

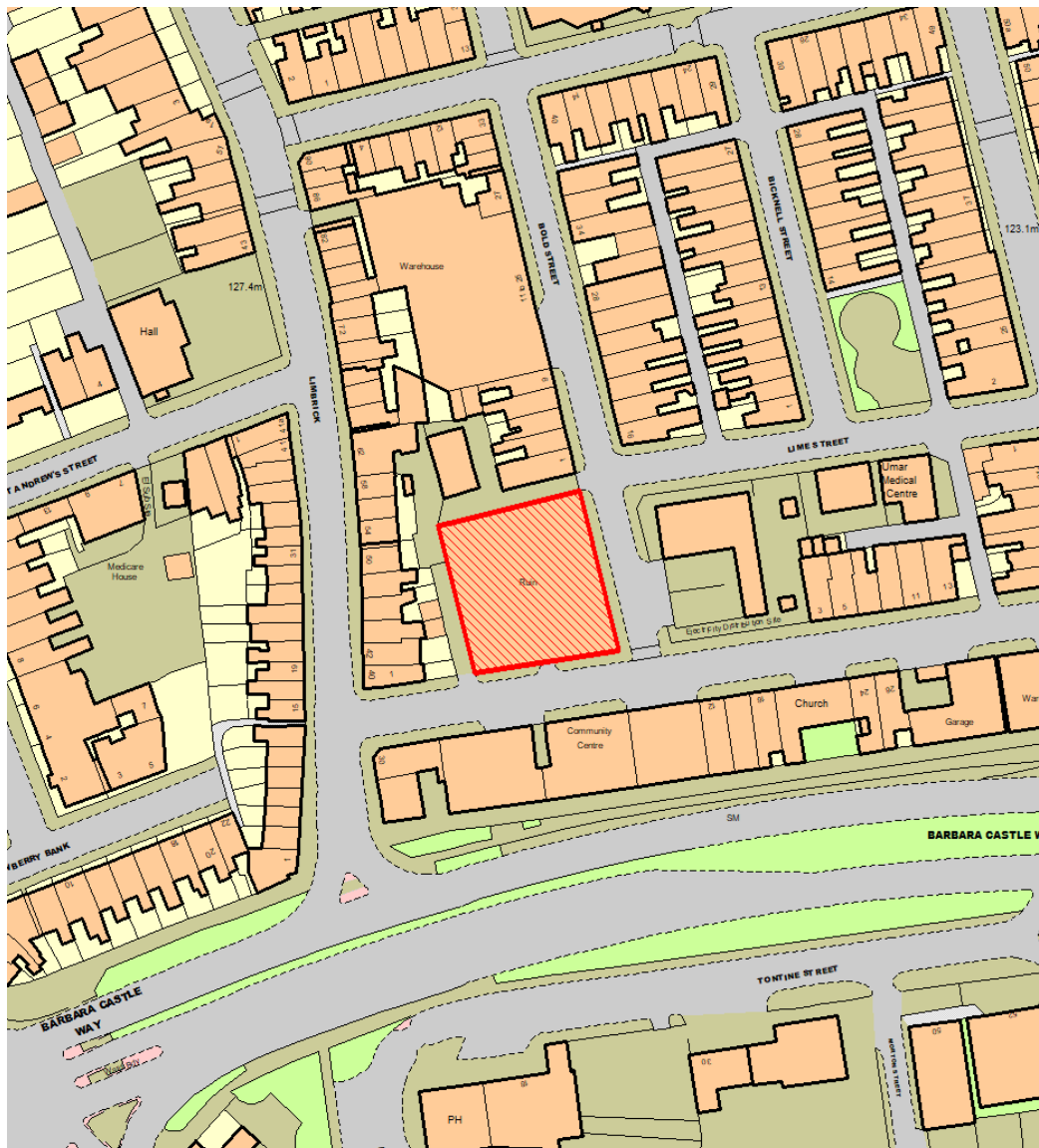
Proposed development: Full Planning Application for Demolition of disused mill and erection of a new retail development - Use Class E(a).

**Site address:
Former Apex Mill
Bold Street
Blackburn
BB1 7EL**

Applicant: Greenland Properties

Ward: Shear Brow & Corporation Park

**Councillor Suleman Khonat
Councillor Hussain Akhtar
Councillor Zainab Rawat**



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to conditions set out at paragraph 4.1.

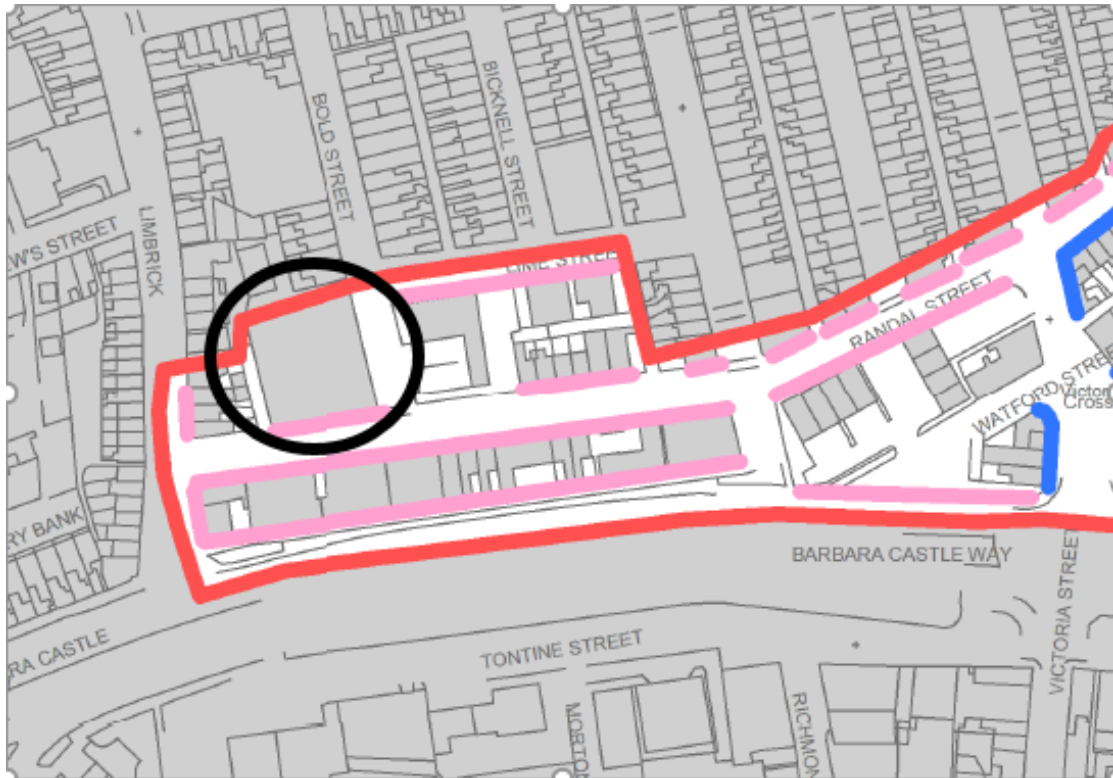
2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The planning application is submitted following informal pre-application dialogue on the merits of the proposed development, at which time support in principle was offered, subject to detailed assessment at full application stage. It is reported to Committee following receipt of a significant number of neighbourhood representations. This is in accordance with the Chair referral scheme.
- 2.2 Assessment of the application finds that the proposal will deliver a high quality retail development with associated off-street parking provision, which will assist in widening the retail offer in the borough. This is in accordance with the Council's strategic aims and objectives for economic growth and expansion of public facilities and services, without prejudice to existing retail provision in the borough's Town and District Centres. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application or capable of being controlled or mitigated through planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

