

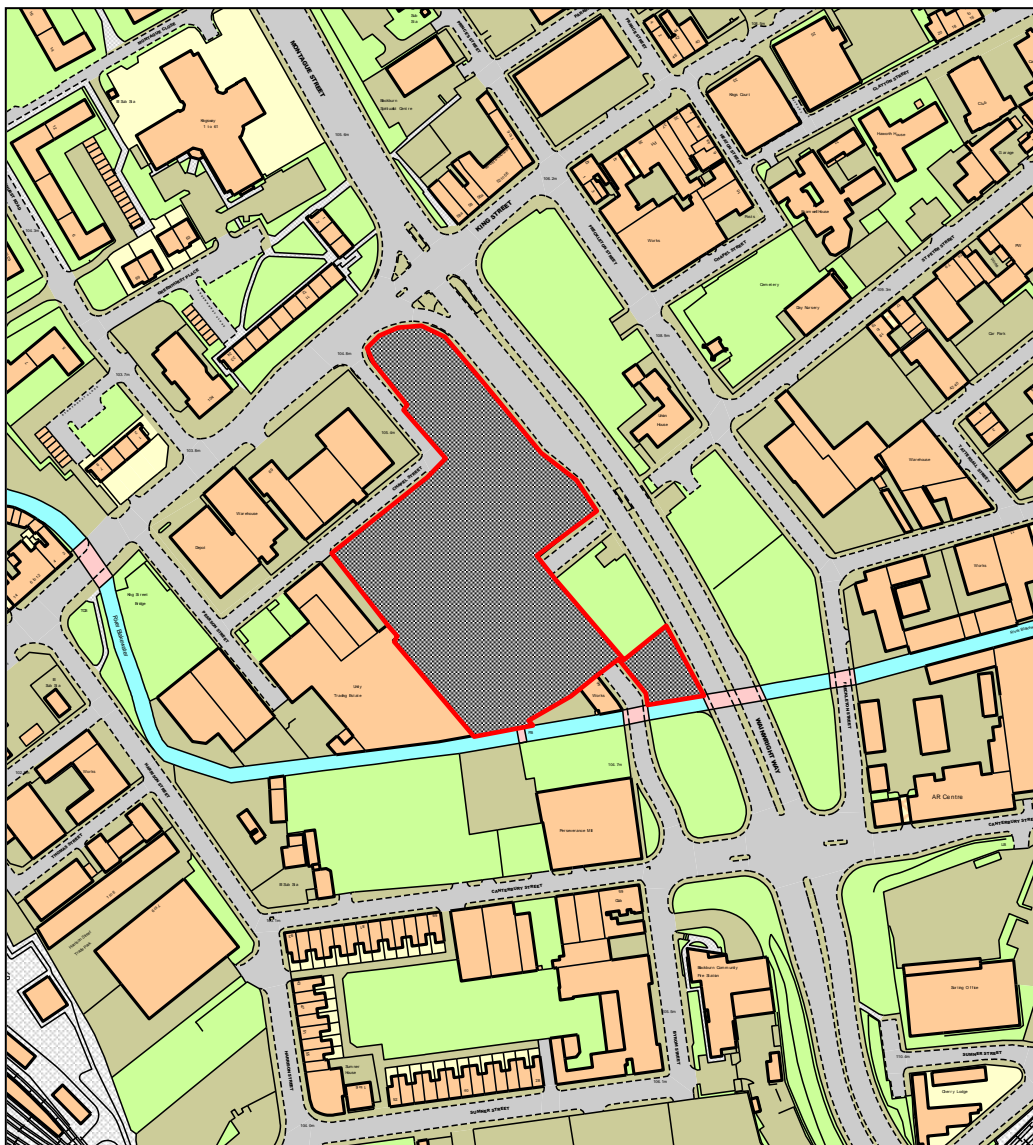
Proposed development: Regulation 3 for Full Planning Application for Retail store and garden centre (Class A1) with associated servicing and car parking

**Site address:
Vacant Land
Byrom Street
Blackburn
BB2 2HN**

Applicant: Prescot Business Park Ltd/Trentmore Ltd

Ward: Blackburn Central

Councillor Saima Afzal	
Councillor Faryad Hussain	
Councillor Zamir Khan	



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – subject to conditions

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 The proposal provides for a new retail store and garden centre with associated servicing and car parking, on a vacant parcel of previously developed land positioned on the periphery of the Blackburn Town Centre boundary, adjacent to Blackburn's Orbital Route. The site is identified as forming part of employment land allocation 13/4 within the Blackburn with Darwen Local Plan Part 2.

