submitted to seek approval for a public path order under the Highways Act 1980, Section 119 to divert part of public footpath 30 Darwen, at Prospect Avenue.

Blackburn with Darwen Borough Council (PROW) is continually reviewing the definitive map to correct errors and maintain the rights of the public to use the network. The route of footpath 30 is currently meanders over a highway verge, though the junction of Prospect Avenue and Avondale Road, through a number of properties around 7 Prospect Avenue and stops in the middle of the junction of Carley Street and Osborne Terrace. This route is not safe or commodious for the highway users.

RESOLVED – To Promote the Order for a Public Path Order under Highways Act 1980, Section 119 to divert the public footpath.

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: 19/03/2020

Application No	Applicant	Site Address	Ward
10/19/0509	Driftdale LTD Rockcliffe Works Paterson Street Blackburn BB2 3SP	Rockcliffe Works Paterson Street Blackburn BB2 3SP	Blackburn Central
Outline Planning Application (Regulation 4) for Outline planning application with all matters reserved except for access, layout and scale for residential development for 88 dwellings and a maximum of 400 sq m of retail floorspace			

RECOMMENDATION: Permits

10/20/0080	Blackburn with Darwen Borough Council Mr Paul Fletcher The Bungalow Davyfield Road Blackburn BB1 2LX	Former Blakewater Lodge Rest Home Swallow Drive Blackburn	Blackburn Central
Full Planning Application (Regulation 3) for Construction of a car park on land between Swallow Drive and Whalley Range including new vehicular access from Swallow Drive, landscaping and boundary fencing			

RECOMMENDATION: Permits

REPORT OF THE DIRECTOR

Plan No: 10/19/0509

Proposed development: Outline Planning Application (Regulation 4) for Outline planning application with all matters reserved except for access, layout and scale for residential development for 88 dwellings and a maximum of 400 sq m of retail floorspace

Site address: Rockcliffe Works, Paterson Street, Blackburn, BB2 3SP

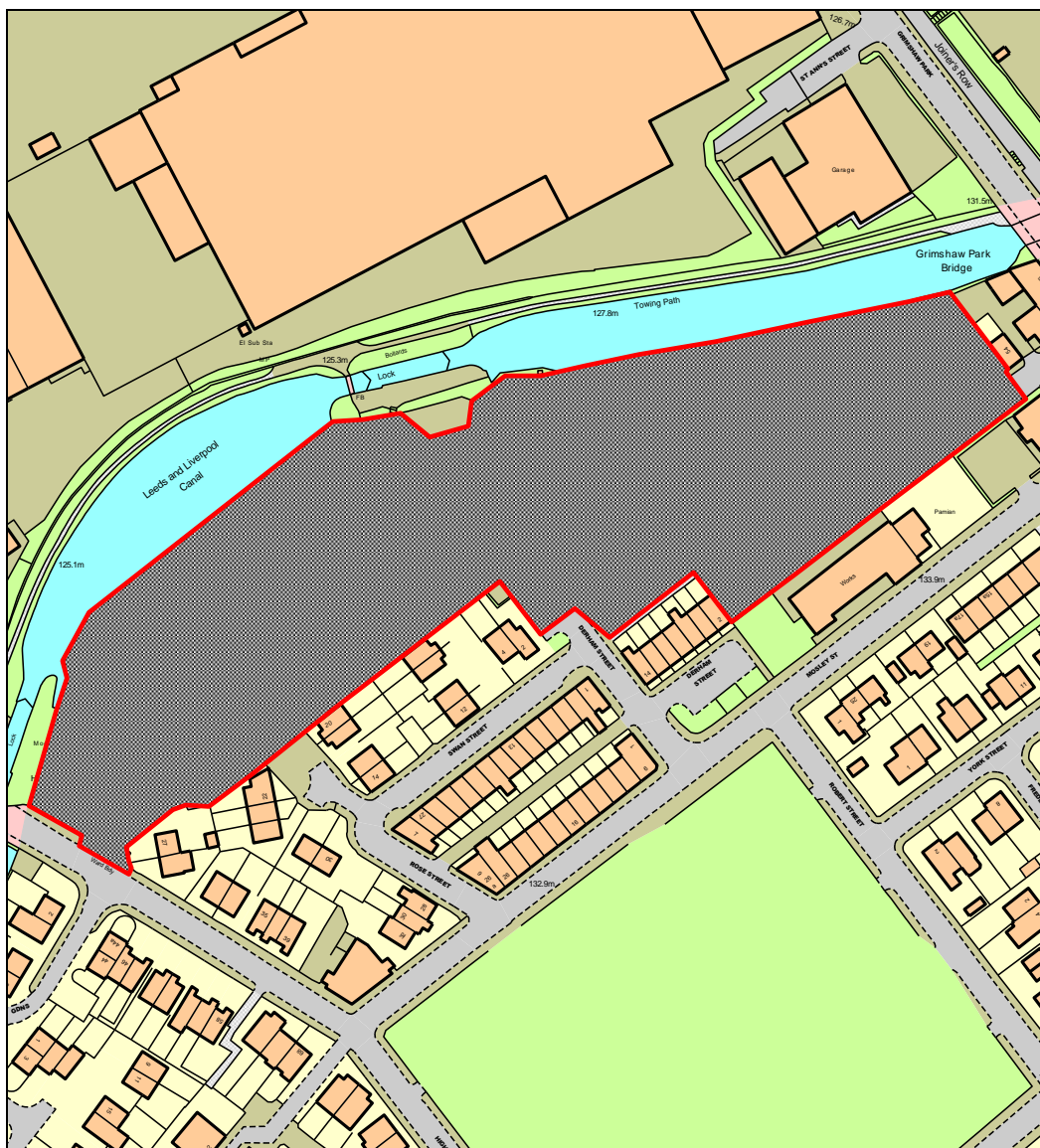
Applicant: Driftdale LTD

Ward: Blackburn Central

Councillor: Zamir Khan

Councillor: Saima Afzal

Councillor: Mahfooz Hussain



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – subject to the recommended conditions (see section 4.0)

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 The proposal will deliver a high quality housing scheme 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 and Local Plan Part 2. The proposal is also satisfactory from a technical point of view, with all issues relative to the assessment 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 relates to an irregular shaped parcel of land, approximately 1.6 hectares in area, and with a maximum depth of 82m and overall length of 285m. The site is located within the inner urban area of Blackburn and it is allocated for housing (Site 16/5 – Rockcliffe Mill) in the adopted Local Plan. The site is bounded by the Leeds Liverpool Canal to the north and Paterson Street to the south. The land falls by circa 5m in both south to north and east to west directions.

