

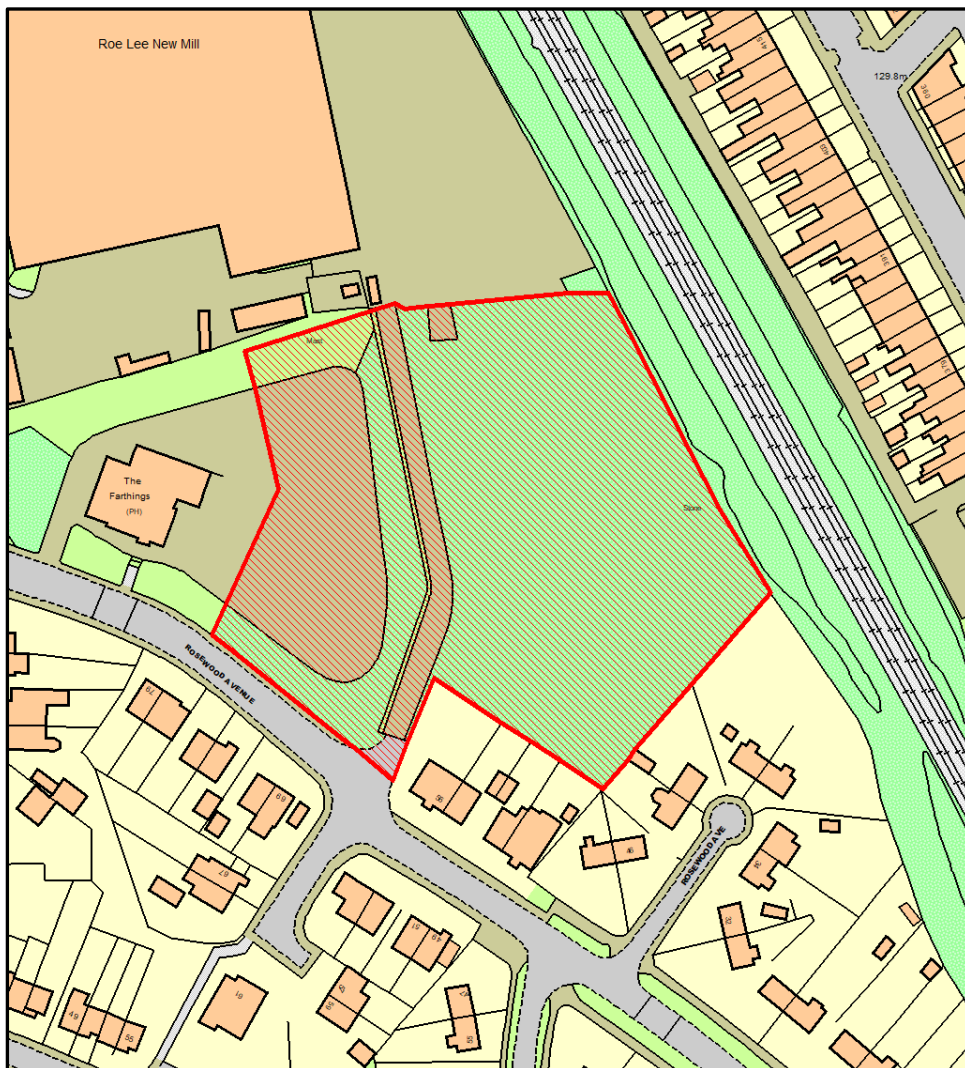
Proposed development: New development comprising of 20no new industrial units (E[g], B2 and B8 Use) with new off road parking, bin store areas, secure cycle areas, landscaping, and formation of new access point off Rosewood Avenue, with associated works.

Site address: Land adjacent to Roe Lee Business Park, Rosewood Avenue, Blackburn, BB1 9SZ

Applicant: Mr Jangeer Yasan

Ward: Roe Lee

**Councillor Phil Riley
Councillor Sylvia Liddle
Councillor Ron Whittle**



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 Scheme of Delegation, and given the fact that the application involves major commercial development outside of an allocated site. An objection has also been received from a Ward Councillor, together with a number of members of the public. The objections raised principally concern the nature of the proposed use and associated noise and traffic. Trees loss and the potential for detrimental impacts on local ecology to occur have also been cited as potential concerns. A summary of the consultee responses received and public comments made is provided below, in Sections 7 and 9 respectively.
- 2.2 The proposed development has been publicised through letters to residents/occupants of the nearest adjacent properties. Two site notices were also displayed outside of the site on 22nd October 2021. In addition, a number of consultations have taken place with neighbours and consultees upon the receipt of amended/updated information.
- 2.3 The Council's development plan supports new commercial developments and associated works within the defined urban boundary, provided they constitute sustainable development, and accord with the development plan when taken as a whole.
- 2.4 The proposal will deliver a total of 20 commercial units covering 6 blocks. Use Class E(g) (formerly B1[c]), B2, and B8 uses would all be operated from the site. A new vehicle access point would be formed from Rosewood Avenue, which would be the only access point into the site. Each unit would be afforded its own service areas with a shared parking area proposed to the northwest corner of the plot. Cycle storage provision, contained bin storage, and supplementary landscaping is also shown on the submitted plans around the site.
- 2.5 On balance, the proposal would be satisfactory from a technical point of view, with all issues having been addressed through the application process, or capable of being controlled or mitigated through appropriately worded planning conditions.
- 2.6 The key issues to be addressed in determining this application are;
- Establishing the principle for development;
 - Design and assessing visual amenity impacts;
 - Assessing the potential for residential amenity impacts;
 - Assessing the potential for highways impacts;
 - Ensuring the site has adequate parking to service the development;

- Ensuring the safety and structural integrity of the adjacent railway line is not compromised;
- Mitigating tree loss;
- Assessing the potential for ecological impacts;
- Foul and surface water drainage considerations;
- Ensuring flood risk is minimised;
- Assessing the potential for terrestrial contamination;
- Crime prevention, and;
- Minimising the proposals impacts on climate change and air quality.

3.0 RATIONALE

3.1 Site and Surroundings

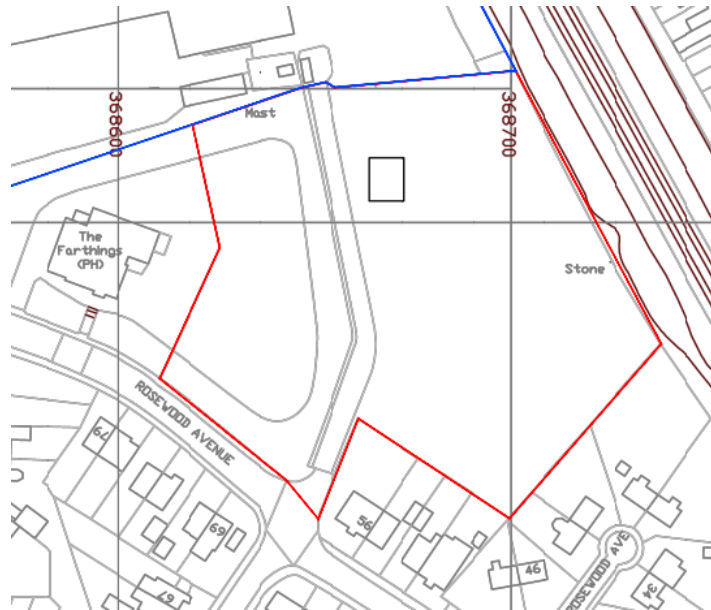
3.1.1 The application site is a plot of unallocated land located within the defined urban boundary of Blackburn. The site is currently wooded to the eastern side with the western side being more open and covered with hardstanding. The site currently contains a number of mature and self-seeded trees internally and along the site boundaries. Pedestrian access alone was previously gained from the south off Rosewood Avenue yet recent works have been undertaken to widen the access point for vehicular use.

Figure One – Satellite image of the site



3.1.2 The site covers an area of circa 2.5 acres and has an irregular shape. A footpath spans its centre yet this is not defined as a public right of way. Semidetached properties and gardens surround to the south with commercial land uses to the north. A railway line and embankment is positioned immediately to the east with a public house and car park to the west.