2.2 The proposal is satisfactory from a technical point of view, with all issues having been addressed through the planning application. The application will not result in a significant adverse impact on the town centre but provide a competitive offer in line with the objectives of the Council's Development Plan and the NPPF. The proposal also provides regeneration benefits, bringing a long-standing vacant parcel of land back in to use. The proposed development is consistent with modern retail formats and has been designed to be in keeping the surrounding area. Landscaping to the periphery of the site also provides improvements to the setting of the town centre orbital route. Subject to appropriate planning controls, the proposal is not considered to be injurious to the amenity of neighbouring residents or nearby uses.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site extends to approximately 1.15 hectares and is located at Byrom Street/Wainwright Way, to the south west of Blackburn Town Centre. To the east of the site is Wainwright Way, which forms part of the new Blackburn orbital route. Immediately to the south of the site is the River Blakewater. To the west are industrial premises and to the north a range of industrial and commercial premises, including a tyre/exhaust/service garage. Byrom Street runs through the centre of the site in a north south direction. The application site is previously developed, albeit that it has been cleared of buildings. The western portion of the site is hard-surfaced and utilised as a pay and display car park. The eastern portion of the site is open surfaced and currently covered with vegetation.

3.2 Proposed Development

3.2.1 The proposed development comprises an A1 retail store, garden centre and associated servicing and car parking areas. Internally the store will provide 3112m² of gross floorspace incorporating sales/display areas, storage facilities and staff areas. It is envisaged that the gross footprint will translate in to a maximum net sales area of 2801m². Of the net sales area between 70% and 100% will be for the sale of comparison (non-food) goods and up to 30%

for the sale of convenience(food) goods. Externally is an open garden centre area of approximately 750sq m.

3.2.2 The scheme has been conceived and refined in conjunction with Home Bargains, who are the identified operator. The format of the proposed development is reflective of the latest derivation of new stores operated by Home Bargains and is based on their established operating format. The proposed design incorporates a single storey building to be sited on the western part of the site, facing east. The new building is approximately 70m x 45m, with ridge height of 5.7m; the shallow angled pitch roof being set behind a parapet wall detail. The lower walling is to be constructed with red brick and the upper section of the wall to be clad with Kingspan micro rib cladding in multiple colours in order to break up the mass of the building. The entrance lobby projects forward of the main building and is predominantly glazed.

3.2.3 The layout incorporates car parking for 168 spaces, of which 8% are oversized for disabled drivers and 4% oversized for parent and child parking. Servicing is contained within a dedicated yard adjacent to the garden centre with access from the south, from the direction of Canterbury Street. The periphery of the car park is to be landscaped, with feature detail adjacent to the junction of King Street and Wainwright Way. The Wainwright Way frontage will also contain a landscape strip, with intermittent feature stone wall detail. The boundary of the site is demarked by a timber knee rail fence.

3.3 Development Plan

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

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

3.3.3 Core Strategy:

- CS1 – A Targeted Growth Strategy
- CS4 - Protection and Re-Use of Employment Sites
- CS12 – Retail Development
- CS16 – Form and Design of New Development
- CS22 – Accessibility Strategy

3.3.4 Local Plan Part 2 (LPP2)

- Policy 1 – The Urban Boundary
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design

- Policy 13 – Employment Land Allocations
- Policy 26 – Town Centres – A Framework for Development
- Policy 29 – Assessing Applications for Main Town Centre Uses
- Policy 39 – Heritage

3.3.5 Freckleton Street Masterplan: Supplementary Planning Document

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (The Framework).

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. For decision taking, this means approving development proposals that accord with the development plan without delay (paragraph14). The following sections are of particular relevance to the assessment of this application

- 1: Building a strong, competitive economy
- 2: Ensuring the vitality of town centres
- 4: Promoting sustainable transport
- 7: Requiring good design
- 8: Promoting healthy communities

3.5 Assessment

3.5.1 Principle of the Development

The Core Strategy (CS) provides the strategic policy framework including the overall vision, objectives and strategy of the Local Plan. Central to the CS is a targeted growth strategy which is set out in Policy CS1. This is based on securing sustainable growth by attracting new development and securing change in underperforming areas. The existing urban areas are best placed to accommodate development while minimising environmental impact, allowing for the efficient use and re-use of land and by focusing development in areas which are the most accessible. That position is supplemented by LPP2 Policy 1, which identifies the urban area as being the preferred location for new development, subject to compliance with other policies of the development plan.