3.1.2 The site is not currently in use, having previously been occupied by a cotton mill and subsequent industrial uses, including footwear and waterproof clothing manufacturing and a recycling facility. The site is currently free from buildings, save for the remnants of the former mill's boundary walls that partly secure the site, along with temporary heras fencing. Generally, it is in a state of disrepair and has attracted anti-social behaviour including illegal tipping and arson attacks.

3.1.3 With reference to the surrounding area; it is predominantly residential in character to the south and west. A small cluster of commercial and community buildings form the south east and eastern boundary, with the A6077 beyond. The north of the site is bounded by the Leeds Liverpool canal corridor, with the B&Q store on the opposite side of the watercourse.

3.2 Proposed Development

3.2.1 The amended application details seek outline planning approval, addressing layout, scale and access, for the development of 88 houses with associated open space and infrastructure and a maximum of 400m² of retail floorspace

3.2.2 The proposed development provides a net density of 55 units per hectare when considering the sites overall area of 1.6 hectares. The proposed 88 units comprise;

40no. 3 bedroom, semi-detached houses
24no. 3 bedroom, terraced houses
24no. 2 bedroom, apartments

3.2.3 The development will be accessed by the established junction of Paterson Street and Highfield Road, with a secondary access from Derham Street. A further access on the eastern edge of the site provides linkages to Hazelhurst Way and the A6077 beyond, though this will be secured by bollards and only be available to emergency vehicles.

3.3 Development Plan

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

3.3.2 Core Strategy – January 2011:

- CS1 – A Targeted Growth Strategy
- CS5 - Locations for New Housing
- CS7 – Types of Housing
- CS8 – Affordable Housing
- CS15 – Ecological Assets
- CS16 – Form and Design of New Development
- CS22 – Accessibility Strategy

3.3.3 Local Plan Part 2 (LPP2) – December 2015:

- 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 16 – Housing Land Allocations
- 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 Supplementary Planning Document

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 (2019) (NPPF).

3.5 Assessment

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

- Principle of residential development.
- Highways (access and network impact).
- Design/Layout
- Residential amenity.
- Flood risk/ drainage.
- Ecology.

3.5.2 Principle of Development

The site is designated within LPP2 Policy 16 as a Housing Land Allocation, specifically identified as allocation 16/5: *Rockcliffe Works*. Accordingly, the principle of residential development of the site is supported subject to Key Development Considerations referred to in Policy 16/05, namely:

1. *Connectivity with the Leeds and Liverpool Canal to the northern boundary of the site*
2. *Mitigating the impact of the development on the ecological status of the canal*
3. *Rockcliffe Mill itself is identified as a building of medium significance by the Lancashire Textile Mills Study*
4. *United Utilities have advised that some sites in this area will require surface water storage*
5. *Completion of appropriate ground investigation works to establish the extent of any ground contamination and whether mitigation measures are required. There are records of mine working beneath the site and potential landfill on or adjacent to the site*

3.5.3 Furthermore, the site is located within the inner urban area of Blackburn. New development will be focused to such areas as stipulated by CS1 of the Core Strategy and Policy 1 of LPP2. Policy CS5 identifies the preferred location for new housing within the Borough, where market conditions permit its delivery, to be the inner urban areas of Blackburn and Darwen. The current proposal is consistent with all of the identified policy requirements

3.5.4 Policy 7 on Sustainable and Viable Development 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.

3.5.5 Highways and Access

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.

3.5.6 The application is supported by a Transport Assessment that concludes;

- Paterson Street and Derham Street will be retained and upgraded as part of the proposed development. Traffic calming features including a chicane and a raised table will be provided along Paterson Street/Derham Street. An emergency access will be provided along the A6077 via the existing service road to the south of The Clifton Arms.
- Pedestrian and cycle access to the site will be provided at the same location as the vehicular accesses. Footways with widths of 2.0m will be provided on both sides of the proposed internal roads and will link onto the existing off-site pedestrian network.
- The proposed townhouses and apartments will provide 2 spaces per dwelling. In addition, 3 visitors parking spaces will be provided along Derham Street. The proposed commercial use will provide 20 spaces. The proposed development is therefore roughly in accordance with BwDBC's parking standards.
- The personal injury accident data for the most recently available five year period in the vicinity of the site has been reviewed and does not represent a material concern in the context of the proposed development.
- The above analysis demonstrates that the site is highly accessible by public transport and is within easy walking and cycling distance of a wide range of facilities.
- The site comprises previously developed land which was formerly occupied by the Holt & Macintosh Waste Plastics Limited factory which specialised in transforming plastic scrap and discarded production items into re-usable plastic granules. It is estimated that the proposed development would generate a net difference of 19 2-way traffic flows during the AM peak and 20 two-way flows during the PM peak when compared to the historic uses of the site.
- This increase in traffic will be imperceptible when having regard to the daily fluctuations in traffic and will not have a material impact on the operation or safety of the local highway network. In addition, this comparison is considered to be robust given all trips associated with the proposed commercial use have been assigned as 'new' trips.