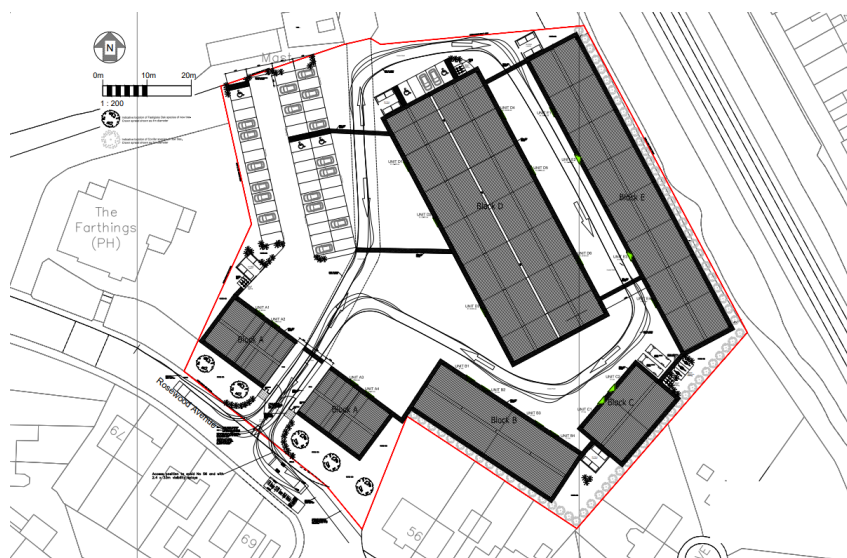
Figure Two – Location Plan showing the extent of the site and existing access point



3.2 Proposed Development

3.2.1 As detailed above, this application seeks full planning permission for the erection of 20 single-storey industrial units to be operated within the parameters of Use Classes Class E(g) (formerly B1[c]), B2, and B8. The units would stagger a total of six blocks. Initially, Block A was a single unit positioned closer to the east yet that block has been split and repositioned further to the west to allow for access amendments.

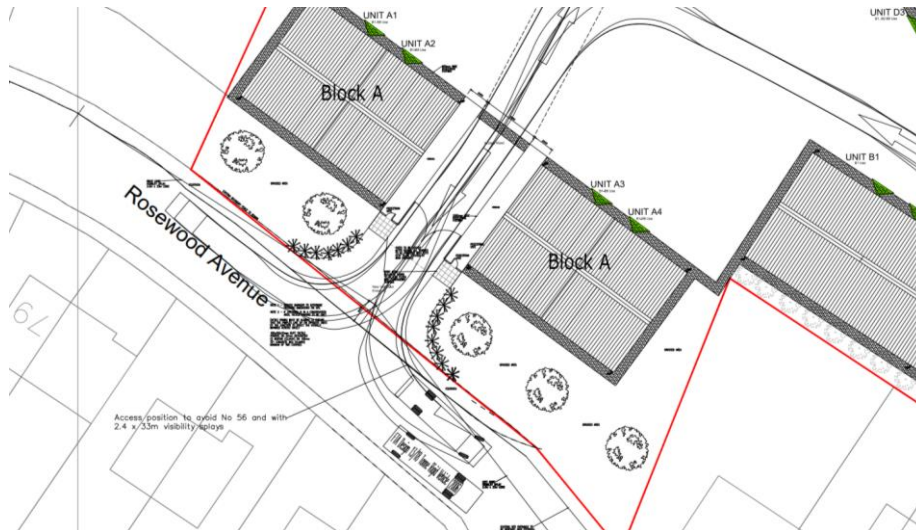
Figure Three – Amended proposed site plan



3.2.2 Amended plans have been received during the application process showing a new bellmouth junction from Rosewood Avenue. The existing access point would be closed entirely and all traffic would be enter and egress via the new

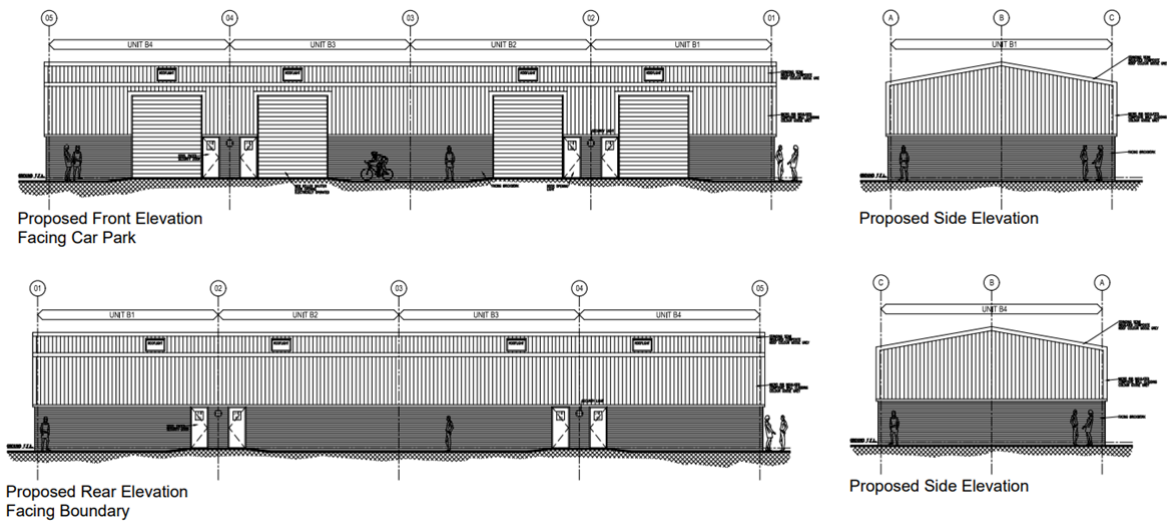
access point. The new access point would have a 5.5m wide carriageway with 2m footways installed either side. A pair of pedestrian gates would stagger the junction with a vehicle security gate installed centrally. Supplementary landscaping would also be provided around the access point inclusive of mature trees with shrubbery lining the junction splays.

Figure Four – Close-up of access detail



- 3.2.3 Within the site, a one-way system would be operated with vehicles tracking north between the shared carpark and Block D, then tracking south between Block D and E to egress the site. Service areas would be provided to the front of each of the units of varying widths. A 49-space carpark would be provided to the northwest corner of the plot, inclusive of 3 disabled bays. In addition, 5 further spaces would be provided to the north of Block D, inclusive of 2 disabled bays. Bin storage areas and cycle racks would intersperse the site serving each of the units together with supplementary landscaping.
- 3.2.4 As detailed above, Block A would be split in half to allow for a new access point to be formed. Each half would have a footprint of circa 184 square meters, a dual-pitched roof up to 6m in height, and 2 units within (Use Classes E[g] and B8). Block B would have footprint circa 403 square meters, a dual-pitched roof up to 6m in height, and 4 units within (Use Class E[g]). Block C would have footprint circa 202 square meters, a dual pitched roof up to 6m in height, and 2 units within (Use Class E[g]).
- 3.2.5 Block D would have footprint circa 1332 square meters, a dual-pitched roof up to 6m in height, and 6 units within (Use Classes E[g], B2 and B8). Block E would have footprint circa 806 square meters, a dual-pitched roof up to 6m in height, and 4 units within. Units E1 and E2 would have a Use Classes of E[g], B2 and B8 with no B2 uses proposed for Units E3 and E4, given their relatively close proximity to the adjacent dwellings on Rosewood Avenue.

Figure Five – Elevation plans of Block B



3.2.6 The proposed units would all have a conventional portal-framed construction. Their elevations would have a brick plinth with goosewing grey micro-rib insulated composite wall cladding proposed. Standing seam insulated composite cladding would be used for the roof in the same colour. Each of the units would have an electrically operated steel faced roller-shutter security door with personal door installed to the rear. Tarmac would be installed as hardstanding. No formal details of new boundary treatments have been provided at this stage.

3.3 Case Officer Site Photos



3.4 Development Plan

3.4.1 Core Strategy Part 1 (adopted January 2011):

- Policy CS2: Typology of Employment Land

3.4.2 Local Plan Part 2 (adopted December 2015):

- 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 36: Climate Change

3.4.3 BwD Parking Standards

4.0 **Assessment**

4.1 Principle of Development

4.1.1 Policy 1 identifies the preferred location for all new development to be within the defined urban boundary, which the site is situated within. Outside of allocated sites, there is no direct policy provision for new commercial developments within the Local Plan. That said, Policy CS2 identifies a need for neighbourhood opportunity employment sites close to residential areas, with vacant sites being specifically highlighted, subject to unacceptable impacts on residential amenity being avoided. For clarity, those requirements are covered in subsequent sections of this report. The proposed development therefore complies with Policy 1 together with the initial requirements of Policy CS2.

4.1.2 Concerns have been raised in public comments regarding the sites allocation for housing within the Roe Lee Master Plan. However, the site only occupies a small part of the master plan area and this proposal would not unacceptably undermine its ability to deliver housing locally. When that position is considered alongside the benefits of developing a vacant unkempt site, and the provision of employment space in times when there are national shortages of such provision, the sites part-allocation within the master plan does not warrant resisting the development on those grounds. The proposed development is thus acceptable in principle.

4.1.3 In accordance with the presumption in favour of sustainable development detailed in 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 Design and Visual Amenity

4.2.1 In general terms, Policy 11 requires all development proposals to represent a good standard of design through demonstrating an understanding of the sites wider context, and making a positive contribution to visual amenity. The site is currently contained by built form and tall boundary vegetation. It provides a neutral contribution to the prevailing character of the locality and this proposal

would be classed as back-land infill development. In addition, the site is positioned the transitional cusp between residential land uses to the south and commercial land uses to the north.

4.2.2 As detailed above, the proposed units would have a conventional construction and appearance. The style of the units would be consistent with a number of similar previous developments in the Borough. When viewed in the context of the commercial units to the north, their layout, scale and massing would not seem out of place within this contained site. Moreover, the proposed materials are common to such forms of development locally. The proposed units would thus be acceptable in relation to aspect, design and scale, subject to the external construction materials to be used being further finalised through planning condition.

