

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?