- Having regard to the above, it is concluded that there is no highway-related reason to withhold planning permission for the scheme and the proposed development is therefore commended for approval.
- 3.5.7 The Council's highway officer has reviewed the proposal and has offered a number of observations on the internal road layout. Principally the concerns relate to; non-compliance with Manual for Streets, due to the lack of vehicle traffic calming on the section of highway fronting blocks F and G; sub-standard parking arrangements, due to the failure to provide for disabled users within the retail car park; further details of road gradients required; need for pedestrian footway provision; the need for internal roads to be built to adoptable standards; the need for PTW parking and cycle stand provision within car parks serving blocks A and G; and the review of boundary treatment to ensure vehicle sightlines are not compromised. Subject to those matters being addressed via planning condition, no objections are offered.
- 3.5.8 Design and Layout: Policy 11 of LPP2 is of relevance and requires all new development to present a good standard of design. Development will be expected to demonstrate a good understanding of the wider context and make a positive contribution to the local area, including enhancing/ reinforcing the established character of the locality. Considerations 1 and 2 of Policy 16/16 reinforce the requirements of Policy 11.
- 3.5.9 The proposal is in outline form, addressing access, layout and scale. The proposed development provides a net density of approximately 55 units per hectare, when considering the development area of 61.6 hectares. The 88 units comprise of: 40 x 3 bedroom semi-detached units, 24 x 3 bedroom terraced units; and 24 x 2 bedroom apartments.
- 3.5.10 *Policy 18: Housing Mix* 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. *Policy 19: Apartment Development and HMO's* advises that the Council will only support the development of apartments when compliance with Policy 18 is achieved.
- 3.5.11 It is acknowledged that semi-detached units only provide for approximately 45% of the overall housing offer within the proposal and that this falls below Policy 18's requirement for such housing to be the principal element. However, consideration must be given to the advantages of redeveloping the site to address the environmental issues caused by the illegal tipping and the associated criminal and anti-social behaviour, including arson attacks. Further, the applicant has demonstrated through the submission of a viability report that the housing mix proposed is necessary to make the overall scheme economically viable. On that basis, adequate justification has been identified to offset the marginal shortfall of semi-detached properties within the housing offer.
- 3.5.12 The proposal is in outline form, though layout and scale are matters being addressed. The applicant's planning statement indicates;

The proposal is to demolish the existing building structures and develop a total of 88 residential dwellings, comprising a mix of town houses and apartments. The town houses (blocks B,C,D,E and F) are located predominantly at the centre and canal side of the site and accessed from the realigned Paterson St. The dwellings also include private gardens and off-road car parking.

Block B has been designed to have the traditional rear of the dwellings facing the canal, with the front facing the realigned Paterson Street. Block C will be three bed houses accommodated over 2.5 storeys and located within a traffic calmed street environment. The two apartment blocks (blocks A and G) are proposed at either end of the site. These blocks will accommodate 8 and 16, two bedroom apartments within 2.5 and 3.5 storey structures.

Apartment block A has been located to reinforce the corner of Highfield Road and the realigned Paterson Street. The building will accommodate the apartments over three floors, with the upper floor having the external appearance of a roof structure with dormer windows.

The largest apartment block within the development is block G; it comprises 16 two bedroom apartments. The building which is located within the area of the site that has the greatest difference in levels compared with Mosley Street, is 3.5 storeys in height. Again the upper floor will be contained within the roof space. It is envisaged that the design of the building is intended to reflect the form of the demolished mill building, refining the strong influence on the canal side

3.5.13 The linear nature of the site restricts the possible design solutions and this has influenced the proposed layout. Nonetheless the applicant's design team has placed an emphasis on a development which positively responds to policy, and presents a scheme which is well designed to complement the local setting whilst responding to site constraints including the relationship with the adjacent canal corridor, the close proximity of existing housing on the site periphery and the fixed positions of the vehicular site accesses from Dernham Street and Paterson Street.

3.5.14 In summary, the outline details submitted illustrate a layout and scale of development which show dwellings, infrastructure and landscaping which accord with the provisions of the relevant policies of the development plan.

3.5.15 Residential Amenity: Local Plan Policy 8 supports new development that secures a satisfactory level of amenity for surrounding uses and for occupants/ users of the development itself. The Council's adopted residential design guide SPD provides additional guidance with particular reference to separation distances between dwellings to ensure the amenity of residents is protected.

3.5.16 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. The development is wholly compliant with these requirements when considering the relationship with the existing housing stock on the southern and western edges of the site. The scheme is also compliant internally, save for the sub-standard relationship between blocks F and G, which falls circa 2m below the requisite 27m when accounting for the differing levels between the blocks. Justification is offered through the set back of the dormer windows within the upper floor of block G.

3.5.17 The Council's Public Protection Team has reviewed the application and offers no objection to the development subject to conditions to safeguard the amenity of future occupants of the site and those existing residents in the area. These conditions relate to land contamination; control on working hours (08:00 to 18:00 Mondays to Fridays, 09:00 to 13:00 Saturdays, Not at all on Sundays and Bank Holidays); scheme for noise and dust management during construction phase to be agreed; the provision of electric charging points and gas boiler emissions to safeguard air quality; and scheme for acoustic glazing and ventilation to be agreed.

3.5.18 The overall impact of the proposed development is considered to accord with the provisions of Policy 8 of the Local Plan Part 2 and the adopted Residential design Guide, as any potential harm to amenity has been addressed or can be adequately controlled or mitigated through planning conditions.

3.5.19 Ecology: Policy CS15 seeks to protect and enhance the Boroughs ecological assets with the aim of establishing and preserving functional networks. Policy 9 seeks to avoid disturbance to protected species and provide compensatory measures when necessary, as per consideration 2 of Policy 16/16.

3.5.20 The applicant has been supported by a Phase I habitat survey. An additional dusk emergence and activity survey for bats was requested by the Council's ecological consultants, GMEU, which the applicant has provided. Those submissions indicate that the site has low ecological value, save for the relationship between the existing stone walls that forms the canal frontage, as well as the wider ecological value of the canal corridor itself.