4.2.3 The part of the site most visible from the public domain would be the access point. Currently, a number of mature fruit trees line the boundary with Rosewood Avenue, all of which will be lost to the development. That said, the amended proposed site plan details supplementary landscaping around the access point that will compensate for the losses in that area and provide visual enhancements. Subject to the imposition of a condition to further agree the scope of hard and soft landscaping details around the whole site, the proposed development would be acceptable in relation to design and visual amenity, in accordance with Policy 11.

4.3 Residential Amenity

4.3.1 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, privacy/overlooking, and the relationship between buildings. Concerns have been raised in consultee and public comments on residential amenity grounds. When viewed in the early stages, such matters were a principle consideration and they have been subject to extensive discussions with BwD Public Protection during the application process.

4.3.2 Through that process, a number of amendments have been secured that have significantly improved the application in a residential amenity sense. The units directly adjacent to dwellings will not be used for B2 purposes. Those uses are confined to the units that are furthest away from dwellings. Moreover, the proposed use classes for Blocks B and C are limited to Class E(g) alone, which are generally considered acceptable uses within residential areas. A condition is recommended to restrict use the units to those shown on the latest amended proposed site plan. Such a condition is necessary in order to prevent more noise intensive uses forming within the broader provisions of Class E. Although carried out mostly on highways grounds, the construction of a new access point set further away from 54 and 56 Rosewood Avenue would also significantly reduce any disturbance from comings and goings for those neighbours.

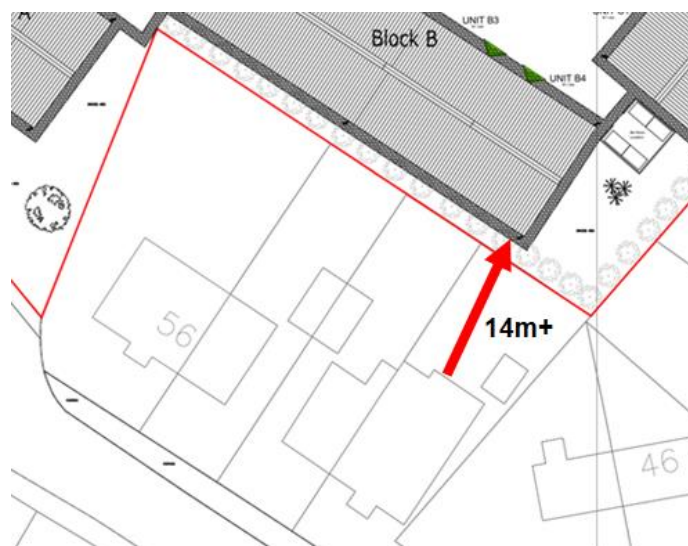
4.3.3 BwD Public Protection have reviewed the submission and a number of conditions have been recommended on noise grounds. Those conditions

involve restricting the operating hours of the site to those applied for and ensuring any noise emissions do not exceed certain thresholds. It is recommended that both of those conditions be added in order to adequately safeguard to aural amenities of the immediate neighbours. A further condition is recommended in order to agree an external lighting scheme in order to ensure light pollution does not cause a nuisance for neighbours once the development becomes operational.

4.3.4 In addition to the above, a number of further conditions have been advised by BwD Public Protection in order to control working hours, dust emissions, noise and vibrations, and floodlighting during the construction phase. It is recommended that a construction method statement condition be added that consolidates those requirements. Such a condition is necessary in order to minimise disruptions for neighbours during the construction phase.

4.3.5 When considering any potential impacts in the way off losses of light, it should be noted that there are set standards regarding the proximity of commercial buildings to dwellings within the development plan. Blocks B and C would be positioned the closest to the adjacent dwellings on Rosewood Avenue. In excess of 14m would separate the proposed units from those properties and the distances involved would be sufficient to prevent any overbearing impacts. Owing to its nature, the proposal would not be detrimental to domestic privacy yet tall boundary trees would be removed that currently provide screening for gardens. The attached landscaping condition therefore includes a specific requirement to plant semi-mature trees to the rear of Blocks B and C in order to ensure the seclusion of those areas is adequately restored over time.

Figure Six – Plan showing separation distances between Blocks B and C and proposals for boundary landscaping



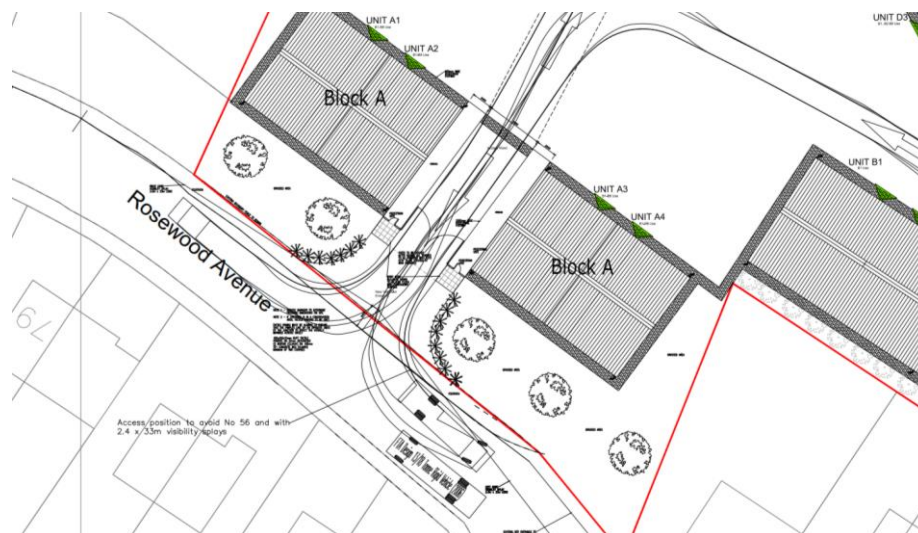
4.3.6 Subject to compliance with the above conditions in their entirety, the relationship between the proposed units and adjacent dwellings would not be detrimentally impacted upon and the proposed development is thus acceptable in relation to residential amenity.

4.4 Highways, Servicing and Parking

4.4.1 Policy 10 outlines a general requirement for all development proposals to not prejudice road safety, or the safe and convenient movement of all highway users. Parking should also be provided in accordance with the BwD Parking Standards. Public objections have been raised on parking and highways grounds. As detailed above, amendments have been secured during the application process showing a new access point off Rosewood Avenue. Such amendments have provided significant improvements for the access arrangements of the site.

4.4.2 BwD Highways have reviewed the submitted Transport Assessment and forecasted traffic movements data. No specific concerns have been raised in that respect and the local highway network is capable of adequately absorbing the anticipated level of traffic movements. In addition, the new junction would provide adequate visibility splays for both directions of traffic. Conditions are recommended to agree the scope of any required works of highways improvements around the access, complete with gradient details, and to ensure visibility around the access point is not obstructed in the future. A further condition is recommended to ensure the vehicle gate is installed a sufficient distance away from the new footway. Such a condition is necessary to prevent vehicles waiting in the carriageway for the gate to be unlocked/opened. Subject to compliance with those conditions, the proposal would not have a harmful impact upon the safety of the public highway network.

Figure Seven – Plan showing adequate visibility splays



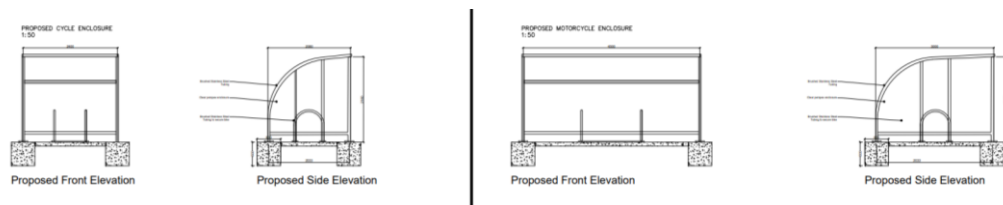
4.4.3 In relation to vehicle manoeuvring within the site, again, amendments have been secured showing significant improvements. Together with a new access point, Blocks D and E have been spaced further apart, which will allow for a greater level of manoeuvrability between those blocks. BwD Highways have reviewed the merits of the amended proposals and no objections have been raised. Servicing of the site would be restricted to rigid vehicles with articulated lorries not to enter. A condition is recommended to ensure that occurs given the

relatively constrained layout of the site. Further conditions are recommended to agree the scope of delineated pedestrian routes around the site and signage that raises awareness for the one-way system to be operated. Subject to compliance with those conditions, the scope for conflict to materialise between site users would be appropriately minimised.

4.4.4 In relation to parking, when the parking requirements of the site are weighed against the BwD Parking Standards, an acceptable level of provision is proposed. A condition is recommended to ensure a formalised parking layout is provided in support of the development. It should also be noted that an abundance of informal parking opportunities exist around the site and the displacement of parked cars onto the public highway network should not pose any particular problems moving forward.