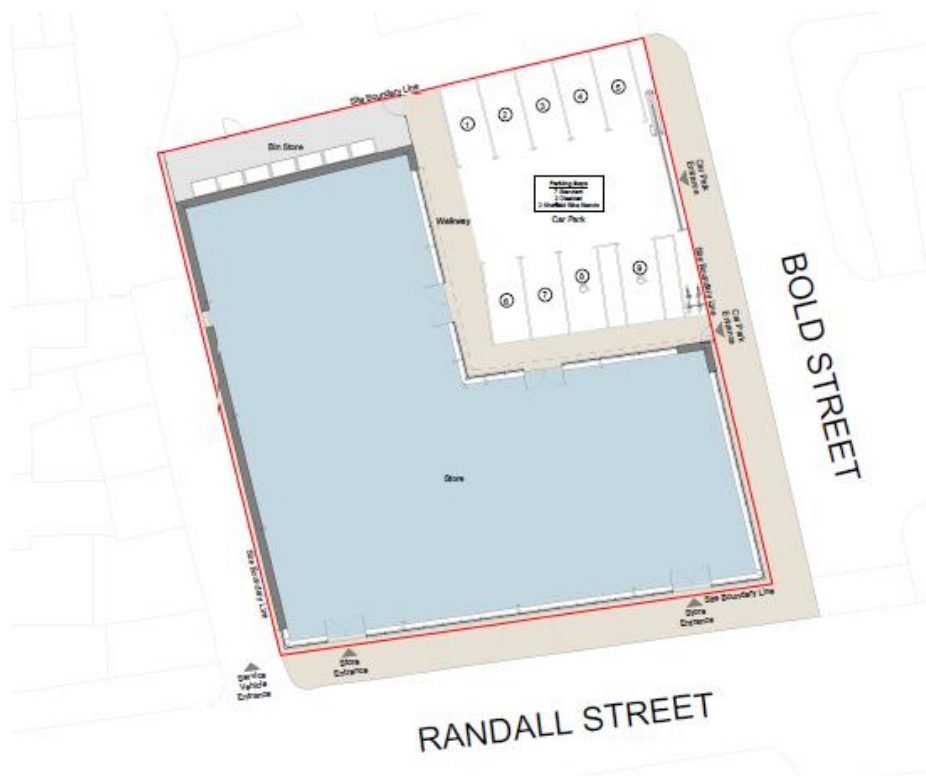
- 3.1.1 The application site (the site) measures 1020 square metres. It is located within the Urban Boundary of Blackburn, at the junction of Randal Street and Bold Street and consists of a disused and derelict mill, last occupied around 2010. Accordingly the site represents *Previously Developed Land* (brownfield).
- 3.1.2 The surrounding area is characterised by terraced rows of mainly housing to the north, east and west, and a range of commercial uses to the south, as transition occurs toward Blackburn Town Centre.
- 3.1.3 In accordance with the Development Plan (Adopted Policies Map – Blackburn), the site is positioned within the Whalley Range District Centre (ref. 27/5 in Local Plan Part 2). The extract below identifies the position of the site relative to the confines of the District Centre at its western end.