3.5.21 The proposals have been considered by GMEU and no objections are offered, subject to a series of additional surveys and reports that can be controlled via planning conditions (see section 6.4). Subject to those requirements the proposal is considered to meet the requirements of Local Plan Policy 9 and Core Strategy Policy CS15

3.5.22 Flood Risk and Drainage: Policy 9 of LPP2 requires development to demonstrate that it will not be at risk of flooding and use of Sustainable Urban Drainage Systems (SUDS) is required, as per consideration 4 of Policy 16/16.

3.5.23 A Flood Risk Assessment has been carried out for the proposed residential development for the site adopting the requirements and assessment procedures as laid down by the Environment Agency and Blackburn and

Darwen Borough Council. The site is categorised as Zone 1, that is having a low probability of flooding, less than 1 in 1000 annual probability. The development is identified as 'more vulnerable' in the Environment Agency's Flood Risk Vulnerability classification due to it comprising residential dwellings. Consideration of Flood Risk vulnerability and flood zone compatibility confirms that based on the above, the development is appropriate.

3.5.24 A surface water drainage arrangement has been designed to accommodate the requirements of both the Environment Agency and United Utilities. The drainage strategy is subject to a separate report which is to accompany the planning application. The use of soakaways is not appropriate. It is proposed to raise the site levels by circa 300mm to suit construction requirements. This will not impact on potential runoff to existing adjacent residential accommodation.

3.5.25 The proposal has been considered by the Lead Local Flood Authority, United Utilities and the Canal and River Trust (CRT). No objections are offered on flooding or drainage issues, subject to the conditions outlined within sections 6.3, 6.8 and 6.10 of this report. Those conditions include requirements for foul and surface water to be drained on separate systems, surface water drainage scheme to be agreed and scheme for future maintenance and management of the SuDs to be agreed.

3.5.26 Within the response from the CRT it is clarified that the site has existing drainage outfalls to the canal and that these will need to be sealed up and removed. Further it is noted that the drainage report goes on to state that surface water discharge would be to the canal as infiltration on the site would not be feasible. The CRT advises this has not yet been discussed with their organisation. Further, as the CRT is not a drainage authority they do not have to accept surface water discharge to the canal. Any such discharge would require the prior consent of the CRT and would be subject to a separate commercial agreement. Members are advised that this advice is a consideration for the developer and not a barrier to supporting the application.

3.5.27 Financial Contributions: Core Strategy Policy CS8 advises that all new residential development will be required to contribute towards the Borough's identified need for affordable housing; this being achieved through on-site provision, or through a financial contribution towards off-site delivery. The overall target for affordable housing is set at 20%. The Council also has an adopted supplementary planning document, Green Infrastructure, which sets a developer contribution of £1406 per unit.

3.5.28 Local Plan Policy 12: Developer Contributions, which accords with the NPPF, indicates that where request for financial contributions are made, the Council should be mindful of the total contribution liability incurred by developers, arising from policy and site specific requirements.

3.5.29 The Council received a financial viability appraisal from the applicant on the 24th February 2020. The document has been reviewed by the Council Growth and Development team, who advise;

“Whilst the submitted information lacks detail in some areas for example the breakdown of abnormal costs) based on the Council’s knowledge of the site and understanding of comparable values, the submitted information is considered to be proportionate and acceptable in this case.

It is therefore recommended that the requested infrastructure costs of £1,122,000 for affordable housing and £123,278 for green infrastructure should be waived in this instance due to the lack of viability coupled with the public and environmental benefits to be secured by remediation and development of the site”.

3.5.30 Summary: This report assesses the outline planning application for 88 dwellings on a parcel of previously developed land, accessed from Paterson Street and Derham Street. In considering the proposal a wide range of material considerations have been taken in to account during the assessment of the planning application

3.5.31 This report concludes that the proposal provides a high quality housing development with associated infrastructure on an allocated housing site. The principle of development is agreeable with the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, and the National Planning Policy Framework. Furthermore, the scheme is acceptable from a technical perspective, with all matters being adequately addressed, or capable of being appropriately controlled via planning conditions

4 RECOMMENDATION

4.1 Approve subject to planning conditions relating to the following matters

- Outline application time limit
- Reserved matters to be agreed; appearance and landscaping
- Phasing plan to be agreed
- Construction method statement to be agreed and implemented
- Details of arrangement for future maintenance and management of the proposed streets, until such time that an agreement has been entered into under section 38 of the Highways Act 1980, or a private maintenance company is established;
- Full details of the engineering, drainage, street lighting and construction details of the streets within the site to be submitted and agreed.
- Notwithstanding submitted details, scheme for traffic calming to road fronting blocks F and G to be agreed.
- Notwithstanding the submitted details, revised car park layout serving blocks A and G to provide PTW and covered cycle stand to be agreed
- Block G car park to be revised, to provide for 10% disabled parking bay provision
- Foul and surface water on separate systems
- Surface water drainage scheme to be submitted and agreed
- Scheme for future maintenance and management of the SuDS to be submitted and agreed
- Construction hours restriction (08:00 to 18:00 Mondays to Fridays, 09:00 to 13:00 Saturdays, Not at all on Sundays and Bank Holidays)

- Scheme for suppression of noise and dust during development to be agreed
- Contaminated land investigation, mitigation and validation
- Scheme for acoustic glazing and ventilation to be agreed
- External plug socket provision to facilitate electronic vehicle charging
- Maximum boiler emission standards
- Materials to be submitted and agreed
- Details of boundary treatment to be agreed
- Details of siting and appearance of communal bin stores to blocks A and G to be agreed
- Plan detailing finished floor levels to be agreed
- Removal of Permitted Development rights (Part 1, classes A to E inclusive and Part 2, Class A)
- The development shall be carried out in accordance with the details contained in the Ecological Appraisal Report, Bowland Ecology reference BOW0017.1021 August 2019 Sections 5.6-5.18
- Programme of archaeological building recording and investigation to be agreed
- No works within 15m of the existing canal wall on the northern site boundary shall take place until the applicant has secured and implemented a scheme of investigation to establish the structural condition of the canal wall.
- No development shall occur until a risk assessment outlining all works to be carried out adjacent to the canal has been agreed
- Construction Environment Management Plan to be agreed prior to development
- A reasonable avoidance measures method statement for otters shall be submitted and agreed
- Lighting scheme to be agreed
- No works to trees or shrubs shall occur or demolition of structures on site between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance
- Prior to development a survey for invasive plant species including Japanese knotweed and Himalayan Balsam to be submitted to and agreed in writing to the LPA. If any invasive species are present a method statement detailing avoidance, control and eradication measures should also be supplied to and agreed in writing by the LPA.

