

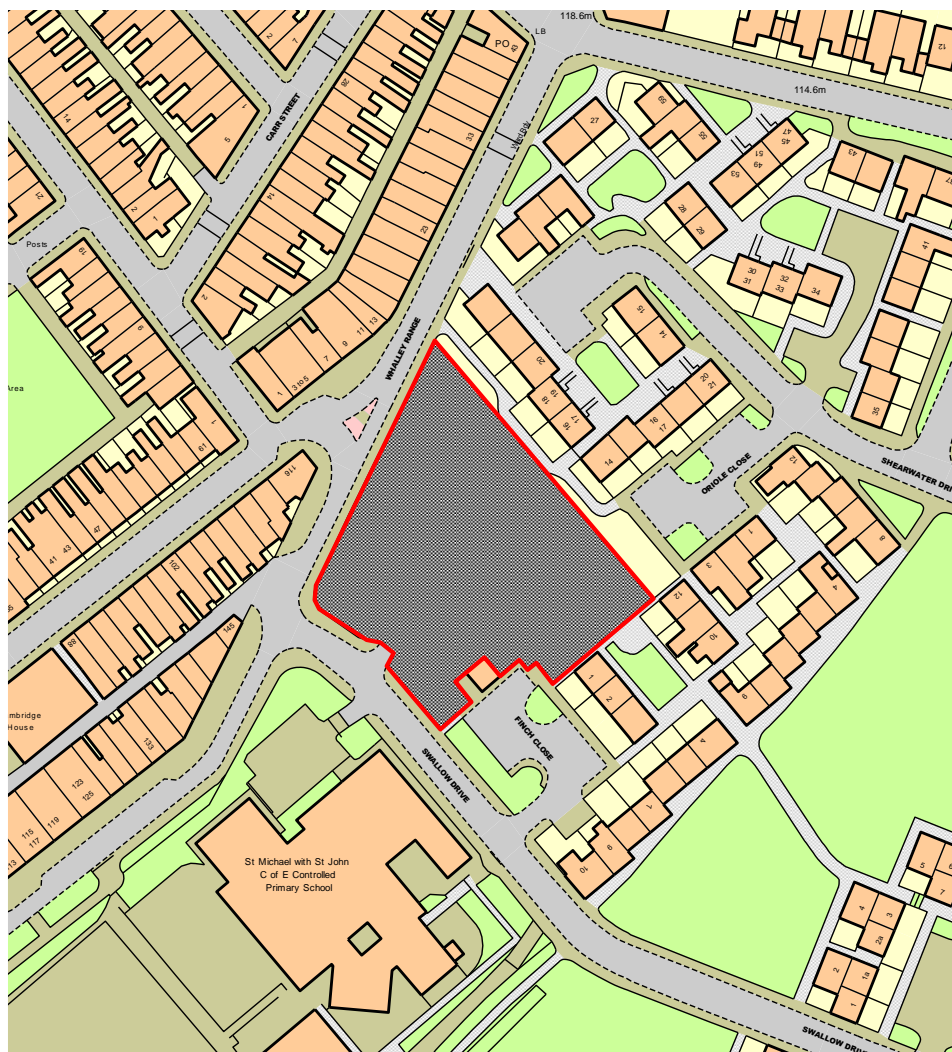
Proposed Development: Variation of Conditions 2 (Electric Vehicle Charging Points), 3 (Construction Method Statement), 4 (Surface Water Drainage), 6 (Tree Protection Measures) and 8 (Approved Drawings) and removal of Conditions 1 (Commencement Date) and 5 (Ecological Mitigation) pursuant to planning application 10/20/0080 "Construction of a car park on land between Swallow Drive and Whalley Range including new vehicular access from Swallow Drive, landscaping and boundary fencing" - to all for alterations to the car parking layout and design

Site Address: Former Blakewater Lodge Rest Home, Swallow Drive, Blackburn, BB1 6LQ