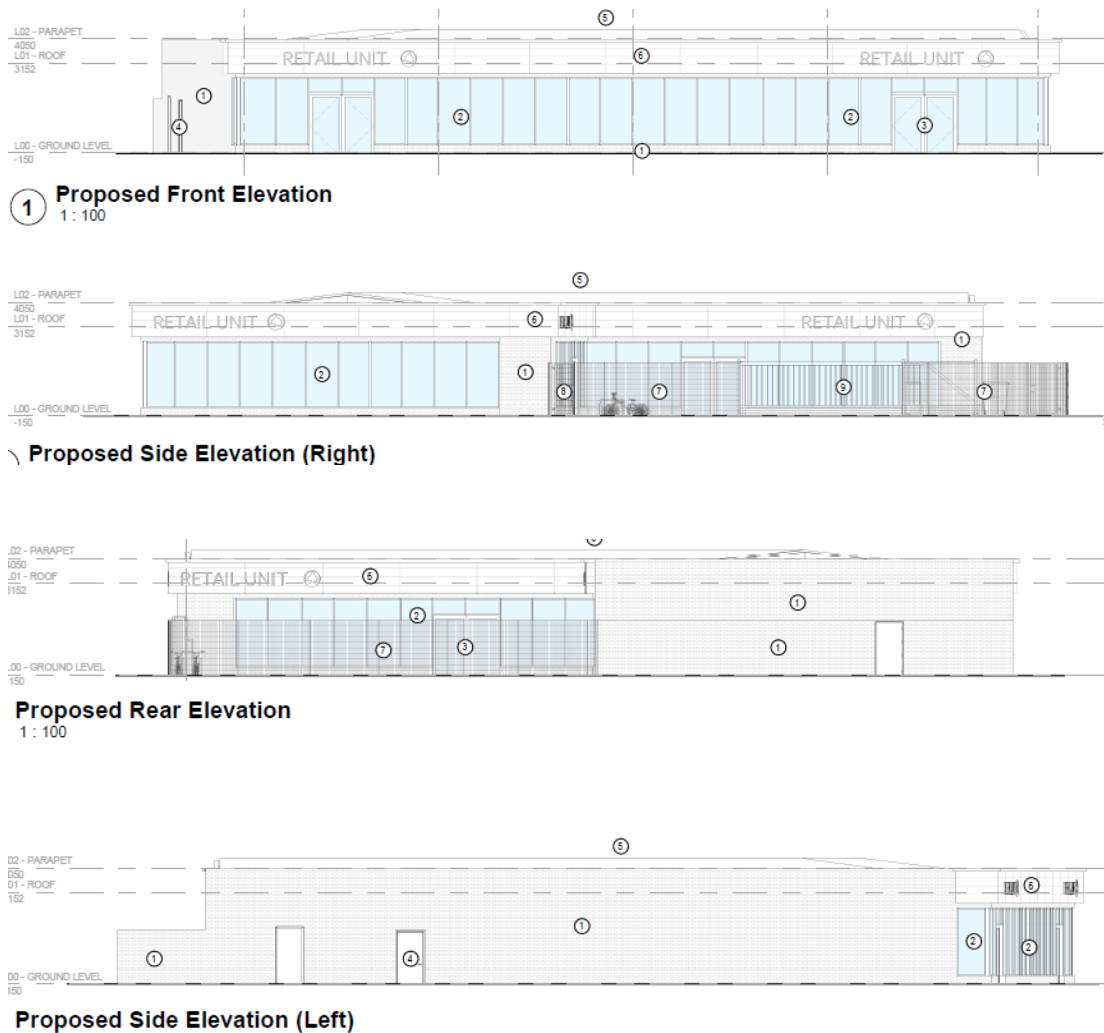


Extracted from BwD Adopted Policies Map, Whalley Range Inset Map (2015).

3.2 Proposed Development

- 3.2.1 Full planning permission is proposed for a new single storey retail store, comprising 611sqm of gross internal floor area, 9no. customer parking spaces, two of which are disabled bays, as set out in the submitted drawings and supporting documents. Access into the site will be taken from Bold Street.
- 3.2.2 Proposed external walling material is brickwork and glazing. The front of the store facing Randal Street and the side facing Bold Street will be mainly glazed. The extracted site plan and elevations below, illustrate the proposal.





Extracted from architects drawings, Areeba Architecture Ltd.

3.2.3 Full details of the proposal are set out in the submitted drawings, supporting statement and technical reports.

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 The Development Plan comprises the Blackburn With Darwen 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:

- Policy CS1: A Targeted Growth Strategy
- Policy CS11: Facilities and Services
- Policy CS12: Retail Development

- Policy CS16: Form and Design of New Development
- Policy CS22: Accessibility Strategy

3.3.4 Local Plan Part 2 (LPP2):

- Policy 1: The Urban Boundary
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 27: District Centres – a Framework for Their Development
- Policy 29: Assessing Applications for Main Town Centre Uses
- Policy 39: Heritage

3.4 **Other Material Planning Considerations**

3.4.1 BWD Air Quality Planning Advisory Note

3.4.2 National Planning Policy Framework (The Framework):

The Framework sets out the government's aims and objectives against which planning policy and decision making should be considered. At its heart is a 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. The following sections of the Framework are considered relevant to assessment of the proposal:

- Section 6: Building a strong, competitive economy
- Section 7: Ensuring the vitality of town centres
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places

3.4.3 National Planning Policy Guidance (NPPG)

3.5 **Assessment**

3.5.1 The Development Plan reaffirms The Framework's principles of sustainability which includes support for sustainable economic development and encouragement of effective re-use of land; subject to the principles of high quality design and securing a good standard of amenity for all existing and future occupants of land and buildings.

3.5.2 In assessing this application, the following important materials considerations have been taken into account:

- Principle of the development;
- Amenity impact;
- Environment impact;
- Highways - Accessibility and Transport; and
- Design – Layout and Character / Appearance.

3.5.3 Principle

Apex Mill is a non-designated heritage asset, recorded on the Lancashire Historic Environment Record (PRN 24887). Whilst no objection is offered toward its demolition, LCC Archaeology recommend submission of an archaeological record of the building is secured via condition, prior to its demolition.

3.5.4 As the site lies within the Whalley Range District Centre and the proposal involves retail development, Policies CS12, 27 and 29 guide the principle of the development. Policy 27 sets out that:

Within and adjacent to the District Centres as shown on the Adopted policies Map,...development will be supported where it encourages mixed uses and where it responds to the scale and function of the centre in question. Proposal which fulfil these requirements will be permitted in the following circumstances:

i) New build proposal should be proportionate to the scale and function of the centre. New retail, leisure, office and service use developments should demonstrate that they cater for local needs and should be accompanied by an impact assessment if they involve the creation of new floorspace above the thresholds set out in Policy 29. The assessment should consider the impact of the proposal on existing, committed and planned public and private investment in the centre and other nearby centres.

3.5.5 Policy 29 explains the approach to assessing the impact of *Main Town Centre Uses* (including retail). The aim is to guard against negative impacts arising against Blackburn and Darwen Town Centres, which should remain the focus for both convenience and comparison retail growth:

Retail development will be permitted provided that the development, in terms of the overall magnitude of additional floorspace proposed and the size of individual units within it, is appropriate to the position of the centre concerned within the hierarchy of centres in Blackburn with Darwen. In making its assessment on this issue the Council will refer to all available evidence including but not limited to the indicative maxima for these factors, as set out in the table below:

Position within hierarchy	Centre	Indicative maximum unit size
1	Blackburn town centre	No limit
2	Darwen town centre	4,000 sq m as food store, otherwise 1,000 sq m
3	District centres	500 sq m

Extracted from Blackburn With Darwen Borough Local Plan Part 2, Dec 2015.