5 PLANNING HISTORY

10/08/0070 - Demolition of existing industrial buildings to accommodate 27 no. terraced townhouses and 156 no. apartments in six apartment blocks with associated private and public open space, new accesses, highway realignment, landscaping and improvements to the canal side environment (Withdrawn)

6 CONSULTATIONS

6.1 Highways:

Initial concerns with the proposed layout and general compliance with Manual for Streets have been addressed through the revised details received 21st January 2020. The exception is the need for some additional traffic calming on the section of highway fronting blocks F and G, which can be addressed via planning condition

The residential element of the scheme is in accordance with the Council's adopted parking standards. However, the retail element provides for 20 spaces when the requirement of 1 space per 16m² generates a need for 25 spaces. Taking in to account the sustainable nature of the site location, the shortfall of parking can be accepted. Notwithstanding the need for the commercial parking area to provide for 10% of bays to meet disabled needs. A condition to require this should be imposed.

There is no standard turning head at the end of the road linking to the bollard controls on the eastern edge of the site. However, the swept path provided within the transport assessment indicates that there is sufficient space to turn a rigid vehicle.

Additionally standard conditions should be applied to address the following matters;

- The internal roads should be built to adoptable standards.
- Provision of cycle stands for the two apartment blocks
- Boundary treatment details.

6.2 Public Protection:

No objection subject to conditions relating to; electric vehicle charging points within each plot; maximum gas boiler emissions; noise and dust management plan to be agreed and implemented; construction hours restricted to 8am to 6pm Monday to Friday, 9am to 1pm Saturday; and contaminated land standard conditions.

6.3 Lead Local Flood Authority:

No objection subject to conditions relating to; foul and surface water to be drained on separate systems; scheme for future maintenance and management of the sustainable drainage systems to be agreed; and requirement for applicant to consult the Canal and River Trust for their requirements for discharging into the canal – and provide details of any agreement to the Local Authority prior to commencement.

6.4 Ecology – GMEU:

The requested Bat emergence surveys have now been carried out. No evidence of bats was found but they were seen on site just after dusk indicating a roost nearby. The buildings were also regarded as difficult to survey. They have therefore recommended pre-cautionary measures be applied during demolition. I recommend that these are conditioned along the following line.

The development shall be carried out in accordance with the details contained in the Ecological Appraisal Report, Bowland Ecology reference BOW0017.1021 August 2019 Sections 5.6-5.18 as already submitted with the planning application and agreed in principle with the LPA prior to determination.

In addition the following conditions are required;

- As part of reserved matters a reasonable avoidance measures method statement for otters shall be supplied to and agreed in writing by the LPA
- If any lighting of the canal is proposed, full details should be provided as part of reserved matters that clearly demonstrate no negative impacts on wildlife.
- No works to trees or shrubs shall occur or demolition of structures on site between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.
- As part of reserved matters a survey for invasive plant species including Japanese knotweed and Himalayan Balsam will be provided and the finding supplied to and agreed in writing to the LPA. If any invasive species are present a method statement detailing avoidance, control and eradication measures should also be supplied to and agreed in writing by the LPA.

6.5 Education:

No comment

6.6 Police Architectural Liaison Officer:

No objections. Lancashire Constabulary would advocate that this new development for residential housing should be designed in accordance with Secured by Design Homes 2019 security specifications.

6.7 Environment Agency:

No objection subject to condition relating to land contamination; desk study, site investigation, remediation strategy and validation report

6.8 Environmental Services

No objections.

6.8 United Utilities:

No objection subject to conditions requiring; foul and surface water to be drained on separate systems; surface water drainage scheme to be agreed; and scheme for future management and maintenance of the surface water drainage system to be agreed.

6.9 Lancashire Archaeology Advisory Service:

Since the consultation response offered to application 10/08/0070, the site has undergone significant changes with the total loss of the buildings, including the historic mill structures, due to demolition for safety reasons following a fire. This has had the unfortunate result of removing much of the historical interest of the site. I do not consider that any excavation of the site would produce any particularly valuable results in terms of furthering our understanding of the buildings and processes carried out within them.

However, a combination of historic sources and the photographs contained within various documents which are part of the planning applications do help to provide at least a basic historical record of the buildings (sometimes in the form of "shadows" such as the outline of saw-tooth profile roofs of the weaving sheds on wall faces) and we feel that it would be useful to rationalise and formalise the records made for the purposes of the application.

No objection subject to the application of the following condition

No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological building recording. This shall comprise compiling a collection of record photographs taken as part of the surveys undertaken on site and their submission to the Lancashire HER in a format to be agreed in writing. The record should include photographs used in the reports and any which may have been taken but not used for illustration, with a plan of the site showing the viewpoints of the photographs. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

6.10 Canal and Rivers Trust:

Suggested conditions;

- No works within 15m of the existing canal wall on the northern site boundary shall take place until the applicant has secured and implemented a scheme of investigation to establish the structural condition of the canal wall.
- No development until a risk assessment outlining all works to be carried out adjacent to the canal has been agreed
- No development shall occur until a scheme for the provision and implementation of a surface water drainage system has been agreed. The details shall also set out the arrangements for fuel/oil interceptors.
- Construction Environment Management Plan to be agreed

6.11 Public Consultation:

131 neighbouring properties have been individually consulted by letter, site notice displayed and a press notice issued. The consultation process was repeated following the receipt of amended details January 2020. 1 letter of objection and 1 comment have been received (see section 9)

7 **CONTACT OFFICER: Martin Kenny, Principal Planner, Development Management**

8 **DATE PREPARED: 6th March 2020**

9 **SUMMARY OF REPRESENTATIONS**

Objection – Craig Spence, 48 Highfield Road, Blackburn, Received 27.01.20

Hi,

I'm emailing about the Planning application at Rockcliffe Works. I have received a letter saying there is an amendment to the application, I have had a look on the website but can't seem to see an amendment.