3.5.2 The application site is presently designated for employment purposes, specifically as part of allocation 13/4. Policy 13 of the LPP2 indicates that the site is an Urban/Gateway identified for transformational change alongside the new Freckleton Street Link Road (now known as Wainwright Way). CS Policy 2 indicates that on urban hub/gateway sites a range of uses will be acceptable and that development fronting on to major transport routes will be expected to be of a use, type or design which contributes to a high quality environment on the route. Accordingly there is scope for the proposed use to meet these policy requirements.

- 3.5.3 Safeguards do exist in relation to the release of allocated employment sites for other uses. Policy CS4: Protection and Re-Use of Employment Sites, aims to provide a broad portfolio of economic development sites in sustainable locations, and to maximise the economic output generated from these sites. It is recognised as part of this policy approach that it may be necessary for the Council to consider giving favourable consideration to elements of higher value “enabling” development, having regard to the balance of uses that would result on the site and the wider area. At paragraph 7.25 it is further recognised that such development “may also bring about added regeneration benefits and employment potential”. Where other uses are allowed they must not become dominant and should not compromise the operability of the rest of the site or wider area for employment uses. Given that the site has been marketed for alternative employment uses without any success and the obvious benefits of bringing this gateway site back in to meaningful use, the proposal can be considered to meet the wider remit of the policy.
- 3.5.4 Members should also note the direction within paragraph 22 of the Framework, which advises that; “Planning policies should avoid the long term protection of sites allocated for employment where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect for the land being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits...”
- 3.5.5 Policy 29 ‘Assessing Applications for Main Town Centre Uses’ concerns planning applications for new main town centre uses (such as retail development) outside the defined boundaries of existing centres. In terms of scale, the policy explains that new development will be permitted where it is “appropriate to the position of the centre concerned within the hierarchy of centres” in Blackburn with Darwen. This is in terms of the overall magnitude of additional floorspace proposed and the size of individual units. The policy continues that in making an assessment of whether the scale of retail development is appropriate, regard will be had to the ‘maximum unit size’ figure set out for the centre within Policy 29, Table 1. In the case of Blackburn town centre, it is noted that there is ‘no limit’ in terms of the maximum acceptable unit size.
- 3.5.6 Policy 29 also establishes a sequential approach to site selection for new retail development which is outside the primary shopping area of Blackburn and Darwen’s town centres. It explains that planning permission will be granted only where it can be demonstrated that “no sequentially preferable site is available or likely to be available within a reasonable timescale to accommodate the development” , and that in discounting any sequentially preferable site, “the developer / operator has applied a sufficiently flexible approach to their requirement in respect of scale, format and car parking provision”
- 3.5.7 The policy continues that where an ‘edge’ or ‘out-of-centre’ development is justified (under Policy 29), preference will be given to locations which are well-connected to an existing town centre; and appropriate measures will be required to maximise connectivity between the development and the centre.

- 3.5.8 Policy 29 also has regard to impact considerations and explains that new retail development which is not within a town or district centre will be required to be accompanied by a proportionate retail impact assessment where its floorspace exceeds the relevant impact testing threshold set out within Policy 29, Table 2. It is noted that in the case of Blackburn town centre the impact testing threshold is 1,000 sq.m and hence the scale and form of retail development proposed will trigger the need for a retail impact assessment to be submitted.
- 3.5.9 The impact section of the policy also establishes that where a retail impact assessment is required, it will be necessary to assess the implications upon all centres within 500m of the planning application site. In the case of the Wainwright Way proposals, it will therefore be necessary to assess impact upon Blackburn town centre, Johnston Street, Whalley Banks and Bolton Road.
- 3.5.10 Finally, Policy 29 explains that proposals will only be granted planning permission where it can be demonstrated that there will be no unacceptable impact on the vitality and viability of existing centres. In making this assessment the Council will take account of issues including:
- The impact of the proposal on existing, committed and planned public and private investment, in a centre or centres in the catchment of the proposal;
 - The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider area, up to five years from the time the application is made. For major schemes where the impact will not be realised in five years, the impact should also be assessed up to 10 years from the time the application is made; and,
 - The ability of the impact to be mitigated through measures secured through planning conditions or a planning agreement.
- 3.5.11 Given the detailed objection received (see section 9 of this report) on matters including the potential for the development to adversely impact upon the vitality and viability of Blackburn Town Centre and shortcomings of the sequential assessment undertaken by the applicant, the Council have commissioned an independent review. This will ensure the decision making process is robust and recommendation justified. As the objection was only received late in the assessment of the application, the independent review is not yet complete. Its findings and a final position on the principle of development will be presented to Members as part of the committee update report.