4.4.5 Covered cycle storage is detailed on the plans around the site. BwD Highways have suggested that such provision should be placed closer to the entrances of the buildings in order to encourage use. Such detail is not shown on the amended proposed site plan yet the three cycle racks proposed would be visible from many parts of the site, which is acceptable. A condition is recommended to ensure cycle storage is provided in accordance with the submitted details in order to encourage the use of sustainable modes of transport.

Figure Eight – Proposed plans for covered cycle and motorcycle storage



4.4.6 Finally, a further condition is recommended to agree the logistics of the construction phase, as requested by BwD Highways. Subject to compliance with the attached conditions in their entirety, the proposed development would not lead to any detrimental impacts upon the highway network. In addition, the attached conditions would ensure that each of the proposed units could be adequately serviced, thereby minimising the risk of issues being displaced onto the public highway network, in compliance with Policy 10 and the BwD Parking Standards.

4.5 Railway Infrastructure

4.5.1 The site is positioned directly adjacent to the railway line and a number of formal requests have been made by Network Rail in order to safeguard its structural integrity. Such matters have been raised in the interests of public safety, which is covered by Policy 8. Network Rail have reviewed the merits of the proposals and no principle objections have been raised. A number of conditions have been advised however in order to prevent harm to their interests.

4.5.2 On that basis, a condition is recommended regarding the submission of a method statement and risk assessment relating to the construction and operational phases of the development. Such a condition will agree the scope of foundation works and excavations within 10m of the embankment together with any required works to boundary treatments. The condition recommended has merged two of those advised by Network Rail in the interests of clarity. A 3m easement zone is requested. The building of Block E is positioned 3m from the embankment. It is noted that a footway and landscaping is shown within the easement zone. That said, such minor works would not unduly compromise the structural integrity of the embankment nor would they hinder future maintenance efforts to a detrimental extent.

4.5.3 A further condition has been recommended regarding the submission of a surface water drainage scheme. Such matters are covered in a greater level of detail in subsequent section of this report and Network Rail will be consulted on any future conditions discharge applications being an adjacent landowner. Subject to compliance with the attached conditions, the proposed development would not prejudice the integrity or safety of adjacent railway infrastructure.

4.6 Arboricultural Considerations

4.6.1 As detailed above, a large part of the site is currently covered by vegetation. The majority of the trees and shrubs within are self-seeded shrubby specimens and overgrown conifers, with the exception of three mature trees in the northeast corner. The plans indicate that all of the trees would be removed. None of the trees are protected and the legal fallback position is that landowner could clear-fell the site at any point. That said, Policy 9 states that all development proposals are expected to incorporate existing trees into the design and layout of the scheme, where achievable.

4.6.2 If the removal of one or more trees is permitted as part of a development, a condition is required to ensure an equivalent number or more new trees are planted within the site. The BwD Arboricultural Advisor has reviewed the merits of the proposals and no objections have been raised. Subject to the imposition of a condition to ensure replacement trees are provided as part of an appropriate planting scheme, the proposed development would be acceptable in relation to arboricultural considerations.

4.7 Ecological Considerations

4.7.1 Further requirements within Policy 9 state that all development proposals must avoid unacceptable impacts on environmental assets or interests, including habitats and species. In response to those requirements, a Preliminary Ecological Appraisal has been submitted. The BwD Ecological Advisor has reviewed the submitted appraisal and merits of the scheme as a whole. No objections have been raised and no species of merit were found during the site investigations. A number of measures of mitigation are detailed within the submitted appraisal, which include specific measures for hedgehogs. A condition is recommended to ensure the development proceeds in accordance

with those measures of mitigation in order to minimise harm to local wildlife populations.

4.8 In addition, the BwD Ecological Advisor has advised a number of further conditions. It is therefore recommended that further conditions be imposed to prevent tree clearance during the bird-nesting season and to agree measures to eradicate invasive plant species from the site. Subject to compliance with those conditions, the proposed development would be acceptable in relation to ecological considerations.

4.9 Flooding and Drainage

4.9.1 Further requirements within Policy 9 state that it must be ensured that all proposals are not subject to an unacceptable risk of flooding, or adversely contribute to the risk of off-site flooding. The site is located wholly within Flood Zone 1 and the risk of fluvial flooding is deemed to be negligible. That said, it is positioned within an area that is at risk of pluvial flooding and initial concerns were raised by BwD Drainage in that respect.

4.9.2 In response to those concerns, the Agent has submitted an amended Flood Risk Assessment. BwD Drainage have reviewed the amended assessment and are satisfied that their concerns have been addressed, subject to the imposition of a number of conditions. It is therefore recommended that a condition be imposed to agree the scope of a full foul and surface water drainage strategy. The condition will include a requirement to submit details of cross-sections and finished floor levels.

4.9.3 A further condition is recommended to ensure the relevant surveys are undertaken for the culvert that spans the site. Such condition is necessary in order to prevent damage to the culvert, which may in turn lead to localised flooding through improper construction techniques. Subject to compliance with those conditions, the proposed development would be acceptable in relation to flooding and drainage, in accordance with Policy 9.

4.10 Contamination

4.10.1 Within Policy 8, there are further requirements to ensure development proposals on previously developed land can be remediated to a standard that provides a safe environment for users of the development whilst also ensuring contamination is not displaced. BwD Public Protection have reviewed the merits of the proposal and a condition regarding the potential to discover unforeseen contamination during construction works has been advised. Subject to compliance with that condition, the proposed development would be acceptable in relation to contamination.

4.11 Crime Prevention

4.11.1 Further requirements within Policy 8 state that all development proposals must incorporate positive measures aimed at reducing crime and improving community safety, including appropriately detailed design. In response to those

requirements, a Crime Impact Statement has been submitted, which has been reviewed by Lancs Police.

4.11.2 The crime prevention measures advised within the submitted statement adequately conform with the requirements of the guidance referenced by Lancs Police below. Subject to the imposition of a condition to ensure the development proceeds in accordance with those measures, the proposed development would be acceptable in relation to crime prevention, and compliance with Policy 8 is thus achieved.

4.12 Climate Change and Air Quality

4.12.1 Policy 36 requires all development proposals to minimise contributions to carbon emissions and climate change, both directly from the development and indirectly arising from factors such as travel to and from the development. BwD Public Protection have reviewed the merits of the proposals. A condition has been advised regarding the submission of an Air Quality Impact Assessment. It is recommended such a condition be imposed. Subject to compliance with that condition, the proposed development would be acceptable in relation to climate change and air quality, in accordance with Policy 36.

4.13 Wider Considerations

4.13.1 Further concerns have been raised in public comments regarding the potential for additional traffic to destabilise the structural integrity of adjacent properties, the erection of unauthorised boundary treatments, alleging the adjacent site is being used for car sales, and the potential for the proposal to devalue adjacent properties.

4.13.2 Owing to ample separation, use of the rearranged access point would not cause any stability issues for adjacent properties. The recently erected boundary treatments have been regularised under application 10/21/1016, approved by the Committee at the November 2021 meeting. Alleged use of the adjacent site for car sales is not documented on the enforcement system and there was no evidence of such activity during the site visit. It should also be noted that the lawful use of that land is a carpark as it formerly served the adjacent public house.

4.13.3 Finally, any impacts on the values of adjacent properties cannot be given any weight in the planning process. Those comments therefore have no material impact on the assessment of this planning application.

4.14 Summary

4.14.1 This application involves the erection of 20 commercial units with associated works, including the formation of a new access off Rosewood Avenue. Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies and guidance notes detailed in Section 3.4.

4.14.2 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 in terms of design and visual amenity, residential amenity, highways, servicing and parking, railway infrastructure, arboricultural considerations, ecological considerations, flooding and drainage, crime prevention, and climate change and air quality, together with the wider considerations raised within public and consultee comments.

4.14.3 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:

That delegated authority is given to the Strategic Director of Place to approve planning permission, subject to the following conditions. Case specific informatives are also recommended that raise awareness in relation to the protection of nesting birds and the requirements of any works as part of the public highway network.

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 proposals as detailed on drawings: Location Plan (ROELEE/01), ROELEE/02, ROELEE/03, ROELEE/04 – Revision B, ROELEE/05 – Revision A, ROELEE/06 – Revision A, ROELEE/07 – Revision A, ROELEE/08, ROELEE/09, ROELEE/10, ROELEE/11, and ROELEE/12.

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

3. Prior to the commencement of any above ground works on site, details confirming the colours and finishes of all the external materials to be used in the construction of the development hereby approved shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the approved materials and details, unless otherwise agreed in writing.

REASON: To ensure a satisfactory form of development is achieved, in the interests of visual amenity, and to comply with the requirements of Policy 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

4. No above ground works shall commence on site unless and until, a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be exclusively limited to the following;
 - a) Details of proposals for supplementary landscaping around all aspects of the development;
 - b) Details for semi-mature boundary planting adjacent to Blocks B and C;
 - c) Details confirming the types and extents of any areas of hardstanding to be applied;
 - d) Details confirming the heights, types, and positions of any new boundary treatments, including fencing and gates;
 - e) Details confirming that any trees lost will be replaced at a ratio of at least 2:1;
 - f) Details indicating the location, arrangement, species, sizes, specifications, numbers, and planting densities of all new planting; and,
 - g) Details indicating the location and arrangement of any required tree protection measures for the trees to be retained within the site and on the site boundaries.