Applicant: Blackburn with Darwen Borough Council

Ward: Blackburn Central

**Councillor Samim Desai
Councillor Mahfooz Hussain
Councillor Zamir Khan MBE**



1.0 SUMMARY OF RECOMMENDATION

- 1.1 The proposed development is recommended to be granted planning permission, subject to the conditions detailed in Section 5.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Council's Constitution, and given that the previous application (10/20/0080) was being presented to the Planning and Highways Committee for determination on the 18th March 2020. However, members are advised that due to the start of the Covid 19 pandemic outbreak at that time, and committee meetings being suspended for the foreseeable future, following discussion and agreement with the Chair and the Director of Growth & Development, it was agreed the application could be determined under "emergency delegated powers" in accordance with Council's Constitution (Part 3, Section 16, paragraph 2). Members were informed of this position by the Chair via email on the 24th March 2020. The application was subsequently approved on the 26th March 2020. In addition, the application is made on behalf of the Council.
- 2.2 The proposed development has been publicised through letters to residents and occupants of the nearest 51 adjacent properties on 24th April 2023. In addition, a site notice was displayed outside of the site on 2nd May 2023. Three public comments have been made for the application so far raising concerns. The comments predominantly relate to the potential for adverse impacts to be caused for the safety and capacity of the local highways network. Should any further comments be received ahead of the committee meeting they will be presented as part of a committee update report.
- 2.3 The Council's development plan supports new public developments and associated works, provided they constitute sustainable development and accord with the development plan when taken as a whole.
- 2.4 This application is made under Section 73 of the Town and Country Planning Act (1990). The application involves various amendments to the carpark layout, approved under application 10/20/0080. The proposals would deliver a public carpark with 57 parking bays, including 4 disabled bays and 3 electric vehicle charging point bays. Planting lining the site boundaries would be retained aside from two trees that stagger the existing access point.
- 2.5 On balance, the proposals would be satisfactory from a technical point of view, with all issues having been addressed during the course of the application process, or capable of being controlled or mitigated through appropriately worded planning conditions.
- 2.6 The key issues to be assessed in determining this application are as follows;
- Establishing the principle of development
 - Safeguarded the residential amenities of the closest neighbours

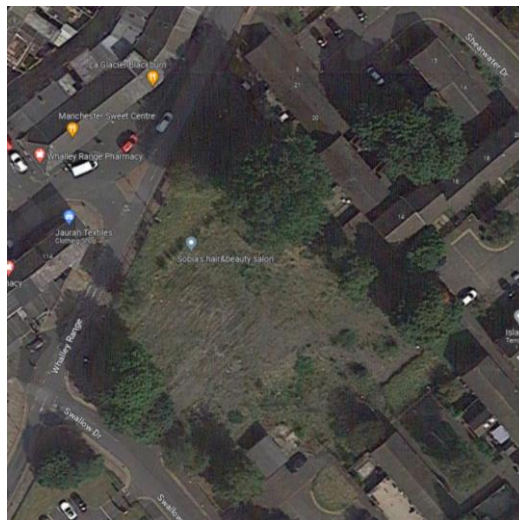
- Assessing surface water drainage provisions
- Ensuring harm to trees is appropriately minimised
- Assessing any ecological impacts
- Ensuring highway safety is optimised
- Minimising adverse impacts on air quality
- Assessing potential impacts in the way of visual design

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site is a piece of vacant land located within the Inner Urban Area of Blackburn. A residential care home previously occupied the site, which was approved for demolition at the Planning and Highways Committee in August 2018. The site has recently been subject to earthworks its central area is covered by exposed earth.

Figure One – Satellite image of the site



- 3.1.2 The site covers an area of circa 0.9 acres. Dwellings are positioned to the south and east with a school to the west and mixed-use buildings to the north. Vehicle access is currently gained from the west off Swallow Drive. Trees of various ages define the site boundaries and the site is currently bound by temporary metal fencing.

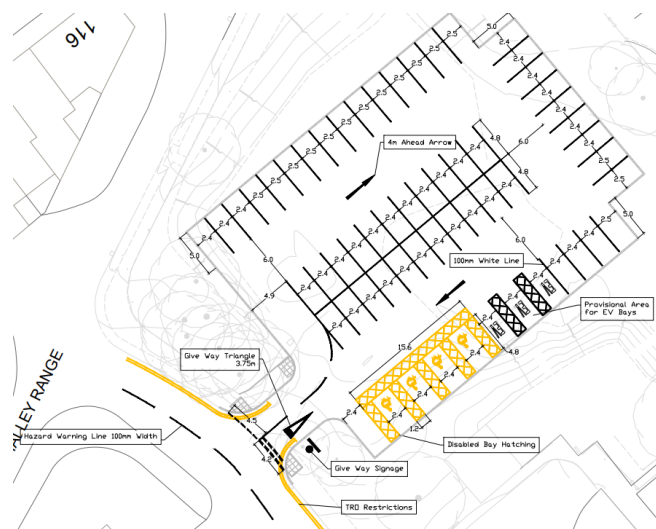
Figure Two – Location Plan showing the general extent of the site