3.6 Design and Layout

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

- 3.6.1 The building is to be constructed with red brick walling to the lower half of the building, whilst the upper walling, which includes a parapet detail screening the shallow pitched roof behind, is to be constructed in microrib cladding. The cladding incorporates three different colours; silver, basalt (light grey) and anthracite (dark grey), which serves to help break up the overall mass of the building and add interest to the facades. The entrance area projects forward of the principle build line and is predominately glazed with powder coated aluminium frames to match the upper wall cladding.
- 3.6.2 The general design of the building is consistent with modern retail units with consideration having also been given to the wider area ensuring the development is not an incongruous addition to the street scene given the sites prominent setting adjacent to the Town centre orbital route. The proposed scale, built form and materials, are broadly consistent with those on the adjacent commercial buildings.
- 3.6.3 The proposal has been supported by indicative landscape details. The proposal involves a feature ornamental planting area on the northern edge of the site, adjacent to the King Street / Wainwright Way junction. This is supplemented by tree planting along the Byrom Street entrance to the site and further landscape planting on the eastern periphery adjacent to Wainwright Way. This latter section is also to accommodate intermittent feature stone walling and a beech hedge. The site periphery is further demarked by a timber knee rail fence.
- 3.6.4 Thus, subject to appropriate conditions relating to submission of materials, boundary treatment appearance and planting the proposal is considered to meet the requirements of Policy 11 of the LPP2

3.7 Highways

- 3.7.1 Local Plan Part 2, Policy 10 sets out that development will be permitted provided it has been demonstrated that road safety and the safe, efficient and convenient movement of all highway users is not prejudiced; that appropriate provision is made for vehicular access, off street servicing and parking, in accordance with the Council's adopted standards and that the needs of disabled people should be fully provided for, including those reliant on community transport services.
- 3.7.2 The application has been supported by a Transport Assessment and Framework Travel Plan, the key findings of which can be summarised as;
- The trip generation for the development is based on the TRICS national database. The trip distribution and assignment was derived using the retail impact assessment. The junction capacity assessments have been undertaken based the assumption that the trip generation associated the proposals will result in all 'new' trips, with no allowance made for pass-by trip, linked-trips and diverted trips, which are already on the local highway network. Accordingly, the assessments are very robust assessment.

- The junction assessments were undertaken for a weekday PM peak hour and a Saturday peak hour. The junction assessments with 2023 forecast flows demonstrate that the local highway network would operate within capacity, with no significant queues and delays. Accordingly, the residual cumulative traffic impacts of the development would not be severe and thus the development passes the test set out in paragraph 32 of the NPPF.
- A review of the most recent 5-year Personal Injury Accident (PIA) data shows that there are no existing highway safety issues which could be exacerbated by the development proposals.
- The majority of Blackburn town centre falls within a 1km (12 minute) walk of the site, and as such it is feasible that shoppers could shop at both the proposed retail unit and the various retail stores within the town centre on the same trip.
- Many residential areas are located within a 2km (24-minute) walk of the site, as such a relatively large population, and therefore a large customer base, will be located within a 24 minute walk of the site. It is also anticipated that a significant number of staff members will live within close proximity to the site, and so could make their journeys to and from work on foot.
- The entirety of Blackburn town centre falls within a 5km cycle catchment of the site, as do a number of surrounding residential areas. Given that many residential areas fall within a 5km catchment of the site and that much of the road network surrounding the site is suitable for cycling means that cycling would be a viable option for staff and customers to travel to and from the site.
- The closest bus stop to the site is located on King Street, approximately a 150m walk from the centre of the site. Further bus services can be reached from Blackburn bus station, which is located approximately 850m from the site, which equates to a walk time of 10 minutes. Buses serving stops close to the site run at a combined frequency of 10 services per hour in each direction during the weekday AM peak hour, 15 services per hour during the weekday inter-peak period and 13 services during the weekday PM peak hour. These services serve a wide range of destinations including Blackburn town centre, Clitheroe, Chorley, Preston and Manchester. There is also between 5 and 6 services per hour during weekday evenings, between 7 and 15 services per hour on Saturdays and 5 services per hour on Sundays.
- The nearest railway station to the site is Blackburn Rail Station, which is located approximately an 850m walk from the site, equating to a walk time of around 10 minutes. The station can also be accessed via the number 4 or Hotline 152 bus services. Train services from this station run at a combined frequency of approximately eight services per hour, and run to destinations including Colne, Clitheroe, Preston, York, Kirkby, Stalybridge and Manchester Victoria.