The approved scheme shall be implemented in its entirety within the first available planting season following the substantial completion of the development. Any tree/shrub or other planting that is lost, felled, removed, uprooted, dead, dying or diseased or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

REASON: In order to ensure that the development is adequately landscaped so as to integrate with its surroundings, in the interests of visual amenity, and to comply with the requirements of Policy 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5. Following occupation of any of the units hereby approved, the following units shall be restricted solely to the following uses, unless otherwise agreed in writing by the Local Planning Authority;
 - a) Units A1 – A4: Use Classes B8 and E(g);
 - b) Units B1 – B4: Use Class E(g);
 - c) Units C1 and C2: Use Class E(g), and;
 - d) Units E3 and E4: Use Classes B8 and E(g).

REASON: In order to prevent more noise and car parking intensive uses being operated within this constrained site, 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).

6. All of the units hereby approved shall only be open between the hours of 7:00 – 23:00, Monday – Saturday and 9:00 – 21:00 Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to minimise noise pollution for neighbours, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

7. Following any of the units hereby approved being brought into use, the noise rating level arising from the units shall not exceed 41dB(A) at adjacent residential premises for the duration of the approved use. Assessment shall be made in accordance with BS4142:2014 (Methods for rating and assessing industrial and commercial sound).

REASON: In order to minimise noise pollution for neighbours, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

8. Prior to their installation, details overviewing the types, positions and heights of any new external light sources to be incorporated as part of the development hereby approved, shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to minimise light pollution from the development, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

9. No development shall commence on site unless and until, a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction phase, and it shall provide for, but not be exclusively limited to;
 - a) The parking of vehicles of site operatives and visitors;
 - b) The loading and unloading of plant and materials;
 - c) The storage of plant and materials used in constructing the development;
 - d) Wheel washing facilities;
 - e) Measures to control the emission of dust and dirt from construction works;
 - f) Measures to control noise and vibrations from construction works;
 - g) A scheme for recycling/disposing of waste resulting from construction works;
 - h) Details of the type, position and height of any required external lighting;
 - i) Details of working hours;

The development shall thereafter proceed in strict accordance with all of the measures detailed within the submitted Construction Method Statement, unless otherwise agreed in writing by the Local Planning Authority.

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).

10. No development shall commence on site unless and until, a scheme finalising details of the new access point has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for but not be exclusively limited to the following;

- a) Detailed plans showing the new access;
- b) Cross-sections and gradient details of the new access;
- c) Details showing any required works of highways improvements;
- d) Details showing any required signage, and;
- e) Proposals to close the existing access point.

The development shall thereafter proceed in strict accordance with the approved scheme and none of the units shall be occupied until the approved measures have been provided in their entirety, unless otherwise agreed in writing.

REASON: In order to finalise the proposed access details, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

11. Visibility splays around the new access point hereby approved 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: In order to optimise visibility for motorists egressing the site, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

12. Prior to their installation, details confirming the exact position of any gates required around the new access point hereby approved shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved details, unless otherwise agreed in writing.

REASON: In order to ensure any gates installed are adequately set back from the public highway, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

13. Following any of the units hereby approved being occupied, no articulated lorries are permitted to enter the site at any point, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to prevent articulated commercial vehicles entering this constrained site, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

14. Prior to the commencement of any above ground works on site, a scheme detailing delineated pedestrian access routes around all parts of the site shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved details and none of the units hereby approved shall be occupied until they have been provided in their entirety, unless otherwise agreed in writing.

REASON: In order to ensure pedestrian manoeuvrability around the site is optimised, in the interests of pedestrian safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

15. Prior to the commencement of any above ground works on site, a scheme detailing signage for the one-way system shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved details and none of the units hereby approved shall be occupied until they have been provided in their entirety, unless otherwise agreed in writing.

REASON: In order to ensure vehicle manoeuvrability around the site is optimised, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

16. None of the units hereby approved shall be occupied unless and until, the car parking provision as detailed on the approved plan 'ROELEE/04 – Revision B' has been provided in its entirety. Any car parking provided shall thereafter remain in perpetuity with the development.

REASON: In order to ensure adequate car parking provision is in place to service the development, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

17. None of the units hereby approved shall be occupied unless and until, the cycle and motorcycle parking provision as detailed on the approved plans 'ROELEE/04 – Revision B and ROELEE/12' has been provided in its entirety.

REASON: In order to encourage sustainable modes of transport, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn

with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

18. No development shall commence on site unless and until, a method statement and risk assessment appraising the developments impacts on the adjacent railway embankment, including details showing any required excavations, grounds works, and works to boundary treatments to be carried out within 10m of the railway embankment, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved details, unless otherwise agreed in writing.

REASON: In order to minimise the risks concerning the safety and stability of the adjacent railway line, in the interests of public safety, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

19. No development shall commence on site unless and until, a surface and foul water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be exclusively limited to the following;

- a) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). Any investigations undertaken shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- b) 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;
- c) Details showing foul and surface waters being drained on separate systems, where achievable;
- d) Details showing cross-sections and finished floor levels, and;
- e) A timetable for implementation.

The submitted scheme shall be prepared fully in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In addition, the development hereby approved shall not be brought into use unless and until the agreed scheme has been implemented in its entirety.

REASON: To promote sustainable development, to manage the risk of flooding and pollution, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

20. The development hereby approved shall be implemented in strict accordance with all of the measures of ecological mitigation detailed within the submitted Preliminary Ecological Appraisal, prepared by Verity Webster and dated September 2021.

REASON: In order to minimise harm to local ecological populations, in the interests of local ecology, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

21. No vegetation clearance associated with the development hereby approved shall take place whatsoever between March to August inclusive, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to minimise harm to local bird populations, in the interests of local ecology, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

22. No development shall commence on site unless and until, a Method Statement has been submitted to and approved in writing by the Local Planning Authority that details the measures to be undertaken to prevent the spread of the invasive plant Himalayan Balsam during any site clearance works. The development shall thereafter be implemented in strict accordance with the approved details.

REASON: In order to minimise harm to local plant populations, in the interests of local ecology, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

23. No development shall commence on site unless and until, a scheme has been submitted to and approved in writing by the Local Planning Authority detailing a CCTV survey of the culverted watercourse/surface water drain that spans the site and any relevant findings. The CCTV survey shall be supported with any proposed repairs for approval, where relevant. In addition, the buildings must be designed to avoid imposing any load on the culvert and designed to provide access for future maintenance. The development shall thereafter be implemented in strict accordance with the approved details and none of the units shall be occupied until they have been provided in their entirety.

REASON: In order to minimise the risks of damaging the culvert, in the interests of preventing flooding, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

24. Should contamination be encountered unexpectedly during redevelopment of the site, all works should cease, and the Local Planning Authority 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 Local Planning Authority. The development shall thereafter proceed in strict accordance with the agreed details.

REASON: To protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen

Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

25. The development hereby approved shall be implemented in strict accordance with all of the crime prevention measures detailed within the submitted Crime Impact Statement, dated October 2021.

REASON: In order to ensure crime prevention measures are in place to support the development, in the interests of community safety, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

26. No development shall commence on site unless and until, a scheme to reduce impacts on air quality has been submitted to and approved in writing by the Local Planning Authority, which accords with the Blackburn with Darwen planning advisory note on air quality. The development hereby approved shall thereafter be implemented in strict accordance with the approved scheme and none of the units shall be occupied until the agreed measures have been provided in their entirety, unless otherwise agreed in writing.

REASON: In order to minimise negative impacts on air quality, in the interests of combatting climate change, and to comply with the requirements of Policy 36 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

Specific Informatives

1. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.
2. 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). Construction method statement/demolition method statement is to be received this should include wheel washing. Contact to be made with our Structures Division prior to commencement of any works affecting retaining walls/ structure adjacent to/abutting or within the adopted highway. 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.

6.0 RELEVANT PLANNING HISTORY

- 6.1 10/00/0354 – Erection of building to be used for manufacturing and warehousing – Refused – August 2000.
- 6.2 10/03/1012 – Residential Development (19 units) – Refused (appeal dismissed) – December 2005.
- 6.3 10/04/1094 – Regeneration of land for mixed employment and residential development (part resubmission) – Refused (appeal dismissed) – December 2005.
- 6.4 10/21/1016 – Retention of 2m High fencing to west and south of the site with entrance gates from Rosewood Avenue – Approved, with conditions – November 2021.

7.0 CONSULTATIONS

- 7.1 BwD Highways – In summary, we have no principle objections, subject to the below matters being satisfactorily addressed.

(Parking) We have assessed the parking against the floorarea provided within the application form and measured those against the adopted parking standards, the breakdown are as follows:

- B1 Light Industrial 1 car space per 40sqm/1268sqm = 31.7 spaces
- B2 General industrial 1 car space per 60sqm/579sqm = 9.65
- B8 Storage and warehousing 1 car space per 100sqm = 12.69

This amount to 54 car parking spaces. The scheme has provided 71 car parking spaces (which includes 7 disabled parking spaces) which is far more than the allowance generated in accordance with the floorarea, in some circumstances to avoid spillage on the highway, support would be given to parking numbers over the permitted no's, adequate justification would need to be received to support this.