- 3.5.6 As the unit size proposed, at 611sqm, exceeds the 500sqm indicative maxima for District Centres, a degree of conflict arises with Policies 27 and 29. Exceedance is, however, considered relatively marginal, having regard to the overall scale of Whalley Range District Centre, the centres health in terms of occupancy levels and the position of the site in relation to Blackburn town centre. In this context, it is considered highly likely that some users of the proposed retail unit will have linked trips to the town centre and within the wider district centre, resulting in a mutually beneficial facility to both centres. Moreover, the threshold is referenced as *indicative* and not absolute.
- 3.5.7 That the site is currently vacant and has been for approximately the past 10 years is also an important material consideration in assessment of the principle of the development. The economic, social and environmental benefits of reusing a redundant and dilapidated brownfield site should be recognised, in contributing towards building a strong and competitive economy; providing a safe, well-designed and accessible community facility; and making effective use of land which will alleviate long standing detriment to visual amenity on the locale, as well as removing a targeted destination for alleged instances of ant-social behaviour. These factors weigh heavily in favour of supporting the development, in principle.
- 3.5.8 On balance, it is considered that policy conflict arising from exceedance of the indicative 500sqm threshold for retail development within district centres, is outweighed by the reasons set out above. Accordingly, the principle of the development is, therefore, found to be acceptable in accordance with the requirements of the Development Plan and The Framework.
- 3.5.9 Amenity
Policy 8 requires development to contribute positively to the character of the area and to secure a satisfactory level of amenity and safety for occupants or users of the development itself and for surrounding uses; with reference to unstable land, contamination, pollution or nuisance, privacy / overlooking, the relationship between buildings, crime reduction and community safety.

- 3.5.10 The store building will be in single storey form, with an eaves height of circa 4.15m and a maximum ridge height of 4.7m. Its position in relation to neighbouring dwellings is satisfactory. In this context, it should be recognised that the Council's minimum separation standard of 13.5m between primary windows and a blank elevation or elevation featuring non-primary (domestic) windows relates to a relationship between typical two storey buildings.
- 3.5.11 An appropriate refuse storage area is provided within the site. Replacement of a mesh fence enclosing the area with a solid brick wall, to the elevation rear of properties along Limbrick, addresses concern expressed by a local resident towards loss of privacy. Satisfactory levels of residential amenity are, therefore, maintained with reference to daylight / sunlight admissions, outlook and privacy.
- 3.5.12 The Council's Public Protection consultee recommends submission of a written assessment that determines likely noise impacts arising from the proposal upon neighbouring residents. The current lawful industrial use of the building must, however, be considered against this recommendation, as the potential for noise generation arising from industrial process is outside of the scope of planning control, and the proposed retail use, in noise terms, represents a de-intensification of the lawful industrial use. Notwithstanding this 'fall-back' position, a noise level exceedance condition is recommended, to safeguard residential amenity. A similar approach has been used recently for other retail development of a similar scale within a residential area.
- 3.5.13 The site sits within a high risk coal mining area, as a result of legacy coal extraction. Consequently, a Coal Mining Risk Assessment is submitted with the application which has been reviewed by the Coal Authority. No objection is offered, on the understanding that there is sufficient rock cover within the ground to minimise safety and stability risk to the development.
- 3.5.14 Residential amenity will be further safeguarded from excessive noise disturbance via conditions limiting opening hours of the store and deliveries thereto, to between 07:00 and 23:00 hours.
- 3.5.15 Residential amenity will be safeguarded during construction works via conditions limiting construction to between the hours of 08:00 and 18:00 Monday to Friday, 09:00 to 13:00 on Saturdays and not at all on Sundays or Bank Holidays; and to require submission of a Demolition & Construction and Environmental Management Plan (DCEMP), to guard against matters such as dust, floodlighting & noise / vibration impacts.
- 3.5.16 As recommended by the Council's Public Protection consultee, potential sources of ground contamination shall be considered through assessment of a geo-environmental report and remediation strategy, as necessary, to be secured via condition.
- 3.5.17 As a proposal involving re-use of vacant, previously developed land, a positive contribution to the economic and environmental character of the area is assured.

3.5.18 Accordingly, amenity impact arising from the proposal is found to be in accordance with the requirements of Policy 8 and The Framework.

3.5.19 Environment

Policy 9 requires that development will not have an unacceptable impact on environmental assets or interests, including but limited to climate change (including flood risk), green infrastructure, habitats, species, water quality and resources, trees and the efficient use of land.

3.5.20 Ecology:

As the building within the inner urban area detached from influencing features that may encourage use of the building for bat roosting, demolition is accepted without the need to carry out any survey work with reference to bat roosting potential.

3.5.21 Drainage:

The site is located within Flood Zone 1, in accordance with the Environment Agencies flood map, which represents the lowest risk of flooding. A site specific Flood Risk Assessment is not, therefore, required to support the application. The Council's drainage consultee (as Local Lead Flood Authority) and United Utilities offer no objection to the proposal, subject to submission of a foul and surface water drainage strategy to be secured via condition.

3.5.22 Trees:

No trees sit within or adjacent to the site.

3.5.23 Accordingly, environmental impact arising from the proposal is found to be in accordance with the requirements of Policies 9 and 40, and The Framework.

3.5.24 Highways / Access and Transport

Policy 10 requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced and that appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards.

3.5.25 A Transport Statement is submitted with the application which has been reviewed by the Council's highways consultee. Impact of anticipated traffic generation on the surrounding highway network is considered acceptable.

3.5.26 A new access into the site is proposed from Bold Street, including a sliding security which is, in principle, deemed acceptable. The 6m width proposed is, however, excessive and should be narrowed to aid pedestrian safety. Sight lines are also required. Three pedestrian access points are proposed. These should, however, be reduced to a single point. These amendments / additional information have been requested and submission is currently awaited. Review of the detail will be included in a subsequent update report.

3.5.27 Use of the back street to the rear of properties along Limbrick for service vehicles is not supported, as the area is outside of the application site and the

applicants control. Moreover, it is in close proximity to the Randal St / Limbrick junction. On street servicing is considered an optimum solution, subject to confirmation of the number of daily deliveries. This information has been requested and will be included in the update report.

3.5.28 Access will be facilitated by removal of 2 on-street parking spaces. Their removal will be subject to an application under the Highways Act for an amendment to the existing Traffic Regulation Order (cost to be borne by the developer).

