

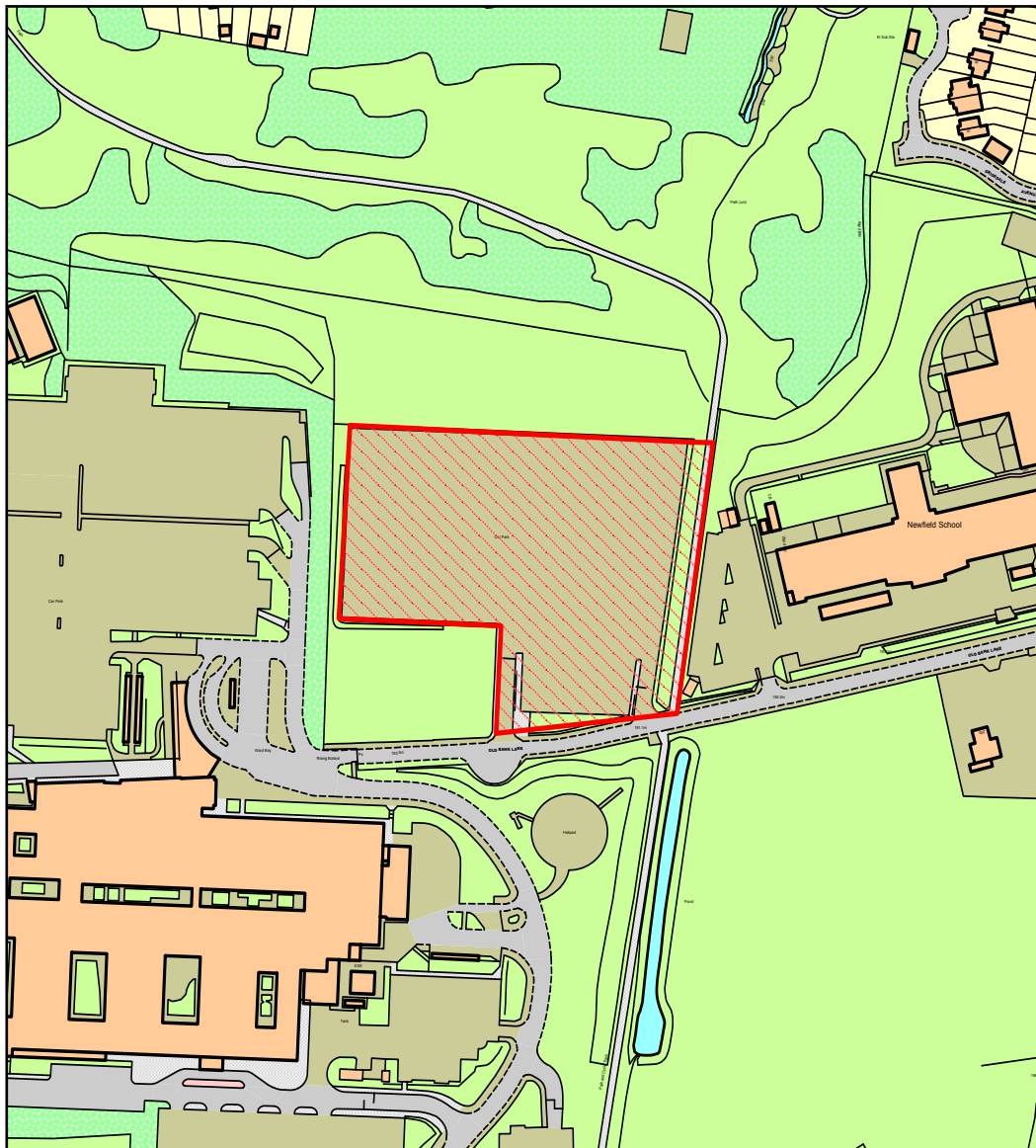
Proposed development: Removal of Condition No.2 pursuant to planning application 10/17/1083 - Improvements to the Old Bank Lane / Shadsworth Road Junction.

**Site address:
Car Park
Old Bank Lane
Blackburn**

Applicant: Blackburn with Darwen Borough Council

Ward: Audley & Queens Park

**Councillor Yusuf Jan Virmani
Councillor Maryam Batam
Councillor Salim Sidat**



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 Members are advised that the application is presented to Committee on account that the applicant is the Council's Director of Environment & Operations and the application site is Council owned; in accordance with the requirements of Regulation 3 of The Town and Country Planning General Regulations 1992.

2.1.1 The application concerns itself with the proposed removal of the following condition (no.2), applied to planning permission granted for the construction of a 517 spaces car park on land to the north of Old Bank Lane by the Committee in October 2017 (ref. 10/17/1083).