All parking bays, should conform to the required bays sizes, (4.8m x 2.4m) with 6m manoeuvrability into and out of the bays. All bays should conform to this. The end bays on the layout received do not achieve the required manoeuvrability. Cycle and PTW parking has been provided within the site, in three separate locations. We would prefer these to be more visible and closer to the entrances of the building. Details and coverage of the facilities is welcomed.

(Access/Layout) The vehicular access is to be taken from Rosewood Avenue. This is an existing access which is to be utilised. The access road falls away from the highway, so an access to the site would be challenging, a level plateau is required at the bellmouth to support safe egress for service vehicles exiting out onto the highway, please request further amendments.

The access width should be 5.5m metres wide with 2.0m metres footways either side of the carriageway. A clear pedestrian link should be provided from the highway into the site, this should also be continuous width of 2.0m. Conflict between cars and ped should be designed out.

No details of sightlines at the access point have been provided, these are required for review. Having visited the site, I am concerned with the lack of clear visibility to the left hand splay, this is virtually non-existent. The site would benefit from the access being realigned to the centre of the frontage to achieve adequate sightlines, but understand there will be a cost implication associated with this. If the sightlines cannot be achieved then an alternative access strategy should be sought. Details are required.

We note, that there are gates located to the entrance, please request further information on how these will be managed and controlled. With they be open during the working hours? Please seek further information, this may affect the network if not managed.

(Servicing) A swept path of a rigid vehicle and refuse vehicle has been provided, there are some reservations with the layout and operations of the servicing arrangement. This detail is lacking. No information to support where the servicing points will be, the frequency of visits, and most importantly confirmation is required on what the largest size vehicle visiting the site will be. This will need to be controlled via condition.

When examining the internal access arrangements, I would question whether there is sufficient space for circulation for all service vehicles. For example a large rigid vehicle (as used in the swept path analysis provided) when backed up to a number of units would likely impede the movement of other vehicles along the path shown within the swept path analysis or of vehicles moving to/from the car park. Of particular concern is the area between Block D and E where it appears a vehicle parked parallel on both sides would be likely to prevent any through movements. The size, shape, layout of buildings should be reconsidered to ensure each unit can be serviced adequately by appropriate vehicles without impeding the movement of other vehicles.

(Transport Statement) The parameter and site selection used to generate trip generation rates from the TRICS database appear reasonable and I do not believe there is a need to undertake junction modelling of any nearby junctions. It should however be considered that the proposed development would give rise to additional industrial type traffic within a predominantly residential area which would not be appropriate if it wasn't for the existing similar land use on an adjacent plot of land.

(Update) In response to our initial concerns expressed, some matters have been addressed satisfactorily, and some require further details, or conditioned accordingly. In response to the parking statement, the spaces have been reduced, this is acceptable. Ideally some parking provision should have been located close to each unit, however to ensure that the conflict between the car and service vehicles are kept separate, I will in this instance accept the layout

presented. (please attach Highways 4 to ensure car park is laid as approved plan).

The spaces conform to the councils parking standards. No response is forthcoming on the gradients into the site, this can be included in the site access condition, which I have requested to be attached (standards Condition No. 1). As the access point has now been moved central to the site, and widened to support wider service vehicles, we welcome this as a betterment. This allows for better and improved sightlines. (please attach 2, 3 to ensure visibility are kept clear). A note is attached to the plan to suggest the gates would be locked out of hours, and the tenants would be given keys to access if they needed to, this is acceptable.

The gates should be placed at least one rigid vehicle width in from the back of footway. It is presented with the details received, that the largest vehicle to site would be a rigid vehicle, please could we seek clarification of the size of this rigid and condition this vehicles as being the largest to attend site. The internal servicing area which was previously restricted has now been approved, and offers a greater area between Block D and E to support ad hoc service vehicle unloading whilst not preventing other service vehicles to pass by.

(Other) Construction Method Statement is required, please condition. 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). Any old entrances no longer required will require closing and formally reinstating back to full footway. Contact to be made with our Structures Division prior to commencement of any works affecting retaining walls/ structure adjacent to/abutting or within the adopted highway

7.2 BwD Public Protection – Should this application be approved, the following conditions should be imposed;

Condition 1 (Unforeseen contamination) – Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the Local Planning Authority (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. This is to protect the health of future occupiers of the site in accordance with Policy ENV3 of the Blackburn with Darwen Borough Local Plan.

Condition 2 (Hours of Use Restriction) – The approved use shall be restricted to the following times – Monday to Saturday: 07:00 – 23:00 hours and Sunday and Bank Holidays: 09:00 – 21:00hours. Any variation of the above hours restriction must be approved in writing by the Planning Authority. This is to ensure appropriate hours of use to minimise noise disturbance at residential premises.

Condition 3 (Industrial/Commercial Noise Control) – The noise rating level arising from the commercial/industrial premises shall not exceed 41dB(A) at residential premises for the duration of the approved use. Assessment shall be made in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound'. This is to ensure an acceptable standard of residential amenity.

Condition 4 (Air Quality – Large Commercial Development) Prior to the commencement of the development an air quality impact assessment shall be submitted, in writing, to the Local Planning Authority (LPA). The scope of the assessment must be agreed with the LPA in writing. The assessment shall recommend appropriate mitigation if an adverse impact is identified in accordance with the LPA planning advisory note: 'Air Quality' and agreed in writing with the LPA. In accordance with Policy 36 of the Blackburn with Darwen Borough Local Plan Part 2.

Condition 5 (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. This is to minimise potential loss of amenity due to intrusive light pollution affecting residents living in the vicinity.

Condition 6 (Construction Working Hours) There shall be no site operations on any Sunday or Bank Holiday nor on any other day except between the following times – Monday to Friday 08:00 – 18:00 hours and Saturday 09:00 - 13:00 hours. Any variation of the above hours restriction must be approved in writing by the Planning Authority. This is to ensure appropriate hours of site work to minimise noise during the construction phase.

Condition 7 (Dust Control) The commencement of the development shall not take place until there has been submitted to and approved in writing by the Planning Authority a scheme employing the best practicable means for the suppression of dust during the period of demolition/construction. The approved measures in the scheme shall be employed throughout this period of development unless any variation has been approved in writing by the Planning Authority. This is to ensure that satisfactory measures are in place to alleviate any dust & dirt impact at adjacent residential premises.

Condition 8 (Noise and Vibration) Should pile-driving works be required, the commencement of the development shall not take place until there has been submitted to and approved in writing by the Planning Authority a programme for the monitoring of noise & vibration generated during demolition & construction works. The programme shall specify the measurement locations and maximum permissible noise & vibration levels at each location. At each location, noise & vibration levels shall not exceed the specified levels in the approved programme unless otherwise approved in writing by the Planning Authority or in an emergency. This is to minimise noise/vibration disturbance at adjacent residential premises.

Condition 9 (Construction Floodlighting) Should floodlighting be required as part of the construction phase, a 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 works. This is to minimise potential loss of amenity due to intrusive light pollution affecting residents living in the vicinity.

Informative notes should also be added regarding ground contamination, air quality mitigation, external lighting sources, construction noise, noise from roller shutters doors, sound insulation, and preserving residential amenity.

- 7.3 BwD Ecological Advisor – The application site does not support any notable habitats and is considered to have only limited potential to support any specially protected or priority species, but it does support some broadleaved trees of local nature conservation value. Currently the plans show the majority of trees on the site as being lost to the development, although new tree planting is planned at the site boundaries as compensation. The new planting will maintain the habitat corridor along the adjacent railway.

We would recommend that, if permission is granted to the proposal, no tree clearances should take place during the optimum time of year for bird nesting (March to August inclusive). A Method Statement should be prepared giving details of measures to be taken to prevent the spread of the invasive plant Himalayan balsam during any site clearance works. The site has some potential to support hedgehogs and other small mammals. Care should be taken when clearing vegetation. All understorey vegetation should be cut to ground level by hand and left for at least one week prior to clearance of trees and ground vegetation. This will allow animals to move out of their own volition. Units 5-10 are close to the boundaries of residential dwellings. If these Units were to be moved further into the site it would allow for a larger buffer zone and more boundary planting at this interface.

- 7.4 BwD Drainage – We have concerns regarding the proposed application as the site is at high risk from surface water flooding as shown on the Environment Agency surface water flood map. Flood depths could be up to 900mm. The Flood Risk Assessment includes proposals to raise the level of part of the land and to deploy flood barriers during a flood event. These measures are not acceptable because floodwater would be displaced from this area and cause possible flooding to more vulnerable areas. We would also object to any alternative proposals to allow the development to flood.

(Update) Objection removed. Should this application be approved, the following conditions should be imposed;

Condition 1 – Prior to commencement the applicant is required to submit design details of the surface water drainage scheme. The scheme shall be designed in accordance with the recommendations in the amended Flood Risk Assessment for attenuation and limiting the pass forward flow to greenfield rates.