3.5.29 In-curtilage car parking and servicing is proposed. 9 parking bays (2 disabled) are proposed. When assessed against the Council's adopted retail parking standards for a store of the size proposed, 38 bays should be provided. Although such under provision is weighed against the sustainable location of the site and the availability of on-street parking capacity, the applicant has commissioned a parking survey of the locale, to inform precise on-street capacity and impacts arising on the highway network of the proposal. Review of the survey will be included in the update report.

3.5.30 Occasional servicing is also proposed from within the car park, outside of trading hours (07:00 and 23:00 hours). Such occurrence should be limited via condition, to ensure optimum on-site parking availability during trading hours.

3.5.31 The submitted Demolition and Construction Method Statement (DCEMP) is considered inadequate to address all matters arising from demolition on construction, as required to safeguard local residents and highway users from matters including but not necessarily limited to noise, vibration, dust and highway cleansing. Submission of a revised DCEMP will be secured via condition.

3.5.32 Subject to resolution of the outstanding matters identified above, highway impact arising from the proposal is found to be in accordance with the requirements of Policy 10 and The Framework.

3.5.32 Design / Character and Appearance

Policy 11 requires a good standard of design and will be expected to 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. This includes enhance and reinforcing the established character of a locality. Particular aspects of character that must be taken into account and reinforced in new developments include the following:

- Building shapes, plot and block sizes, styles, colours and materials that contribute to the character of streets which should be used to complement local character; and
- Relationship of buildings to the street.

3.5.33 Although the site sits within a typical terraced street pattern, local distinctiveness is recognised as mixed, featuring buildings of varied scale and design, though most are of two storey scale. The proposed building will, however, sit at the end of a terraced row and directly opposite buildings of

single storey scale. It will also feature expanses of external red brick, reinforcing a principle design trait of the existing building and much of the surrounding area, albeit with significant expanses of glazing, typical of a modern retail building. On balance, the scale and appearance of the building, including the sliding metal security / access gate, is considered to be acceptable.

3.5.34 Although opportunities for planting are recognised as limited, it is considered prudent to request submission of a landscaping scheme to provide visual enhancement of the site. Hard surface details will also be required. Detail will be secured via condition.

3.5.35 Accordingly, the development, on balance, constitutes good design which is found to be in accordance with Policy 11 and The Framework.

3.5.36 Heritage

Policy 39 requires development to be considered against potential impact on designated or non-designated heritage assets.

3.5.37 As aforementioned, LCC Archaeology recommend submission of an archaeological record of the building via condition, prior to its demolition, in recognition of its status as a non-designated heritage asset.

3.5.38 Accordingly, the development is found to be in accordance with Policy 39 and The Framework.

3.5.39 Summary

This report assesses the full planning application for the erection of a convenience store (Use Class Ea) with 9 customer parking spaces. In considering the proposal, a wide range of material considerations have been taken into account. The assessment demonstrates that the planning decision must be made in the context of assessing the merits of the proposal balanced against any potential harm that may arise from its implementation. This report finds that the proposal meets the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, adopted Supplementary Planning Documents and the National Planning Policy Framework.

4.0 RECOMMENDATION

4.1 Approve.

Delegated authority is given to the Strategic Director of Place to approve planning permission, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received 16th February 2021 and with the following drawings numbered: (to be added).

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. Prior to commencement of the development hereby approved, written and illustrative details of the external walling, roofing and window materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details.

REASON: To ensure that the external appearance of the development is satisfactory; in accordance with Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.

4. Prior to the commencement of development hereby approved, the developer must submit to the Local Planning Authority for written approval:
 - i) A comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Where necessary, detailed proposals for subsequent site investigation should also be included, clearly based on the CSM.
 - ii) Findings of the approved site investigation work (where necessary), including an appropriate assessment of risks to both human health and the wider environment, from contaminants in, on or under the land (including ground gas). If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, along with an updated CSM. No deviation shall be made from this scheme without the written agreement from the Local Planning Authority.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

5. Prior to the occupation of the development hereby approved, a comprehensive Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and updated CSM. All the installed remediation must be retained for the duration of the approved use, and where necessary, the Local Planning Authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, that the risks it presents have been appropriately assessed, and that the site can be made 'suitable for use', as such, does not pose a risk to future users of the site or the wider environment, in

accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

6. Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the LPA should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the LPA. No deviation shall be made from this scheme without the written express agreement of the LPA.

REASON: To protect the health of future occupiers of the site, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

7. Construction of the development hereby permitted shall only take place between the following hours:
Monday to Friday: 08:00 to 18:00;
Saturday: 09:00 to 13:00; and
Not at all on Sundays or Bank Holidays.

REASON: 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.

8. The use hereby permitted shall operate between the hours 07:00 and 23:00.

REASON: 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.

9. The cumulative noise from plant and associated equipment at the site shall not exceed the following rating levels, specified in Table 4 of the Plant Noise Guidance document (Document Ref: 89595):
 - Daytime (07:00 – 23:00 hrs): 43dB(A); and
 - Night-time (23:00 – 07:00 hrs): 37 dB(A).

REASON: 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.

10. Deliveries of goods into the site shall not take place between the hours of 23:00 and 07:00.

REASON: 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.

11. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policy 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

12. Prior to commencement of the development hereby approved, a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of materials to be used for hard surfaces and native planting, to provide for a net gain in biodiversity. Hard surfaces shall be implemented in accordance with the agreed details. Planting of trees and shrubs shall also be implemented in accordance with the approved details, during the first available planting season following completion of the development. Trees dying or becoming diseased, removed or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs.

REASON: To ensure an appropriate appearance to the site and in the interests of amenity and ecology, in accordance with Policy 9 and 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

13. Prior to commencement of the development hereby approved, and notwithstanding the submitted details, a Demolition / Construction and Environmental Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be strictly adhered to throughout the construction period. The Statement shall provide for:

- i) the management of construction traffic;
- ii) the parking of vehicles of site operatives and visitors;
- iii) loading and unloading of plant and materials;
- iv) storage of plant and materials used in constructing the development;

- v) wheel washing facilities, including a method statement outlining how the developer intends to use and manage the facility. The approved wheel wash shall be put in place at all vehicle access points onto the public highway when work commences and shall remain in operation throughout the period of development;
- vi) measures to control the emission of dust, dirt and vibration; and
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

REASON: In order to guard against disruption to highway users; to avoid hazardous deposits of debris onto the highway and to protect the amenity of the occupiers of the adjacent properties, in accordance with Policies 8, 9 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

14. Should pile driving works be required on site, prior to the commencements of those works, a programme for the monitoring of generated noise and vibration shall be submitted to and approved in writing by the Local Planning Authority. The programme shall specify the measurement locations and maximum permissible noise and vibration levels at each location. Noise and vibration levels shall not exceed the specified levels in the approved programme.