- Internally, the development will provide a high level of connectivity on-foot. Externally, to improve linkages to Blackburn town centre, a dedicated pedestrian link is proposed onto Wainwright Way, adjacent to the existing pelican crossing on Wainwright Way/
- A short section of Byrom Street would be stopped-up between its junction with Chapel Street and the proposed entrance to the service yard. This section of the Byrom Street would become part of the proposed main car park.
- Cars and light vehicles will be able to enter the car park from Byrom Street either from the north via King Street or from the south via Canterbury Street. However, all vehicles will have to exit the car park by travelling southwards along Byrom Street. All HGVs will access the site from the south via Byrom Street/Canterbury Street junction for accessing the service yard.
- The proposed car parking provision will be 168 spaces, this broadly accords with the Council's guidelines on parking standards. All spaces accord with the adopted space standards. The proposed car parking spaces will be spread over two car parks and the service yard. The main car park would provide 137 spaces, whereas the small over-spill car park would provide 14 spaces. There would be 6 car parking spaces in the service yard, which will be exclusively for staff use only. Covered cycle parking for 6 cycles will be provide near the store entrance

3.7.3 The Council's Highway Officer's have appraised the submission and agree that the proposal will not adversely affect traffic flow within the surrounding highway network. The site is also acknowledged to hold benefits in terms of its accessibility to sustainable modes of transport. Although the proposal has a modest over-provision (circa 3%) above the adopted parking standards, it is acknowledged that changes to the car park layout to improve landscaping and other minor issues (as set out below) is likely to bring the scheme in to line with the standard. There are a number of minor points raised in relation to the proposed car park and service yard arrangements that need addressing; these include; clarification on whether a barrier control will be introduced along Byrom Street when the store is closed, tracking of service vehicles in to the service yard following the amendment received to address the earlier objection from the EA, provision of PTW parking, relocation of covered cycle storage closer to the entrance to the store and the provision of an additional trolley park facility within the main car park. Those issues have been raised with the agent and it is hoped that the details can be presented to Members as part of the committee update report. If not, they are all capable of being addressed via planning condition. Subject to that position, it is considered that the proposal is in accordance with the requirements of Policy 10 of the LPP2

3.8 Amenity

3.8.1 LPP2 Policy 8 sets out that development will be permitted where it can be demonstrated that it would secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself,

with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking, and the relationship between buildings.

- 3.8.2 The location of the site is in a predominantly commercial area, with the closest uses being vehicle repair garages, industrial and storage uses. There are residential uses in the general area, though the nearest is a hostel use 70m to the east and resident flats 80m to the north. The application is supplemented by a noise report that has been reviewed and agreed by the Head of Public Protection. Given the nature of the proposed use, the relative distance to receptors and the background noise levels – predominantly arising from the local highway network – no loss of amenity is identified to neighbouring uses due to noise. Furthermore, given, the building's siting and scale there are not considered to be unacceptable impacts on any sensitive receptors through loss of light, over-shadowing or other overlooking impacts.
- 3.8.3 The Council's Public Protection have reviewed the application and requested conditions relating to contaminated land, vehicular charging point's, dust management, construction hours restrictions external lighting and contaminated land are also recommend.
- 3.8.4 Subject to the recommended conditions, the proposal is considered to accord with the requirements of LPP2 Policy 8, and would not unacceptably affect the amenity of surrounding uses.