I emailed previously saying building houses on brownfield land is good for the area in general. But I am worried about all the excess traffic as Highfield Road is used as a rat run for motorists avoiding the main road, regularly popping their horns at each other and racing up and down the road. Infirmary has had a great deal of traffic calming and improvement but traffic seems to be directed towards Highfield road and Mosely Street.

I am wondering if the council can look at some traffic calming measures with the new development also going on in Abraham Street.

With Thanks

Craig Spence.

Comment – Craig Spence, Received 23.06.19

Hi,

I am emailing to comment about the 150 proposed dwellings on Paterson Street.

I believe building more homes is good for the area but as I live on Highfield Road, I feel something needs to be done about the constant flow of traffic using Mosley Street and Highfield Road as a rat run. I regularly witness cars racing up and down often beeping their horns in road rage if they are held up by a matter of seconds. A great many traffic calming measures have been carried out further into Infirmary including 1 way streets and bollards blocking the road, with increased housing the

road will be even worse for residents and a safety hazard for families with young children playing out.

Please can traffic calming measures be put into place before any new homes are built.

With Thanks

Craig Spence

REPORT OF THE DIRECTOR

Plan No: 10/20/0080

Proposed development: Construction of a car park on land between Swallow Drive and Whalley Range including new vehicular access from Swallow Drive, landscaping and boundary fencing

Site address: Former Blakewater Lodge Rest Home, Swallow Drive, Blackburn

Applicant: Blackburn with Darwen Council

Ward: Blackburn Central

Councillor: Zamir Khan

Councillor: Saima Afzal

Councillor: Mahfooz Hussain



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 application is in the form of a full planning application. It is presented to Committee on account of it being an internal development on behalf of Blackburn With Darwen Borough Council, on land within their ownership; in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 and in accordance with the Council's Scheme of Delegation.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site once housed the former Blakewater Lodge, which was a care home for older people. Planning permission was granted under planning application 10/18/0581 for its demolition at the 16th August 2018 Committee meeting. The demolition works have taken place and the site is now vacant apart from the electricity substation.

3.1.2 The application site is located within the inner urban boundary of Blackburn, north east of Swallow Drive at its junction with Whalley Range. The surrounding area is characterised as a mix of residential and commercial. The site lies directly adjacent to the defined Whalley Range District Centre.

3.2 Proposed Development

3.2.1 Full planning permission is sought for the construction of a car park on land between Swallow Drive and Whalley Range including new vehicular access from Swallow Drive, landscaping and boundary fencing.

3.2.2 The proposed car park will provide 89 parking spaces, primarily for use by business permit holders on weekdays and customers to the local district centre and town centre who are visiting nearby shops and restaurants in the evenings and at weekends. Currently, the area is considered to have insufficient parking capacity, which is impacting on local residents due to inconsiderate parkings.

3.2.3 There is a need for more permit parking to accommodate the businesses in the town centre and the current car parks are already operating at full capacity. The provision of the proposed car park will assist the local community through the additional parking at weekends and evening and the local economy through the additional permit parking.

3.2.4 The car park will be used by permit holders Monday to Friday 8am till 6pm with Pay and Display in the evenings and at weekends with enforceable hours on Saturday and Sunday being 8am till 6pm.

3.3 Development Plan

3.3.1 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.

3.3.2 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS16 – Form and Design of New Development

3.3.3 Local Plan Part 2

- Policy 1 – The Urban Boundary
- Policy 2 – The Inner Urban Area
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (The Framework) 2019:

- Section 6 – Building a strong, competitive economy:
Planning policies and decisions should help create the conditions in which business can invest, expand and adopt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- Section 8 – promoting healthy and safe communities:
Planning policies and decisions should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services, as well as economic and environmental benefits of estate regeneration.
- Section 9 – promoting sustainable transport:
Transport issues should be considered at the earliest stages of plan making and development proposals, so that the potential impacts of development on transport networks can be addressed; opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated; opportunities to promote walking, cycling and public transport use are identified and pursued; the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.
- Section 12 – Achieving well-designed places:
Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the

short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space); support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

3.5 Assessment

3.5.1 In assessing this full application, there are a number of important material considerations that need to be taken into account; as follows:

- Principle of the development;
- Amenity;
- Environment;
- Drainage;
- Trees;
- Ecology;
- Highways;
- Air Quality; and
- Design / character and appearance.

3.5.2 Principle

The fundamental principle of the proposed development is accepted; in accordance with the Development Plan and The Frameworks' 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; subject to assessment of the following matters, including a detailed highway impact assessment:

3.5.3 Amenity

Policy 8 directs that development will be supported where it can be demonstrated that it will, in isolation and in conjunction with other planned or committed development, contribute positively to the overall physical, social, environmental and economic character of the area, and that 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, vibration, odour, light, dust, other pollution or nuisance and privacy / overlooking.