REASON: In order to safeguard neighbouring amenity, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

15. Prior to operational use of the store hereby approved, the car parking area, as detailed on drawing numbered: BB301-100 Rev B, shall be fully surfaced, marked out and made available for use. The car park shall be so retained.

REASON: In order to ensure off street parking is available at all time, in the interests of highway safety and efficiency, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

16. Visibility splays shall not at any time be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

REASON: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policy 10/11/40 of the Blackburn with Darwen Borough Local Plan Part 2

17. No development, site clearance / preparation, or demolitions shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of works should comprise the creation of a record of the building to Level 2-3 as set out in

'Understanding Historic Buildings' (Historic England 2016). It should include a full description of the building, inside and out, a drawn plan, elevations and at least one section (which may be derived from checked and corrected architect's drawings), and a full photographic coverage, inside and out. The record should also include a rapid desk-based assessment, putting the building and its features into context. This work should be undertaken by an appropriately qualified and experienced professional contractor to the

REASON: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building; in accordance with the requirements of Policy 39 of the Blackburn with Darwen Borough Local Plan Part 2.

5.0 PLANNING HISTORY

5.1 No planning history exists for the site.

6.0 CONSULTATIONS

6.1 BwD Highways

No objection in principle, outstanding parking matter to be addressed:

Parking

We have assessed the parking requirement against our adopted parking standards: Class E (a) (this is a New Class use) which when compared against the parking standards would be an A1 retail use, which suggest 1 car space per 16sqm, this assessed on a floorarea of 615sqm amounts to 38 spaces. The submission provides 9 car parking spaces (2 of which are designated disabled spaces). All spaces conform to council's standard sizes.

Cycle parking is provided within the site, these should preferably be sited near the entrance of the building, covered and secure. Please request further details of this and also provision for the parking of PTW.

There is clearly an under provision in parking spaces. That accompanying statement suggests the site is widely sustainable to all traffic. This is acknowledged, however there are still concerns that the premises would attract vehicles from outside the area, and with limited parking around in the adjoining streets this will have an adverse impact on the immediate area, and the safety of highway users

The statement also suggests that the parking bays would need to be removed along Bold Street (the loss of 2 spaces on-street) to facilitate access. This is subject to an application that would need to be made under the Highways Act to requesting revocation of parking bays. All costs for the amendment to the TRO is to be borne by the developer, please condition.

Access

A new access is proposed from Bold Street. The plans accompanying the submission present this as 6m opening. It is unnecessary to have such a wide access and we would request this is reduced to aid pedestrian safety. There is a sliding gate to be proposed at the entrance of the car park. It is noted within the TS that the gates will be opened 30 minutes before trading hours, and shut 30 minutes after the store closing. This is acceptable

No details of sightlines or details accompanying boundary has been provided, please request these for assessment.

3 pedestrian routes into the building have been proposed. There are some slight concerns with those located on Randal Street as this will encourage adhoc parking close to a busy junction. I would be minded to restrict the points of access to one, and request removal of the access closest to the back street.

Servicing

Details of servicing have been received. The intention is to utilise the back street, for service vehicles. This is not supported for reasons that the back street is close to the junction which in our opinion sustains a steady and occasionally heavy volumes of traffic (at peak times). It would be far safer to service on street, however this is subject to understanding the number of deliveries to store please seek further information.

It is suggested that servicing would also take place within the car outside of operational hours. If this application was minded to approve, this element should be conditioned

Provision to support those utilising alternative modes of transport is provided, however no details on how these would be made secure and covered are provided. This together with provision for Ptw parking is required for assessment.

Transport Statement

The report has been assessed, and we make the following representations:
The level of parking proposed is grossly inadequate for the scale and type of development proposed in this location and is likely to result in significant issues on the local highway network. For food retail the benchmark standard is 1 car space per 16 sqm, a requirement of 38 spaces. The proposed development includes 9 spaces of which 2 are for disabled users which equates to just 24% of the benchmark. There are known issues on the local highway network relating to indiscriminate parking and a resident permit holder scheme in place covering many of the local roads.

Further analysis and justification should be provided in the Transport Statement to determine if the proposed level of parking is appropriate. Accurate estimates of parking demand should be provided along with information backed up by surveys of on-street parking availability within 200m of the store to demonstrate that the demand can be adequately catered. On-street parking spaces currently provided for resident permit holders only should not be included unless there is some short stay provision allowed such as the '1 hour no return within 2 hours' on Limbrick.

The proposed trip generation presented in the TS should be updated using TRICS Trip Rates for an appropriate land use such as 01/A Food Superstore or 01/C Discount Food Store (if appropriate) and not local shops as the proposed development differs significantly from the previous application.

Other

No details of a construction method statement is received, please condition accordingly.

General highway principles also to be taken into consideration are as follows:

- All existing street furniture including street lighting should be removed/disconnected at the applicants expense and relocated at locations to be agreed with by the relevant highways officer, (should they be required to do so)
 - Prior to any work commencing that affects the existing adopted highway contact to be made with the Local Highway Authorities office on Tel: 01254 273838 to undertake a condition survey.
 - Any old entrances that are no longer required should be closed and reinstated back to full footway, at the developers expense
 - The highway should not be obstructed, if indeed closure is required contact is to be made with the highway authority on Tel: 01254 273439
- Footways around the site should be reinstated and resurfaced where necessary

To conclude, there are a number of concerns with the proposal received, please could you seek further information in response to the matters considered above. We reserve making a formal recommendation until further details are received.

Please note: Prior to the commencement of any works that affect or adjoin the adopted highway – contact is to be made with the local highway authority officer Simon Littler on Mob: 07766 578007

Please attach standards conditions/Informatives: Highways, 1, 2, 3, 4, 8, 10, 11, 14, 15 and 17 .