3.9 Flood Risk & Drainage

- 3.9.1 The development site is shown on the Environment Agency Statutory Flood Maps for Planning as being partly within defended Flood Zones 2 and 3. The proposed retail development is classified as 'Less Vulnerable' according to Table 2 of the PPG (Flood Risk & Coastal Change).
- 3.9.2 As the site is in Flood Zones 2 and 3, a sequential test should be provided in accordance with Table 3 of the PPG (Flood Risk & Coastal Change). No exception test is required due to the 'less vulnerable' nature of the site. This site has been identified as the preferred site in the retail sequential test, discussed previously.. None of the alternative sites near Blackburn town centre were identified as being at lower risk of flooding and therefore it is considered that the sequential test in relation to flood risk can be passed.
- 3.9.3 The nearest main river to the application site (as listed on the EA Flood Map for Planning) is the River Blakewater which is adjacent to the site. The site's existing Qbar rate of discharge per hectare is estimated to be 8.9 l/s. It is proposed to discharge surface water run-off from the site to the River Blakewater via a new outfall. Exceedance flows up to the 1 in 100 year plus climate change event will be stored within the external car parking areas. Attenuation storage up to the 1 in 30 year return period event will be provided in underground attenuation and oversized pipes. However, SUDs elements such as permeable pavements may also be included in the site's drainage strategy.

3.9.4 Based on the above, the following recommendations are made within the submitted Flood risk and Drainage Assessment:

1. The final site layout and drainage design shall seek to maximise the use of SUDs techniques as outlined within this assessment and in conjunction with the site specific infiltration test results.

2. In accordance with the requirements of the Environment Agency, the FFL shall be set 300mm above the external ground level in order to provide a level of protection to the building in the event of a extreme flood event.

3. Site specific infiltration testing in accordance with BRE Digest 365 guidelines shall be undertaken to verify if SUDs infiltration techniques can be utilised and subject to the outcome of the testing, the drainage design revised as applicable.

4. On completion, a regular inspection & maintenance regime is to be provided together with details of who will be responsible for the inspection and maintenance of the proposed SUDs components.

3.9.5 The Environment Agency (EA) initially objected to the application due to the development being within the 8m easement of the River Blakewater and had potential to restrict essential maintenance and emergency access to the flood wall defence. The development also had potential to adversely affect the construction and stability of the flood defence wall. The receipt of amended details 22nd May 2018 has removed the conflict between the development and the easement/flood defence wall and the EA have subsequently removed their objection.

3.9.6 The Council's drainage team and United Utilities have accepted the findings of the submitted flood risk and drainage assessment and have offered no objection to the proposal subject to conditions relating to; foul and surface water being drained on separate systems; detailed foul and surface water drainage scheme to be agreed; and a scheme for the maintenance and management of the sustainable drainage system for the lifetime of the development. Subject to those controls it is considered that the development is consistent with the requirements of Policy 9 of the LPP2 and can be supported

3.10 Archaeology

3.10.1 *Policy 39: Heritage* of the LPP2 requires that development potentially affecting nationally or locally important archaeological remains will be expected to better reveal and increase understanding of those remains and their settings, unless it is demonstrated that it is not possible or desirable. This position accords with paragraph 141 of the Framework that Local Authorities should require developers to record and advance understanding of the significance of and heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and their impact.

3.10.2 Lancashire Archaeological Advisory Service (LAAS) have been consulted on the application and indicated that the Ordnance Survey mapping for 1848 shows that the site was previously occupied by a short row of buildings, which may represent back-to-back houses. The mapping also shows the presence of steps indicating the existence of cellars. Furthermore, the Blackburn volume of the 'Extensive Urban Survey Report' indicates that the cellar areas were probably used initially for loom shops. Given the scarcity of surviving back-to-back houses any remains that do survive are considered to be important elements of the town's rapid growth in the early nineteenth century. As a consequence LAAS have requested a condition requiring archaeological strip, map and sample investigation of the footprint of the back-to-back houses as shown on the 1848 OS map.