- 3.5.4 The submitted car park design shows steps from the car park up onto Whalley Range. Due to the topography of the site the car park itself will be set down from the main highway ensuring that car headlights are not shined directly towards the properties on the other side of Whalley Range. Taking into account the above it is considered that the scheme will appropriately guard against any excessive overlooking from moving / parked vehicles and pedestrians alike.
- 3.5.5 Further to this, the land slopes down towards the properties located on Finch Close. Taking into consideration the above, it is considered that the proposal will also have minimal impact upon the properties in Finch Close.
- 3.5.6 The scheme has been assessed by the Councils Environmental Health Officer who has confirmed that a car park in this location does not appear to be an unreasonable use given the circumstances. There is some concern that depending on how it is used there may be anti-social behaviour (ASB) and noise nuisance affecting adjacent residents. This is difficult to predict and is certainly not inevitable.
- 3.5.7 Noise levels might be reduced by the construction of perimeter acoustic barriers, but screening the car park from view is likely to attract ASB and not deter it so this is considered impractical. Any future issues could potentially be dealt with by regulatory services if problems were to occur. The officer concludes that they offer no objection to the proposed development.
- 3.5.8 It is, therefore, considered that the proposed car park would not result in an unacceptable level of harm to nearby residential properties and would accord with Policy 8 of the LPP2.
- 3.5.9 Environment
Policy 9 directs that development will be required to incorporate appropriate drainage measures, in order to demonstrate that it will not be at an unacceptable risk of flooding; be required to take into consideration existing trees into the design and layout of the scheme, as well as appropriately assess any loss of trees and the ecological value of the development site must be assessed to ensure that development will not have an unacceptable impact on environmental assets or interests, including but habitats and species.
- 3.5.10 Drainage
A drainage layout and drainage layout details were submitted with the application.
- 3.5.11 The information has been assessed by the Local Lead Flood Authority (LLFA) who confirmed that they required further information from the applicant. The officer recommended that a petrol interceptor would need to be incorporated into the scheme and that surface water storage needed to be considered to reduce peak flow. The applicant also needs United Utilities (UUs) permission to connect to the surface water sewer. In light of the above the officer recommended the attachment of a pre-commencement condition ensuring the submission of a drainage scheme.

3.3.12 The comments received from the LLFA were forwarded to the applicant who subsequently provided an amended drainage layout scheme, which incorporates a petrol interceptor. Subsequently, the LLFA have assessed the amended drainage layout and have confirmed that the scheme is acceptable and that they have no objection to the proposed development.

3.3.13 The amended plan which addresses the issues outlined above has also been supplied to the UU.

3.3.14 At the timing of the writing of the report, no formal comments have been received from the UU regarding the amended drainage layout. An update on this will be provided via the update report.

3.5.15 Trees

A Tree Survey report has been submitted in support of this application. The proposed works are expressed in a table with a supporting site plan showing the location of every tree. The proposed works include

- the removal of the lower eppicormic growth and succers of T6, T7 and T8;
- the raising of the crown by 5m to allow demolition to take place to T14, T15, T16 and T17
- maintain clearance over the road to T21
- the removal of the lower eppicormic growth to T23
- the raising of the brances off the brick wall to T25
- the clearance of the branches from the buildings being kept to T26

3.5.16 The proposed works do not include the removal of any trees just works to maintain the trees themselves and to help facilitate the development to take place.

3.5.17 Tree protection measures for retained trees will be incorporated during construction phase. Accordingly, the proposal is considered to be complaint with the Environmental objectives of Policy 9 of the Development Plan and the Framework.

3.5.18 Ecology

A Bat Survey Report has been submitted with the application. A review of the Assessment concludes that should the recommendations of the bat survey be adhered to this will mitigate the harm the impact may have to an acceptable level.

3.5.19 Recommendations contained within the Ecological Assessments should be implemented via condition:

- works should be scheduled to take place between November and April,
- prior to the installation of any lights a lighting scheme should be submitted to the Local Planning Authority for their agreeance,
- if works have not commenced by June 2020 then a re-survey will be required. Bat survey reports are only valid for 2 years.

3.5.20 Accordingly, the proposal is considered to be compliant with the Environmental objectives of Policy 9 of the Development Plan and the Framework.

3.5.21 Highways / Accessibility / Transport

Policy 10 directs that development will be permitted provided it has been demonstrated that:

- i) that road safety and the safe, efficient and convenient movement of all highway users is not prejudiced;
- ii) appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards;
- iii) access by public transport is catered for either by providing for bus access into a site where appropriate or by ensuring that safe and convenient access exists to the nearest public facility;
- iv) measures are included to encourage access on foot and bicycle;
- v) the development does not directly affect any public right of way, unless the right of way is maintained or the proposal provides for its replacement by an equally attractive, safe and convenient route; and
- vi) the needs of disabled people are fully provided for, including those reliant on community transport services.

3.5.22 Vehicular access into the car park will be taken from the existing access off Swallow Drive. No new access/exit points are proposed into the surrounding highway network. The pedestrian access path from Whalley Range will incorporate steps up/down into the car park. This access will link the car park directly into the footway on Whalley Range; ensuring appropriate pedestrian accessibility.

3.5.23 The proposal has been assessed by the Council's Highways Officer who has confirmed that despite the non-submission of vehicular sightlines in support of the application the sightlines, which would be required, are achievable.

3.5.24 Slight adjustments are being made to the vehicular access point to enable ease of access/egress. Due to the angle of the entrance, the width of the access is greater than what is necessary for 2-way car movement. In addition, the radii also on the southern radii could be reduced to 4m, as the main vehicle movement would be from the north and exit accordingly (towards the north) .

3.5.25 There is a need for permit parking in the area. Currently, cars park illegally on Whalley Range which leads to traffic congestion and causes delays in the highway network resulting in long journey times at peak times of the day. Further to this, the proposed car park would assist local businesses in the area to find sufficient car parking spaces for their employees, assisting to meet this demand.

3.5.26 The provision of a new car park would make a significant contribution to alleviating road congestion in the locality. It will also help improve air quality in the area by helping to minimise the volume of queueing traffic.