3.2 Proposed Development

3.2.1 As detailed above, this application seeks to amend the layout of the carpark approved under application 10/20/0080. Works have lawfully commenced on site in the form of engineering operations and the permission is therefore extant. These amended proposals would involve a reduction in the number of parking bays alongside the removal of costly retaining structures lining the site boundaries. The pedestrian link to Whalley Range would also be omitted. The amendments are put forward in order to provide a more cost effective solution to deliver the carpark.

Figure Three – Amended Proposed Site Plan



3.2.2 All vehicle and pedestrian traffic would use a single access point from Swallow Drive. Two trees staggering the access point would be removed in order to allow for widening works. Traffic Regulation Order (TRO) restrictions would be

applied on one side of Swallow Drive in the form of double yellow lines. The amended layout would have consequential impacts on a number of other matters controlled by condition.

3.3 Case Officer Site Photos



3.4 Development Plan

3.4.1 Local Plan Part 2 (2015):

- Policy 1: The Urban Boundary
- Policy 2: The Inner 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 36: Climate Change

4.0 **ASSESSMENT**

4.1 Principle of Development

4.1.1 The principle of development has been established under application 10/20/0080. This application merely involves amendments to the approved layout of the carpark and no impacts jeopardising the principle of development would arise. The proposed development therefore complies with Policies 1 and 2.

4.1.2 In accordance with the presumption in favour of sustainable development detailed within the Framework, and Policy 7, development proposals should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of the proposal are identified; subject to assessment of the following matters;

4.2 Residential Amenity

4.2.1 Dwellings surround the application site to three sides and safeguarding the amenities of the immediate neighbours is an important material planning consideration. Policy 8 states that all development proposals must secure a

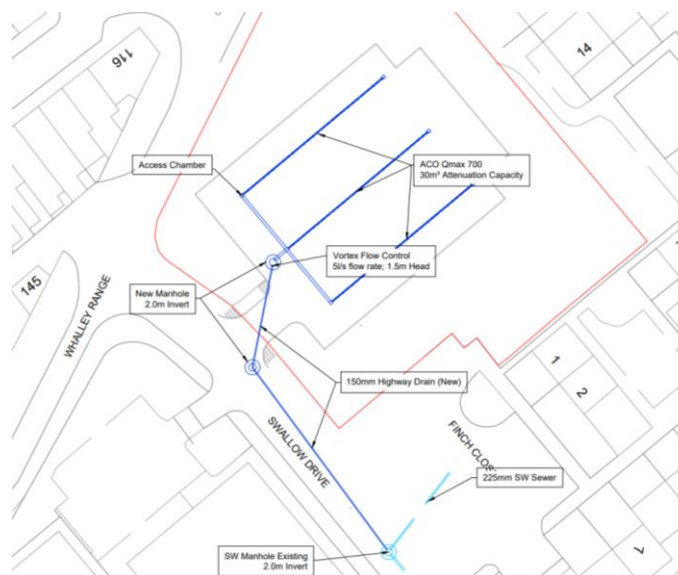
satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself, with reference to noise, vibration, odour, light, dust, other pollution or nuisance, and the relationship between buildings.

- 4.2.2 Impacts on residential amenity were appraised as part of application 10/20/0080. Condition 3 was imposed on the previous consent regarding the submission of a Construction Method Statement. A satisfactory scheme was approved under application 10/23/0208. It is therefore recommended that Condition 3 be reworded to take account of that application. It is also recommended that Condition 7 be duplicated from the previous consent, which relates to construction working hours. Subject to compliance with those conditions, the proposed development would be acceptable with reference to residential amenity, in accordance with Policy 8.

4.3 Drainage

- 4.3.1 The proposals involve the formation of a large area of hardstanding. Policy 9 states that development with the potential to create significant amounts of new surface water run-off will be expected to consider and implement where required, sustainable drainage systems (SuDS) or other options for the management of the surface water at source.
- 4.3.2 Surface water drainage provisions were appraised as part of application 10/20/0080. Condition 4 was imposed on the previous consent in order to ensure adequate surface water drainage systems are installed in support of the development. These proposals include an amended drainage design in order to take account of the amended layout, as shown below.