3.10.3 Members should note that the wider location has been subject to archaeological assessment and evaluation in connection with the construction of the Freckleton Street link road, now referred to as Wainwright Way. Furthermore, the LAAS submission acknowledges that the comments have been offered without the benefit of a site visit, which would have identified that the site has been subject to clearance and groundworks that are likely to have already removed the presence of the structures. Hence, there is unlikely to be any loss of as a result of the proposed development. Thus, notwithstanding the LAAS request, it is considered to be more proportionate and appropriate to impose a general 'archaeological watching brief' condition rather than the full site investigation requested. It is submitted that this will still fulfil the requirements of LPP2 policy 39 and the NPPF

4.0 RECOMMENDATION

4.1 **APPROVE** subject to the following conditions;

- Commence development within 3 years
- Materials to be submitted and agreed
- Car park layout, including trolley park, PTW parking, covered cycle storage and vehicle tracking to be agreed and implemented prior to first use
- Electronic vehicle charging scheme to be agreed
- Construction method statement, including wheel wash
- Construction dust management scheme to be agreed
- Boundary treatment
- Landscaping
- Land contamination and remediation
- Foul and surface water to be drained separately
- Surface water drainage scheme
- Scheme for maintenance and management of sustainable drainage
- Archaeological watching brief
- Operating hours of, Monday to Saturday: 08:00 to 20:00, Sundays: 10:30 to 14:30
- Limitation of construction site works to: 08:00 to 18:00 Mondays to Fridays 08:00 to 13:00 Saturdays Not at all on Sundays and Bank Holidays

5.0 PLANNING HISTORY

5.1 There is no relevant planning history affecting the site.

6.0 CONSULTATIONS

Environment Agency

Initial objection due to conflict between the development and easement to a flood defence wall; this would prevent essential maintenance and emergency access and be likely to adversely affect the construction and stability of the flood defence wall. Amended details received 3rd May 2018 identify development now being outside of the 8m easement to the River Blakewater and objection subsequently withdrawn.

Local Drainage Authority

No objection subject to agreement with the Environment Agency and conditions relating to; foul and surface water drainage scheme and details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development to be agreed.

United Utilities

No objection subject to development being in accordance with the submitted Flood Risk Assessment. Additional conditions relating to foul and surface water being drained on separate systems and appropriate management and maintenance plan for the sustainable drainage system

Public Protection

No objection subject to conditions relating to; contaminated land, electronic vehicle charging facilities, dust management during construction and construction hours restrictions

Highways

No objection in principle. Site is positioned on the periphery of the town centre and accessible by public transport. The submitted Transport Assessment indicates that the projected trip generation can be accommodated within the existing highway network capacity. Additional information requested in relation to service vehicle tracking, which is to be presented at the Committee update stage. Minor amendments to car park layout requested, namely; PTW parking facilities; addition of small number of larger parking bays to accommodate transit vans, or similar; relocation of

cycle storage to position closer to store entrance; additional trolley parking facilities within car park. These matters are capable of being dealt with by a suitably worded planning condition if not received prior to application's consideration at committee.

Environmental Services

No objections. Bin storage arrangements adequate.

Lancashire Archaeological Advisory Service

No objection. Recommended condition requiring archaeological investigation as the 1848 Ordnance Survey records indicate the site was occupied by short row of buildings that may have been back-to-back houses incorporating cellars used as loom shops.

Lancashire Constabulary

No comments received.

Public Consultation

92 neighbouring premises have been consulted individually by letter, site notices displayed and a press notice issued. The consultation exercise has been repeated following the receipt of amendments 23rd May 2018. One letter of objection has been received and is set out fully in section 9.0 of this report. The objection points can be summarised as;

- Conflict with the provisions of the Freckleton Street Masterplan SPD and the development plan, specifically the zoning of the site for public sector and office uses.
- Failure to undertake appropriate assessment of alternative sites in line with the sequential test for town centre uses.
- Adverse impact on town centre investment due to growth of competition from out of centre retail locations
- Adverse impact on town centre vitality and viability

7.0 CONTACT OFFICER: Martin Kenny, Principal Planner

8.0 DATE PREPARED: 8th June 2018

9.0 SUMMARY OF REPRESENTATIONS

Objection from Sian Bowen, Capital & Regional

**RE: PLANNING APPLICATION FOR RETAIL STORE AND GARDEN CENTRE
(REF: 10/18/0279) BYROM STREET, BLACKBURN
OBJECTION BY CAPITAL & REGIONAL**

We write, as the owner and operator of The Mall, Blackburn, to object to the planning application by Prescott Business Park Ltd/Trentmore Ltd at Byrom Street, Blackburn.

We understand the planning application seeks consent for a retail and garden centre (Class A1) with associated servicing and car parking, of 3,113 sqm proposed to be occupied by Home Bargains.