Condition 2 – The finished floor levels of the units shall be as recommended in the Flood Risk assessment. Prior to commencement the applicant is required to submit level details and cross sections of the units to confirm the finished levels.

Condition 3 – Prior to commencement the applicant is required to carry out a CCTV survey of the culverted watercourse/ surface water drain. The CCTV survey shall be submitted to the Local Authority together with any proposed repairs for approval. The buildings must be designed to avoid imposing any load on the culvert and also designed to provide access for future maintenance.

- 7.5 BwD Arboricultural Advisor – In terms of trees and vegetation, there's not a lot of quality on the site. The area is mostly made up of hugely overgrown Leylandii hedging along the boundaries of the site with the majority in very poor condition. The trees are in such a poor form, due to an earlier topping, that they are now potentially dangerous and could soon start to break up.

The rest of the site is predominantly self-seeded scrub with some of the larger trees again in poor condition. The Beech and Sycamore that we looked at on the boundary with the railway line are of particular concern. There is however three mature Sycamore trees in the top NE corner of the site that appeared to be in good condition and it would be desirable for these to be retained and factored into the design layout. Any planning approval will need to set a condition for a landscaping scheme that attempts mitigation of vegetation lost on the site.

- 7.6 BwD Cleansing – No objections.

- 7.7 BwD Property Services – No objections.

- 7.8 United Utilities – (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.

We would be grateful if the applicant can submit a plan outlining the proposed levels (including finished floor levels ,ground levels and cover level and invert level for the proposed drainage on site) shown in metres above Ordnance Datum. We would also ask that the applicant provides an indicative foul & surface water drainage strategy. We request that this information is submitted for our review and comment prior to the determination of this application. On receipt of this information we will be able to provide further comment. Noting this is a Full application, we request that the applicant provides a detailed drainage plan, and that United Utilities has opportunity to review and comment on this plan prior to determination of this application.

Without the provision of this information, we strongly recommend that conditions are imposed on any permissions issued to requesting the submission of a full drainage scheme and to ensure foul and surface waters are drained on separate systems.

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for Adoption and United Utilities' Asset Standards. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

(Management and Maintenance of Sustainable Drainage Systems) Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development. For schemes of 10 or more units and other major development, we recommend the Local Planning Authority consults with the Lead Local Flood Authority regarding the exact wording of any condition.

(United Utilities' Property, Assets and Infrastructure) A public sewer crosses this site and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of Part H of the Building Regulations, for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer may be necessary. All costs associated with sewer diversions must be borne by the applicant.

- 7.9 Lancs Police – Section 17 of the Crime and Disorder Act 1998 (as amended by the Police and Justice Act 2006) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and (b) the misuse of drugs, alcohol and other substances in its area and reoffending in its area. We would advocate that the installation be designed and constructed using the security principles

and security rated products as stated in the attached SBD 'Commercial Developments 2015' Design Guide.

- 7.10 Lancs Fire and Rescue – It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'. It should be ensured that the proposal is provided with suitable provision of Fire Fighting water.
- 7.11 Network Rail – We have no objections in principle to the proposal, but below are requirements which must be met as the proposal includes works within 10m of the railway boundary and an interface with the railway boundary - therefore undertaking the works with the agreement and supervision of Network Rail is required. This is to ensure that the works on site, and as a permanent arrangement, do not impact upon the safe operation and integrity of the existing operational railway and for the avoidance of doubt of both the council and the developer who may not be aware of the potential for outside party proposals to impact upon the railway.

Network Rail recognises that conditions are imposed for a planning purpose and that they are fairly and reasonably related to the development and not be manifestly unreasonable. We believe that the comments included in this email are indeed fair and reasonable and relate to Network Rail's need to ameliorate the impacts that might otherwise flow from the development.

(Measurements to railway tracks and railway boundary) When designing proposals, the developer and council are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc.) and boundary treatments (including support zones) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability. To ensure the safe operation and integrity of the railway, Network Rail issues advice on planning applications and requests conditions to protect the railway and its boundary.

(RAMS) The developer is to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Builder to ensure that no dust or debris is allowed to contaminate Network Rail land as the outside party would be liable for any clean-up costs.

Network Rail would request that a condition is included in the planning consent as follows: "A method statement and risk assessment must be submitted to the council and Network Rail for review and agreement prior to works commencing on site." This is to ensure that the construction and subsequent maintenance of

the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway.

(Fencing) The applicant will provide at their own expense (if not already in place). A suitable trespass proof steel palisade fence of a minimum height of 1.8m adjacent to the boundary with the railway/railway land. The fence must be wholly constructed and maintained within the applicant's land ownership footprint. All foundations must be wholly constructed and maintained within the applicant's land ownership footprint without over-sailing or encroaching onto Network Rail's boundary. The fence must be set back at least 1m from the railway boundary to ensure that Network Rail can maintain and renew its boundary treatments. Existing Network Rail fencing, and boundary treatments, must not be damaged or removed in any way. Network Rail will not allow any maintenance works for proposal fencing or proposal boundary treatments to take place on its land. Proposal fencing must not be placed on the boundary with the railway. Any fencing over 1.8m in height will require agreement from Network Rail with details of foundations and wind loading calculations submitted for review. The fence should be maintained by the developer and that no responsibility is passed to Network Rail.

(Encroachment) The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land or under the Network Rail boundary. All buildings and structures on site including all foundations / fencing foundations must be constructed wholly within the applicant's land ownership footprint.

Buildings and structures must not over-sail Network Rail air-space. Any future maintenance must be conducted solely within the applicant's land ownership. Rainwater goods must not discharge towards or over the railway boundary. Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by an outside party that may adversely impact its land and infrastructure. Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.

(Scaffolding) Scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffolding / access for working at height within the footprint of their land ownership boundary. The applicant is reminded that when pole(s) are erected for construction or

maintenance works, they must have a minimum 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.

(Drainage proposals and Network Rail land) In order to comply with the NPPF, the applicant must ensure that the proposal drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage, vegetation or boundary issues on railway land. If the developer and the council insists upon a sustainable drainage and flooding system then the issue and responsibility of flooding, water saturation and stability issues should not be passed onto Network Rail. We recognise that councils are looking to proposals that are sustainable, however, we would remind the council that flooding, drainage, surface and foul water management risk as well as stability issues should not be passed '*elsewhere*', i.e. on to Network Rail land. The drainage proposals are to be agreed with Network Rail and surface water drainage on the site should be removed by a closed sealed pipe system.

The HSE identifies railways as a Major Hazard Industry. An earthwork failure within a high-hazard area has the potential to result in a catastrophic accident with multiple fatalities or long-lasting environmental issues. It should be noted that where the actions of an adjacent landowner have caused a landslip on the railway the loss adjusters are likely to advise recovery of Network Rail costs from the 3rd party, which would include costs of remediation and recovery of costs to train operators. Many railway earthworks were constructed in the Victorian period and are susceptible to failure by water saturation. Water saturation leads to an increase in pore water pressure within the earthwork material. Please also note that railways, and former railway land adjacent to it, is considered as contaminated land due to historic use of railways, which can affect the suitability of infiltration drainage.

Network Rail would request that a condition is included in the planning consent as follows – Prior to the commencement of the development details of the disposal of both surface water and foul water drainage directed away from the railway shall be submitted to the Local Planning Authority and Network Rail. This is to protect the adjacent railway from the risk of flooding, soil slippage and pollution.

(Excavation and Earthworks and Network Rail land) In order to comply with the NPPF, the applicant will agree all excavation and earthworks within 10m of the railway boundary with Network Rail. Network Rail will need to review and agree the works to determine if they impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway. Network Rail would need to review and agree the methods of construction works on site to ensure that there is no impact upon critical railway infrastructure. No excavation works are to commence without agreement from Network Rail. The council are advised that the impact of outside party excavation and earthworks can be different depending on the geography and soil in the area. The council and developer are also advised that support zones for railway infrastructure may extend beyond the railway boundary and into the proposal area. Therefore, consultation with Network Rail is requested. Any right of support must be maintained by the developer.

Network Rail requests a condition is included in the planning consent as follows – Prior to the commencement of the development full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to the Local Planning Authority and Network Rail. This is to protect the adjacent railway and its boundary.

(3m Gap) Network Rail requires that the developer includes a minimum 3 metres gap between the buildings and structures on site and the railway boundary. Less than 3m from the railway boundary to the edge of structures could result in construction and future maintenance works being undertaken on Network Rail land, and close to the railway boundary potentially impacting support zones or lineside cabling. All the works undertaken to facilitate the design and layout of the proposal should be undertaken wholly within the applicant's land ownership footprint including all foundation works. Network Rail requires a minimum 3m easement between structures on site and the railway boundary to ensure that we can maintain and renew our boundary treatments.

(Trees) Proposals for the site should take into account the recommendations of, 'BS 5837:2012 Trees in Relation to Design, Demolition and Construction', which needs to be applied to prevent long term damage to the health of trees on Network Rail land so that they do not become a risk to members of the public in the future.