Figure Four – Amended surface water drainage layout



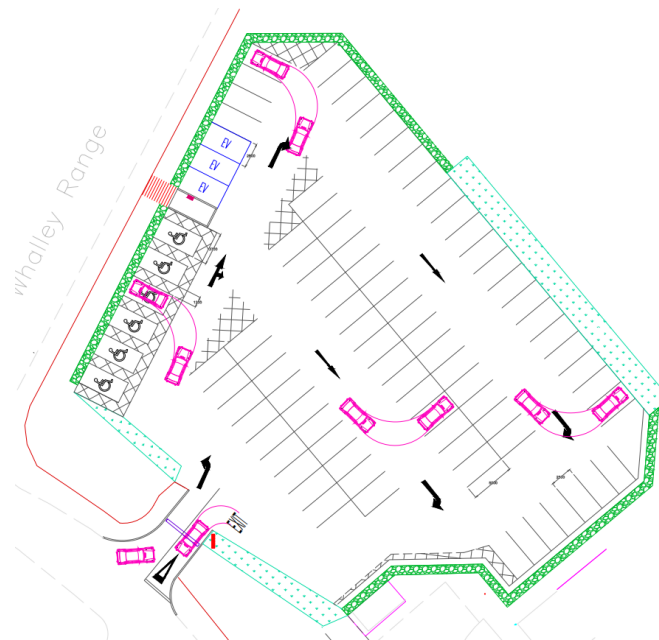
- 4.3.3 BwD Drainage have reviewed the amended drainage layout and no objections have been raised. United Utilities have also formally agreed the connection through an s106 agreement. The amended system includes the same provisions as the approved system with attenuation measures and a restricted

flow to the sewer of 5 litres per second. It is therefore recommended that Condition 4 be reworded in order to take account of the amended drainage layout. Subject to compliance with that condition, the proposed development would be acceptable with reference to residential amenity, in accordance with the relevant requirements of Policy 8.

4.4 Trees

- 4.4.1 The submitted plan indicates that two trees would be removed staggering the access point in order to allow widening works. Further requirements within Policy 9 state that development will be permitted where, following implementation of any required mitigation, there is no unacceptable impact on environmental assets or interests, including trees. The development approved under application 10/20/0080 involved removing the majority of the trees within the site, as shown below in Figure Five.

Figure Five – Approved carpark layout



- 4.4.2 These amended proposals would provide a significantly better scheme in terms of tree retention. A Tree Survey has been submitted with the application that merely grades the quality of the trees on site. It is acknowledged that the survey does not specifically correlate with these proposed amendments. That said, given that these amended proposals involve the retention of a much higher number of trees than the extant permission in place, no further assessments are necessary.
- 4.4.3 It is therefore recommended that Condition 6 be reworded in order to ensure adequate tree protection measures are provided during construction works. Subject to compliance with that condition, the proposed amendments would be acceptable with reference to trees, in accordance with the relevant requirements of Policy 9.

4.5 Ecology

- 4.5.1 The site is contained by built form and it has a relatively low baseline ecological value. Further requirements within Policy 9 state that development will be permitted where, following implementation of any required mitigation, there is no unacceptable impact on environmental assets or interests, including habitats and species.
- 4.5.2 The proposals would not lead to any further ecological impacts when compared with the extant permission in place. Condition 5 was imposed on the previous consent in order to ensure that the development proceeds in accordance with the recommendations detailed within the submitted Bat Survey Report.
- 4.5.3 The same report supports this application. However, the recommendations relate to the demolition of the care home and not the construction of a carpark. It is therefore recommended that the condition be removed on that basis. As detailed above, these amended proposals involve the retention of a greater number of trees, which would provide a number of ecological benefits. For those reasons, the proposed development is acceptable with reference to ecology, in accordance with the relevant requirements of Policy 9.