6.2 BwD Public Protection

Following recommendations:

With reference to the above application, I recommend that the following condition(s), informative(s) and/or comment(s) be included if planning permission is granted:

Condition - Residential Noise Amenity Impact Assessment

Prior to commencement of the proposed development, a written assessment shall be submitted to the Local Planning Authority (LPA) that determines likely noise impacts of the proposed use and, where appropriate, identifies mitigating measures to alleviate those impacts. Reference should be made to the National Planning Policy Framework and Noise Policy Statement for England. Written approval of the assessment must be obtained from the LPA and all agreed mitigating measures installed prior to commencement of the approved use and thereafter retained for the duration of this use.

Reason: To ensure an acceptable standard of residential amenity.

Advisory: The applicant (or consultant appointed by the applicant) should contact Andy White (tel: 01254 585585) to discuss the required assessment detail which must take account of proposed hours of use and include noise arising from the car park (vehicle & customer), deliveries, waste disposal services and plant & machinery.

Condition - Floodlighting

An outdoor floodlighting scheme shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The floodlights shall be installed in accordance with the agreed scheme and retained for the duration of the approved use.

Reason

To minimise potential loss of amenity due to intrusive light pollution affecting residents living in the vicinity.

Informative:

When assessing potential loss of amenity the Local Authority shall make reference to the lighting levels provided in 'Guidance Notes for the Reduction of Obtrusive Light' GN01 produced by The Institution of Lighting Professionals, available at: <https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2020/>

NB: The proposed development is within an E3: Medium district brightness area.

CONTAMINATED LAND CONDITIONS

Condition 1

Prior to the commencement of construction works on site, the developer must submit to the Local Planning Authority (LPA) for written approval:

- i. A comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Detailed proposals for subsequent site investigation based on the CSM shall be included as appropriate; the developer will be advised whether any further site assessment is required.
- ii. If required by the LPA, the findings of the approved site investigation work, including an appropriate assessment of risks to both human health and the wider environment, arising from contaminants in, on or under the land (including ground gas) will be submitted. Where unacceptable risks are identified an updated CSM, remedial options appraisal and detailed remediation scheme shall be presented for approval. No deviation shall be made from this scheme without the written express agreement of the LPA.

Condition 2

Prior to the commencement of the permitted use, the developer must submit a comprehensive validation report to the LPA for written approval. The report shall demonstrate effective remediation in accordance with the agreed remediation scheme. All the installed remediation must be retained for the duration of the approved use and the LPA periodically informed in writing of any ongoing monitoring and decisions based thereon as appropriate.

REASON: To ensure that the site has been made 'suitable for use', and as such, does not pose a risk to future users of the site or the wider environment.

Condition 3

Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the LPA should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the LPA. No deviation shall be made from this scheme without the written express agreement of the LPA.

REASON: To protect the health of future occupiers of the site in accordance with Policy ENV3 of the Blackburn with Darwen Borough Local Plan.

INFORMATIVE:

- All reports shall be prepared in accordance with BS10175:2011 (as amended), CLR 11 and any other relevant, appropriate and authoritative publications.
- The Local Planning Authority will not accept any liability for remediation works.
- The responsibility for the safe development and occupancy of the site, at all times, rests with the developer.
- Failure to comply with above condition may result in enforcement action being taken by the Local Authority under the Environmental Protection Act 1990.
- You are strongly advised to contact the Environmental Protection Team of the Public Protection Service to discuss the requirements of the Contaminated Land Condition (Karen Huddart or David Johnson tel: 01254 267699).
- The guidance documents entitled '**Contaminated Land Planning Guidance**' & '**Validation Policy Document**' should be read before you investigate the site. This guidance is available on the Council web site. These hyperlinks will give you direct access :
www.blackburn.gov.uk/upload/pdf/Contaminated_Land_Guidance.pdf
www.blackburn.gov.uk/upload/pdf/Validation_Policy_Document_FINAL.pdf
- A **suitably qualified, competent & impartial person** shall fulfil the requirements of the condition.

6.3 BwD Drainage (Lead Local Flood Authority)

We have no objections to the proposals but require the following condition
Condition

Prior to commencement the applicant is required to obtain Consent to Discharge to the public sewer from United Utilities.

Reason

United Utilities may require a reduction in flow discharging to the sewer.

6.4 BwD Environmental Services

No objection subject to waste storage provision.

6.5 United utilities

No objection:

Drainage

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

In the absence of a detailed foul and surface water drainage scheme we would kindly request that if you are minded to grant Planning Consent for the above development that the condition and advisory notes provided below are included within the consent.

Condition:

Prior to the commencement of development (excluding demolition), details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions, the potential for infiltration of surface water in accordance with BRE365;*
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations).*

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

(iv) Incorporate mitigation measures to manage the risk of sewer surcharge; and

(v) Foul and surface water shall drain on separate systems within the site.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and no surface water shall discharge to the public sewer either directly or indirectly.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

6.6 Coal Authority

No objection

The Coal Authority Recommendation to the LPA

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment, 08 October 2021 are sufficient for the purposes of the planning system (NPPF paras. 183 and 184) in demonstrating (based on the professional opinion of Mr David Lord *BSc (Hons) FGS MIEnvSc AIEMA* of Worms Eye Ltd) that the application site is safe and stable for the proposed development. The Coal Authority has **no objection** to the proposed development. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

We consider it prudent that the LPA add the following wording as an Informative Note to the Decision Notice should the LPA grant planning permission:

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

6.7 Lancs Archaeology

Recommended condition:

Programme of archaeological recording prior to demolition.

6.8 Lancs Fire & Rescue

No objection, standard comments.

6.9 Public consultation

Neighbourhood consultation letters were sent out on 3rd August 2021, to 50 addresses local to the application site. In addition, a site notice was displayed. In response, 6 objections were received (see Summary of Representations):

7.0 **CONTACT OFFICER: Nick Blackledge - [Senior Planner]**

8.0 **DATE PREPARED: 4th November 2021**

9.0 SUMMARY OF REPRESENTATIONS

Objection – Usman Mangera. Received – 24/08/2021

I am a resident on Limbrick, and have been sent a letter regarding the demolition and rebuild of apex mill.

The application reference number is 10/21/0790.

I have one particular concern with the plans, which can easily be rectified.

If you look to see where the bin store will be kept, it is directly neighbouring my back yard.