- 3.5.27 The 89 spaces provided, including 6 disabled spaces and 3 spaces which incorporate electric charging points together with circulation space are appropriate for the scale of the site, in accordance with the Council's adopted car parking standards.
- 3.5.28 The proposed barrier at the access / exit point of the application site will be height restricted, this will ensure that the car park is utilised by visitors and not as parking for local business vehicles.
- 3.5.29 The location of the site is considered to be highly sustainable, accessible via a choice of non-car modes and will support the Council's sustainable transport objectives by balancing existing and future car parking demand alongside other sustainable transport measures.
- 3.5.30 The Highways Officer has noted that there is no cycle and PTW parking provided as part of the scheme. Further confirmation has been requested from the applicant as to why they deem this is not necessary in this instance. Further details regarding this will be provided via the update report.
- 3.5.31 Taking into account the above the Highways Officer has confirmed that in principle subject to the above issues being addressed and the attachment of a pre-commencement condition requesting the submission of a construction method statement they offer no objection to the proposed development.
- 3.5.32 In the absence of any adverse highways or transport impacts, the proposal is considered to comply with Policy 10 of the Local Plan Part 2 and the NPPF.
- 3.5.33 Air Quality
The proposed scheme has been assessed by the Council's Environmental Health Officer who has confirmed that subject to the provision of ELV charging infrastructure they offer no objection to the proposed development. This will be secured via a condition.
- 3.5.35 Overall, based on the implementation of the recommended mitigation measure, the impact of the development on air quality is considered to be acceptable and is supported by the Public Protection consultee.
- 3.5.36 Design / Character and Appearance
Policy 11 requires development to demonstrate a good standard of design which should enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area.
- 3.5.37 The proposed car park will improve the visual impact of the currently vacant site by bringing it back into use. The car park respects the wider context of the area and is appropriate within the Whalley Range district centre. It will provide a more suitable surface and usage than the current site that creates and adverse visual impact. Moreover, the landscaping at the perimeter edges of the car park would reduce its visual impact.

3.5.38 Accordingly, the proposal is considered to be compliant with the design objectives of Policy 11 of the Development Plan and the Framework.

3.5.39 Summary

This report assesses the full planning application for the construction of a car park on land between Swallow Drive and Whalley Range including new vehicular access from Swallow Drive, landscaping and boundary fencing. In considering the proposal, a wide range of material considerations have been taken into account to inform a balanced recommendation that is considered to demonstrate compliance with the Local Development Plan and the NPPF, in support of the Council's strategic growth objectives.

4.0 RECOMMENDATION

4.1 **Delegated authority is given to the Director for Growth and Development to approve planning permission, subject to conditions which relate to the following matters:**

- Commence within 3 years
- Implementation of electric charging point scheme
- Prior to commencement a construction method statement shall be submitted and agreed with writing
- Development in accordance with drainage layout
- Development in accordance with ecology report
- Development in accordance with tree survey
- Limited hours of construction – Monday to Friday 8am-6pm, Saturday 9am to 1pm and not on Sundays or Bank Holidays.
- Development in accordance with submitted details / drawing nos.

5.0 PLANNING HISTORY

10/05/1175 – External metal fencing around perimeter – Approved 09/12/2005

10/05/1251 – Creation of 5 No. car parking spaces and 1 No. disabled parking bay to the front/main entrance of Home and to erect new fencing to perimeter of car park – Approved 24/01/2006

10/17/1238 – Change of use from care home to (A1) shops to include various sized retail units and renamed 'Blackburn Plaza'. Including new entrance on Whalley Range and installation of new shop fronts - Withdrawn by Applicant 13/11/2017

10/17/1261 – Advertisement Consent for 9 No. fascia signs - Withdrawn by Applicant 13/11/2017

10/17/1424 – Change of use from care home to (A1) shops to include various sized retail units and renamed 'Blackburn Plaza' (35no. retail units in total). Including new entrance on Whalley Range and installation of new shop fronts - Refused 22/01/2018

10/17/1426 – New signs to advertise the 'Blackburn Plaza' and shop signs above external shop fronts for each retail unit - Withdrawn by Council 17/02/2018

10/18/0581 – Demolition of former rest home - Prior Approval is not required 20/08/2018

6.0 CONSULTATIONS

6.1 Drainage/LLFA

No objection subject to following conditions:

- Prior to commencement of development; submission drainage scheme

6.2 Public Protection

No objection subject to following conditions:

- Prior to commencement of development; submission of a scheme for the provision of low emission vehicle charging points which incorporates at least two parking bays marked out for exclusive use by electric vehicles, together with charging infrastructure and cabling.

6.3 Highways Authority

No objection in principle subject to the following:

- Clarification as to why no cycle or PTW parking is to be provided as part of the scheme;
- The submission of a transport assessment; and
- The attachment of a prior to commencement of development condition ensuring the submission of a construction method statement.

6.4 Property Management

No objection

6.5 Environment Agency

No comments received

6.6 United Utilities

No objection subject to following conditions:

- Prior to commencement of development; submission of a surface water drainage scheme;
- Foul and surface water shall be drained on separate systems.

6.7 Neighbours

Neighbour notification letters were sent to 51 properties within the locality on the 27th September 2019, in addition 2 site notices were posted. As a result of this consultation process 1 letter of objection has been received (see summary of representations in Section 9).

7.0 CONTACT OFFICER: Rebecca Halliwell –Planner, Development Management.

8.0 DATE PREPARED: 5th March 2020.

9.0 SUMMARY OF REPRESENTATIONS

Objection – Tracy Dawe, 1 Finch Close. Rec: 16/02/2020.

The one way system (traffic calming) is already a big issue trying to get off Swallow Drive on to Whalley Range. I have already been concerned how the emergency services would reach us in case of an emergency. Now as well as a school with cars everywhere picking children up, it seems access to a car park is going to be added to the already horrendous conditions we have to endure daily. Is this 24 hour car park going to be a meeting place /race track at night? Will there be anybody manning this car park at night to make sure the it is used for the correct purpose? Will the residents have to tolerate sleepless nights because of anti social behaviour?