4.6 Highway Safety

- 4.6.1 Highways impacts were appraised at length as part of application 10/20/0080. The BwD Highways team have also designed these amended proposals and they have raised support for them verbally. Policy 10 requires all development proposals to not prejudice road safety, or the safe, efficient and convenient movement of all highway users.
- 4.6.2 The access arrangements would remain unaltered when compared with the extant permission in place. The pedestrian link to Whalley Range would be omitted yet that change can be justified given the cost savings required in order to deliver the scheme. No changes to the operational requirements of the carpark are proposed and a 'pay and display' system will be utilised.
- 4.6.3 Concerns have been raised in public comments regarding a number of highways and parking related matters. It is acknowledged that on-street parking opportunities are at a significant premium locally. The carpark is proposed to alleviate those existing issues and its construction would have a positive impact on the overall safety and capacity of local highways network.
- 4.6.4 Regarding controlling the logistics of the construction phase, a satisfactory scheme was approved under application 10/23/0208. It is therefore recommended that Condition 3 be reworded to take account of that application, as detailed above. Subject to compliance with that condition, the proposed development would be acceptable with reference to residential amenity, in accordance with Policy 10.

4.7 Air Quality

- 4.7.1 Condition 2 was imposed on the previous consent regarding the installation of three electric vehicle charging points. The amended layout includes the same level of provision. It is recommended that Condition 3 be reworded in order to take account of the amended layout and drawing number. Subject to compliance with that condition, the proposed development would be acceptable with reference to air quality, in accordance with the relevant requirements of Policy 36.

4.8 Design

- 4.8.1 The proposals involve a reduction in the amount of hardstanding and an increase in the level of tree retention. Such outcomes provide benefits when assessing impacts in the way of visual design. For those reasons, the proposed amendments comply with Policy 11.

4.9 Wider Considerations

- 4.9.1 Further concerns have been raised in public comments regarding the need to install CCTV in support of the development. The Applicant has advised that such provisions are not included within the budget and that natural surveillance will be relied upon, which is acceptable. Those comments therefore have no material influence on the assessment of this application.

4.10 Summary

- 4.10.1 This application involves amendments to the layout of a carpark approved under application 10/20/0080. Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies detailed in Section 3.4. For clarity, it is recommended that Conditions 2, 3, 4, 6 and 8 are varied to accord with the amended layout. In addition, it is recommended that Conditions 1 and 5 are removed as they are no longer relevant to this consent.
- 4.10.2 Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Subject to appropriate conditions, the proposal would be acceptable in principle and with reference to residential amenity, drainage, trees, ecology, highway safety, air quality and design.
- 4.10.3 The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

5.0 RECOMMENDATION:

Delegated authority is given to the Strategic Director of Growth and Development to approve planning permission, subject to the following conditions and informative note;

5.1 CONDITION REMOVED

- 5.2 Prior to the development becoming operational, 3 parking bays shall be fitted with Electrical Charging Vehicle equipment in accordance with the approved details as shown on ' 52891-BLKW-1200-OV-01-REVB' and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to facilitate electronic vehicle charging, to mitigate air quality impacts arising from the development and in the interests of sustainable development, and to accord with the requirements of Policy 36 of the Blackburn with Darwen Borough Local Plan Part 2.

- 5.3 The development shall be implemented in strict accordance with the measures detailed within Construction Method Statement discharged under application 10/23/0208.

REASON: In order to control the logistics of the construction phase, in the interests of residential amenity and highway safety, and to comply with the requirements of Policies 8 and 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.4 The proposed drainage layout hereby approved shall be implemented prior to the commencement of the proposed use as shown on drawing ' 52981-BLKW-500-PT1-01' and the recommendations of the Flood Risk Assessment (dated 13th March 2020) and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, surface water must drain at the restricted rate of 5 l/s directly into the public surface water sewer which outfalls to the nearby culverted watercourse.

REASON: In order to ensure a safe form of development that poses no unacceptable risk of flooding, pollution to water resources or human health in accordance with Policy 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2 (December 2015).

5.5 CONDITION REMOVED

- 5.6 Prior to the commencement of any further works on site, tree protection fencing that accords with the requirements of BS 5837 (2012) shall have been erected around all the trees to be retained within and adjacent to the site. The fencing

installed shall thereafter remain in place until the development has been substantially completed.

REASON: In order to ensure adequate tree protection measures are provided in support of the development, in the interests of biodiversity and visual amenity, and to comply with the requirements of Policies 9 and 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5.7 The construction of the development hereby permitted shall only take place between the hours of:

- Monday to Friday 8am – 6pm;
- Saturdays 9am – 1pm, and;
- Not on Sundays or Bank Holidays.