(Basic Asset Protection Agreement – BAPA) As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

7.12 Ward Cllrs – There are concerns that the industrial unit blocks B and C are very near the houses 40-56 Rosewood Avenue. It is appreciated that the developer wants to maximise the number of units on the site but feel that in doing so they are pushing them too close to the neighbouring houses. The developer obviously recognises this as an issue, which is presumably why they cite other instances of industrial units being adjacent to houses elsewhere in the borough. As each planning application has to be assessed on its own merits, yet it is not felt that the siting of poor or historic decisions made elsewhere can have much bearing.

7.13 Highways England – No objections.

7.14 Summary of Public Responses

- The site is allocated for housing in the Roe Lee Master Plan;
- Noise impacts may be caused for neighbours;
- Boundary trees will be lost that currently provide screening;

- Additional traffic movements will be generated;
- The existing access is not suitable for the proposed use;
- The local highway network already experiences high volumes of traffic;
- Negative impacts on local wildlife may be caused;
- Trees have already been felled on site;
- Additional traffic movements may destabilise the structure of properties;
- Unauthorised boundary treatments have been recently erected;
- The adjacent site is being used for car sales
- Local property prices will be devalued.

8.0 CONTACT OFFICER: Christian Barton – Planning Officer

DATE PREPARED: 06th January 2022

9.0 SUMMARY OF REPRESENTATIONS

Objection – Councillor Ron Whittle, Roe Lee Ward. Received – 04/11/2021

I'm concerned that the industrial unit blocks B and C are very near the houses 40-56 Rosewood Avenue. I appreciate that the developer wants to maximise the number of units on the site but feel that in doing so they are pushing them too close to the neighbouring houses.

The developer obviously recognises this as an issue, which is presumably why they cite other instances of industrial units being adjacent to houses elsewhere in the borough. As each planning application has to be assessed on its own merits I don't think citing perhaps poor or historic decisions made elsewhere can have much bearing.

Objection – Mrs Green. Received – 19/10/2021

Strongly recommend planning should not be given this will impact on house prices for residents, it's bad enough now with roe lee business park units being used for drugs this is a residential area not industrial

Objection – Saima Ali, 56 Rosewood Avenue, Blackburn. Received – 03/11/2021

This email is my objection to the planning application on the land adjoining my property.

As mentioned on your letter this land is being considered for industrial units and I am extremely concerned about the impact this will have on myself and other residents in the local area.

For several reasons, Not only are you destroying nature and natural wildlife in the area there will be constant noise

nuisance from the heavy goods vehicles. If they are going to be using the road at the side of my garden , which more likely they will as a locked gate has been put up, this will cause a major driving hazard. The gate can not be seen when driving up or down the main road.

I would also like to point out that Myself and residents were not informed about the gate or metal fencing going up on rosewood Avenue! Or that the farthing pub car park had been purchased and was going to be used as a car sales place. I queried this with the council several times and was advised each time that they were not aware of the situation and would come out to investigate. It appears someone from the council eventually did come out several months later as all the residents promptly received letters informing us of this plan, however as stated this was after the gate and metal fencing had already been erected! .

The constant moving of heavy good vehicles by the side of my house will also cause the ground to destabilise causing structural damage to my property. And causing my building insurance policy to skyrocket.

If in future I decide to sell my property this development will have a major consequence on devaluing house prices for my property and other properties in the area.

Several months earlier I came across the person who had purchased the land and he was was in the process of carrying out work. Myself and residents noticed trees being cut down, he informed us he had bought the land for 300k and had the right to cut away the trees including the ones on the boundary of my garden!. The trees on my boundary and my neighbours provide us with privacy and safety especially with having young children.

Myself and other residents are feeling very stressed about this situation and we would like clarity as to what is happening.

We would like to be involved in any future meeting/committee regarding this land

Objection – Councillor Ron Whittle, Roe Lee Ward. Received – 04/11/2021

I'm concerned that the industrial unit blocks B and C are very near the houses 40-56 Rosewood Avenue. I appreciate that the developer wants to maximise the number of units on the site but feel that in doing so they are pushing them too close to the neighbouring houses.

The developer obviously recognises this as an issue, which is presumably why they cite other instances of industrial units being adjacent to houses elsewhere in the borough. As each planning application has to be assessed on its own merits I don't think citing perhaps poor or historic decisions made elsewhere can have much bearing.

Objection – Residents. Received – 17/12/2021

regarding the proposed
planning application for the
development of a new Industrial unit.
Has a resident on Rosewood Avenue,
I would ask you if you would consider
coming to the Avenue at different times
of the day seven days a week just
to see what we have to put up with.
Due to Skew Bridge being at the bottom
of the Road there is no alternative
for wagons, lorries etc which is too low
for them to get under, traffic that detour
containers all come up at full speed.
The state of the roads there's soil, much
rubbish all over, at the bottom of the

road we have double parked cars
Starting right on the bend at certain
times of the day, a trailer, double
decker bus, vans, if they can't
park on the road the grass verge will do.
There is a Scrap yard at the bottom
Would you like it on your doorstep.
Never mind dropping curbs, landscaping

have a good look round. Car parking on
either side at traffic lights at Bastwell
the State of the Whalley New Rd just
past it, dust bins out side houses.

We live here and appear to have to put
up with it. what a disgrace

Maybe it would be a good idea to have
the area a good clean up by the
Council give us something to be proud of
have a good look round see how
we live. its embarrassing.

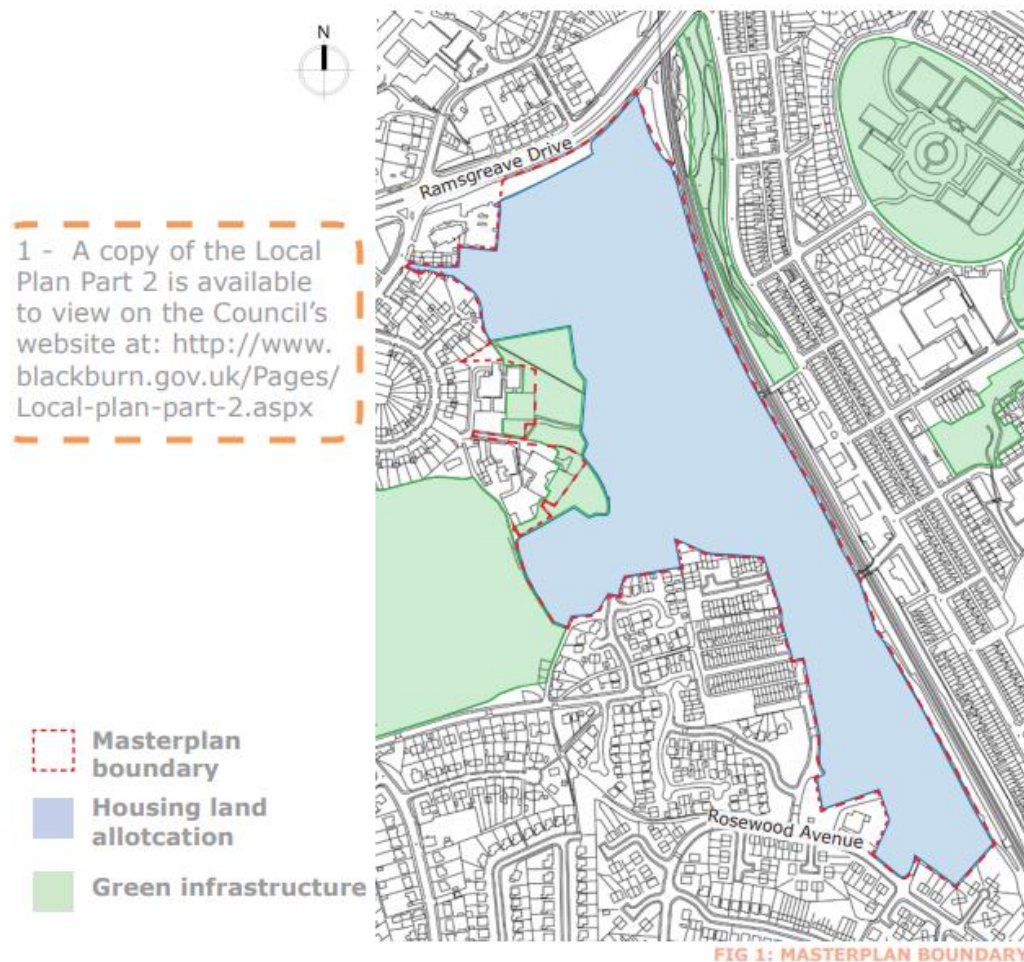
Do we need anymore traffic, the
answer is NO!

This is my opinion.

Comment – Mr Gibbons, 19 Rosewood Avenue, Blackburn. Received – 29/09/2021

Please can I draw your attention to the MASTERPLAN FOR ROE LEE DEVELOPMENT SITE (adopted by the Council on 09 December 2016) which encompasses this development proposal site (application 10/21/1104).

Page 3 of the MASTERPLAN indicates the Masterplan Boundary and states Housing Land Allocation. Here coloured in blue.



This should not be ignored or forgotten.