We wish to see Blackburn Town Centre prosper, in accordance with national and local priorities. We are actively looking to invest significantly in furthering the quality and offer of Blackburn as a retail and leisure destination. It is in this context that we are extremely concerned about the above proposals and how they could, if approved, fundamentally damage the health, vitality and viability of our collective Town Centre, the heart of our community.

OBJECTION

Following our review of the planning application submission we provide the following initial comments.

1) Compliance with the Development Plan

The application site is located within a designated regeneration area, where development is to be guided by the Freckleton Street Masterplan SPD (adopted 2007). The more recently adopted Core Strategy (adopted 2011) and Site Allocations and Development Management Policies DPD (adopted 2015) confirm the Masterplan SPD contents remain valid and up to date.

The land-use focus for the SPD area is for mixed-use development but a number of specific uses are proposed at key locations within the SPD area, where it is considered there is potential to stimulate further investment. While some retail uses are anticipated to come forward in the wider regeneration area, the SPD zones the application site for public sector/office development. The retail/residential area is proposed in the north east part of the site, to be delivered as an extension to the town centre.

Paragraph 4.42 of the Council's Statement of the Council's Statement states that:

"..... the weight to be attached to the SPD is limited given that it was published in November 2007, and, therefore, pre-dates the adoption of both the CS and the LLP2. It is a document that is somewhat out-of-date."

We disagree this view as the Masterplan SPD has clearly been reconfirmed as valid as recently as 2015, and the Council presently has made no commitment to undertaking a review of the SPD. Additionally we consider the application undermines the emerging Blackburn Town Centre SPD.

2) Compliance with the Sequential Approach

Core Strategy Policy CS12 relating to Retail Development, sets out the Borough's retail hierarchy, and confirms Blackburn and Darwen as Town Centres which should be the first choice retail location. The policy also confirms the role of Blackburn as a sub-regional centre.

The application site is defined as an "edge of centre" site in retail planning terms, so is sequentially inferior to town centre locations. As such it is a requirement for the applicant to identify all sequentially preferable town centre sites, and justify why the proposed development cannot come forward in these locations. The applicant has identified six sequentially preferable alternative locations. However we do not consider that the applicant has thoroughly considered the town centre opportunities that exist. Also we confirm that the proposed occupier, Home Bargains, has not made contact with Capital & Regional to discuss how their requirements might be accommodated within the shopping centre.

Given the above we consider the application fails the sequential test.

3) Impact on Town Centre Investment

By diverting the retail focus away from the town centre and reducing retailer interest, this will undermine the role of Blackburn as a sub-regional centre. If the Council is minded to support this planning application, this would cause uncertainty in the retail market in Blackburn and allow the continued growth of competition from out of centre retail locations. This will clearly cause yet further uncertainty regarding the future of the town centre. It is important that Council appreciates that decisions made now, will influence the commercial investment decisions made by retailers in future years. On this basis we consider that any future retail development within the SPD area should come forward in that part of the site zoned for retail, where any new retail development would be read as part of an extended town centre, as the masterplanning process that has been undertaken, appropriately directs.

4) Impact on the Town Centre Vitality and Viability

We consider the applicant has underestimated the trade draw levels from the town centre and overstated the trade draw from other out of town locations to off-set this. The NPPF requires that developments should not have a significant adverse effect on the vitality and viability of town centres. On the basis of the above, we consider that the application has failed the NPPF impact test.

CONCLUSIONS

Capital & Regional has taken advice and reviewed the various studies submitted in relation to planning application ref: 10/18/0279. In conclusion we **object** to the planning application for the following reasons:

- (1) The application is in conflict with the development plan with no material considerations of sufficient weight to justify the departure from development plan policy.
- (2) The sequential test plainly fails given the clear availability of sites for retail use in Blackburn town centre.
- (3) The direct impact upon the town centre retail function as it exists now and how it plans to be developed would be significantly adverse. Visits to the town centre would be materially diverted and put the town centre at risk.

Capital & Regional supports the regeneration of the Freckleton Street Masterplan area. However, this cannot be at the cost of the town centre. As such we confirm our "in-principle" support for the retail extension shown on the Masterplan SPD, but object to the current retail proposal, which is outside of the designated retail zone.

Please do not hesitate to contact me should you wish to discuss the above comments.

Yours sincerely,