Currently there is a solid stone wall that is dividing my yard from apex mill.

The plans are showing that there will be a cage or fence that will now be dividing the bin store from my back yard.

I have two main concerns regarding this.

Firstly I will have lost my privacy, as there will be a fence that you can see through clearly... plus the fact that a bin store will be an eye sore.

Secondly the risk of rodents that will run through the fence and into my yard. This could be a major issue.

There is a simple fix to this, which is to leave the current stone wall as it is and have the bin store behind it, this way the bin store is still within its grounds and will not be seen from my yard as it's behind a wall as oppose to behind a fence.

Objection – Mr Amjad Hussain, 26 Randal Street, Blackburn. Received 27/08/2021

I write in response to the planning application for the former apex mill on Bold Street.

I object to this application for change of use from a place of manufacturing to a retail development due to the inevitable additional vehicle traffic this will bring to the area.

My neighbours & I already suffer regular and continuous mayhem at this side of Randal St, Bold St & Limbrick with high volumes of people parking inconsiderately & dangerously to visit the current retails outlets which is made considerably worse with wedding events at Waheeds Buffet Restaurant.

Waheeds do not have a car park of their own, so I'm surprised they were given permission to open such an establishment especially when they themselves nor the authorities provide any monitoring of vehicle parking when events are taking place. We find people parking on double yellows to the very end of road to the give ways onto Bold St & Limbrick preventing traffic from being able to turn in safely and creating danger for pedestrians & other vehicles.

This also causes blocked traffic from both ends causing gridlock with car backing along Randal St to Charlotte St and the sideroads .

Then the car horns start from frustrated drivers stuck with no way of getting out.

On top of this there is also a high number of vehicles at 5pm & 7.30pm Mon-Fri dropping/collecting children from the Mosque.

Any further large retails outlet will do nothing but increase the already chaotic & dangerous scenes we witness with great regularity for both commuters & residents.

Objection – Mr Sazid Patel, 14 Randal Street, Blackburn. Received – 27/08/2021

I write in response to the planning application for the former apex mill on Bold Street.

I object to this application for change of use from a place of manufacturing to a retail development due to the inevitable additional vehicle traffic this will bring to the area.

My neighbours & I already suffer regular and continuous mayhem at this side of Randal St, Bold St & Limbrick with high volumes of people parking inconsiderately & dangerously to visit the current retails outlets which is made considerably worse with wedding events at Waheeds Buffet Restaurant.

Waheeds do not have a car park of their own, so I'm surprised they were given permission to open such an establishment especially when they themselves nor the authorities provide any monitoring of vehicle parking when events are taking place. We find people parking on double yellows to the very end of road to the give ways onto Bold St & Limbrick preventing traffic from being able to turn in safely and creating danger for pedestrians & other vehicles.

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On top of this there is also a high number of vehicles at 5pm & 7.30pm Mon-Fri dropping/collecting children from the Mosque.

Any further large retails outlet will do nothing but increase the already chaotic & dangerous scenes we witness with great regularity for both commuters & residents.

Objection – Mr Idris Patel, 3 Randal Street, Blackburn. Received – 27/08/2021

I write in response to the planning application for the former apex mill on Bold Street.

I object to this application for change of use from a place of manufacturing to a retail development due to the inevitable additional vehicle traffic this will bring to the area.

My neighbours & I already suffer regular and continuous mayhem at this side of Randal St, Bold St & Limbrick with high volumes of people parking inconsiderately & dangerously to visit the current retails outlets which is made considerably worse with wedding events at Waheeds Buffet Restaurant.

Waheeds do not have a car park of their own, so I'm surprised they were given permission to open such an establishment especially when they themselves nor the authorities provide

any monitoring of vehicle parking when events are taking place. We find people parking on double yellows to the very end of road to the give ways onto Bold St & Limbrick preventing traffic from being able to turn in safely and creating danger for pedestrians & other vehicles.

This also causes blocked traffic from both ends causing gridlock with car backing along Randal St to Charlotte St and the sideroads .

Then the car horns start from frustrated drivers stuck with no way of getting out.

On top of this there is also a high number of vehicles at 5pm & 7.30pm Mon-Fri dropping/collecting children from the Mosque.

Any further large retails outlet will do nothing but increase the already chaotic & dangerous scenes we witness with great regularity for both commuters & residents.

Objection – Mr Atif Hussain, 5 Randal Street, Blackburn. Received – 27/08/2021

I write in response to the planning application for the former apex mill on Bold Street.

I object to this application for change of use from a place of manufacturing to a retail development due to the inevitable additional vehicle traffic this will bring to the area.

My neighbours & I already suffer regular and continuous mayhem at this side of Randal St, Bold St & Limbrick with high volumes of people parking inconsiderately & dangerously to visit the current retails outlets which is made considerably worse with wedding events at Waheeds Buffet Restaurant.

Waheeds do not have a car park of their own, so I'm surprised they were given permission to open such an establishment especially when they themselves nor the authorities provide any monitoring of vehicle parking when events are taking place. We find people parking on double yellows to the very end of road to the give ways onto Bold St & Limbrick preventing traffic from being able to turn in safely and creating danger for pedestrians & other vehicles.

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On top of this there is also a high number of vehicles at 5pm & 7.30pm Mon-Fri dropping/collecting children from the Mosque.

Any further large retails outlet will do nothing but increase the already chaotic & dangerous scenes we witness with great regularity for both commuters & residents.

Objection – Yusuf Patel, 3 Bold Street, Blackburn. Received 13/09/2021

I heard you are building a retail complex on bold st of randle st, i think this is a bad idea once it is built then its ok but not overol. There are enough problems already going on every st and i don't know how long it will take you to build this retail complex. I think you need to ask every household whether it's a good idea to build it or not on limbrick st, randle st, bold st, lime st, nikenell st, oswald st and balaclava st. you need to think twice and decide on every aspect of this matter.

1 - u get a wedding hall which is on randle st watch hapans on weekends and in the evenings during the weekdays and u need to see where it is full of cars on every st, there is a big issue with them and every person has complained but they DO NOT LISTEN TO ANY 1.

2 - We have a kids issue from 5.00pm to 8.00 pm there are full of cars on every street as I mentioned as above.

3 - Everybody in every street has a permit and where are going to build a car park for this retail complex?