Within 6 months of the implementation of the car park hereby approved, a scheme detailing proposed improvements to the Old Bank Lane and Shadsworth Road junction and a timetable of works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

REASON: In the interests of highway safety, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

2.1.2 Construction of the car park is complete and it has been fully operational since May 2018. It primarily serves as overflow parking provision for users of Royal Blackburn Hospital (RBH), whilst alleviating pre-existing road congestion along Haslingden Road, caused by queuing traffic accessing the main hospital car park. The intention of the condition is to deliver improvements to the Shadsworth Road / Old Bank Lane junction arrangements to aid efficiency, on account that the majority of vehicles accessing and egressing the car park will travel from and to the direction of the junction.

2.1.3 Careful consideration has been applied to the demonstrable negligible impact use of the car park has had on the safe operation of the junction and the potential for future development of the area. Accordingly, the proposed modification works are deemed redundant and, therefore, financially inefficient. In this context, removal of the condition is considered to be justified.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The car park formerly comprised undeveloped land to the north of Old Bank Lane, to the east of the RBH campus. To the west of the site lies a surface level car park serving the hospital and to the east Newfield School. North of

the site is open land covered in low lying vegetation. The area generally is characterised as mixed, comprising the extent of the hospital, employment units and residential properties.

- 3.1.2 The works required by the condition are to highway land within the control of the Council circa 370m to the east, currently formed by a mini-roundabout and adjoining public footway / grass verges at the junction of Shadsworth Road and Old Bank Lane, Blackburn.

3.2 Proposed Development

- 3.2.1 The application is submitted under the provisions of Section 73 of the Town and Country Planning Act 1990 for the proposed removal of the condition set out at paragraph 2.1.1, which is attached to the permission granted for the Old Bank Lane Car Park. Approval of this application, as a minor material amendment, would amount to a modification of the original permission.

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

3.3.3 Core Strategy

- CS22 – Accessibility Strategy

3.3.4 Local Plan Part 2

- Policy 10 – Accessibility and Transport

3.4 Other Material Planning Considerations

National Planning Policy Framework (The Framework)

- 3.4.1 The National Planning Policy Framework (Framework) is a material consideration in planning decisions. The Framework sets out a presumption in favour of sustainable development, which is the “golden thread” running through both plan-making and decision-taking. Paragraph 11 of the Framework explains that for decision taking, this means approving development proposals that accord with the development plan without delay.

3.5 Assessment

- 3.5.1 The continued safe, efficient and convenient movement of highway users is the key material consideration that needs to be taken into account in

assessment of the application, having regard to the functionality of the car without significant detriment to the operational efficiency of the Shadsworth Road / Old Bank Lane junction; in the context of Policy 10 of the Local Plan Part 2.

- 3.5.2 The Council's highways consultee reports that, during the 10 months the car park has been operational, it is evident that there has been little negative effect on the safe operation of the junction; including no adverse queue lengths on Old Bank Lane or Shadsworth Road and no reported issues from the school site adjacent to the car park.
- 3.5.3 Moreover, given that Shadsworth Leisure Centre is now closed, the land will likely present a future redevelopment opportunity. On account of the lands proximity to the junction, the existing entrance into the leisure centre may be relocated to reduce the number of turning manoeuvres in the confined junction space and to secure a general improvement in safety for all highways users. In addition, the position of the existing Zebra crossing will be re-evaluated to ensure its position is optimised for pedestrian movement.
- 3.5.4 When considered against the significant financial implications of undertaking the works (as required by the planning condition) and the future redevelopment of the Shadsworth Leisure Centre site, removal of the condition is considered to be acceptable; in accordance with the aims and objective of the Development Plan.

4 RECOMMENDATION

- 4.1 **Approve;** subject to the removal of condition no. 2 on the original planning permission granted for the car park.

5 PLANNING HISTORY

- 5.1 Approval of: Construction of 517 space surface level car park comprising 467 standard spaces (2.5m x 5m) and 50 larger spaces (3.75m x 6.2m); an additional 20 motorcycle spaces, new barrier-controlled access from Old Bank Lane, boundary footpath along southern perimeter, landscaping, timber knee-high fence rail, 28No. 6m high LED lighting columns and 2no. CCTV masts/cameras. Ref. 10/17/1083. Date of approval: 20th October 2017.

6 CONSULTATIONS

- 6.1 Consultation was carried out by means of displaying two site notices. Ward Councillors were also consulted. No written representations were submitted.

7 CONTACT OFFICER: Nick Blackledge, Planner

8 DATE PREPARED: 4th February 2019.