REASON: In order to safeguard the amenities of the adjoining premises and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

5.8 Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: 52981-BLKW-1100-DIMS-01, 52891-BLKW-1200-OV-01-REVB, 52891-BLKW-300-OV-01, 52891-BLKW-500-DIMS-01-REVB, 52891-BLKW-500-OVW-01-REVB, 52891-BLKW-600-EW-01, 52891-BLKW-700-PAV-DET-01 and BS-BWD-1300-01 – Revision R0.

REASON: For the avoidance of doubt and to clarify the terms of this consent.

6.0 RELEVANT PLANNING HISTORY

6.1 10/23/0208 – Discharge Condition No3 "Construction Method Statement" pursuant to planning application 10/20/0080 – Condition discharged – March 2023.

6.2 10/20/0080 – Construction of a car park on land between Swallow Drive and Whalley Range including new vehicular access from Swallow Drive, landscaping and boundary fencing – Approved, with conditions – determined under delegated emergency powers 26th March 2020 – refer to paragraph 2.1 above for reasons.

6.3 10/18/0581 – Demolition of former rest home – Prior approval is not required – August 2018.

7.0 CONSULTATIONS

7.1 BwD Highways – No objections (verbal).

7.2 BwD Drainage – No objections.

7.3 Environment Agency – no comments received.

7.4 Ward Cllrs

7.5 Summary of Public Responses – refer to Section 10 for full details.

- On-street parking is constrained locally
- Congestion occurs in the local area
- Some vehicles park in a dangerous manner
- Construction works may be disruptions
- CCTV should be installed in support of the carpark

8.0 **CONTACT OFFICER:** Christian Barton – Planning Officer

9.0 **DATE PREPARED:** 01st June 2023

10.0 SUMMARY OF REPRESENTATIONS

Objection – Tracy Dawe, 1 Finch Close, Blackburn. Received: 15/05/2023

Construction of car park, Swallow drive/Whalley range.

I live next door to this land and have already raised these issues.

The traffic on Swallow drive at school times is bad, what happens if the Emergency services need to get down here? There is only one way on and off this side of the estate.

What hours will this “car park” be in use?

Will anybody be working there to make sure it isn’t used as a racetrack at night.

I can actually see a car park in the town centre, a couple of minutes away. Why is there need for another one?

Comment – Sarah Murphy, Headteacher, St Michael with St John CoE Primary School, Swallow Drive, Blackburn. Received: 03/05/2023

Thank you for notifying me about the planning application for the construction of a car park opposite our school.

Parking has been a huge issue around our school both on Swallow Drive and Victoria Street for many years. This is particularly bad at busy times ie drop off and pick up times at school, also during normal peak traffic times. I have observed and reported very thoughtless and dangerous parking. This sometimes includes a full vehicle being parked on the pavement, thus blocking the way for pedestrians. I contacted Dwayne Lowe (head of highways) back in October 2022 about this issue, highlighting the school’s concerns about there being no bollards outside school to prevent dangerous parking from happening. However, I was unfortunately informed that no additional

bollards would be installed. Thus, dangerous parking outside school continues to present a real risk of accident or injury to a child, parent or staff member.

If the car park offers parking for parents when picking up / dropping off, this would be great. However, some concerns we have are as follows:

- Swallow Drive and Victoria Street are heavily congested already. Will the car park make this situation worse?
- Will children be put at further risk from drivers using the car park as the entrance and exit comes directly out on to Swallow Drive where children, parents and staff walk and drive?
- Will construction of the car park cause a greater risk to our children, parents and staff – large construction vehicles opposite school / using the same road?
- Will construction cause further disruption to 2 already heavily congested roads?
- Will construction cause disruption to the children's learning due to noise levels? Would it not be better to construct during the holidays so as not to disturb the children's learning? How long will the construction work take and when is it planned for?

If you would like to speak to me about any of these points, please let me know.

Comment – Rashida Mogra, 7 Finch Close, Blackburn. Received: 04/05/2023

Hi,

My name is Rashida Mogra and I am a resident from 7 Finch Close.

I would like to raise my concerns and ask that the car park scheduled to run should be to high standards as this is in the heart of Blackburn.

It is a great idea to have the space as a car park as the location is great for shoppers who usually struggle to find parking.

It would be great if cameras are installed for the safety of the whole area around.

Please confirm if this car park will be pay and display.

If this is a free car park, I feel as a resident, we should not have to pay for our parking permit either.

I would like to be updated with what is agreed and approved.

I look forward to hearing from you in due course.
