

Proposed development: Erection of 4-storey building incorporating Use Classes B8 and E uses with formation of new access point from Carl Fogarty Way and associated works

Site address: Land off Carl Fogarty Way, Blackburn

Applicant: Rocplas

Ward: Audley & Queens Park

**Councillor Altaf Patel
Councillor Yusuf Jan-Vimani
Councillor Salim Sidat MBE**



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Scheme of Delegation, and given the fact that the application site is owned by Blackburn with Darwen Borough Council. A number of consultations have taken place during the course of the application and a summary of the responses received is detailed provided below in Section 6.
- 2.2 The proposed development has been publicised through letters to residents/occupants of the nearest 22 adjacent properties. A site notice was also displayed outside of the site on 7th September 2021. In addition, a number of reconsultations 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 and employment areas, provided they constitute sustainable development, and accord with the development plan when taken as a whole.
- 2.4 The proposals would deliver a four-storey mixed-use commercial building with a flat roof and glazed frontage. Office space (Use Class E[g]), a showroom (Use Class E[a]) and warehousing (Use Class B8) would all be provided within. A new vehicle and pedestrian access point would be formed from Carl Fogarty Way into a carpark and logistics area.
- 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;
 - Foul and surface water drainage considerations;
 - Ensuring ecological harm is minimised;
 - Assessing the potential for terrestrial contamination;
 - Recording any presence of archaeology, and;
 - Minimising the proposals impacts on climate change and air quality.

3.0 RATIONALE

3.1 Site and Surroundings

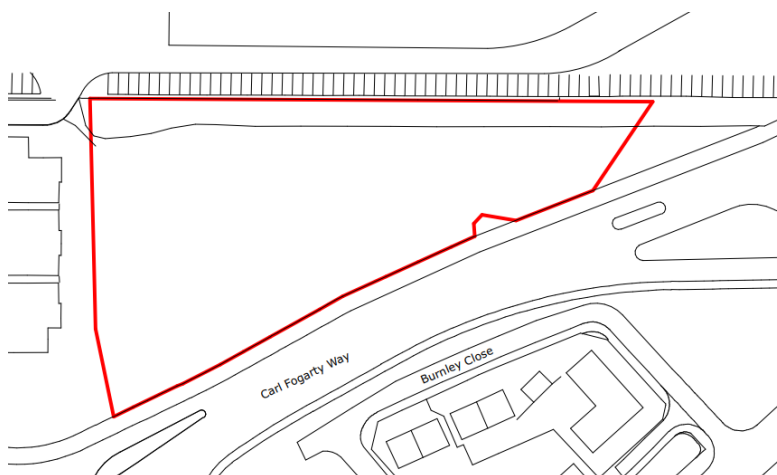
- 3.1.1 The application site is a plot of undeveloped land located within the defined urban boundary of Blackburn and the Furthergate Primary Employment Area. The site is currently enclosed by timber security hoardings with grasses and self-seeded trees covering the ground.

Figure One – Satellite image of the site



- 3.1.2 The site covers an area of circa 1.5 acres and tapers towards in northeastern edge. Footpaths run along the east and west boundaries with Carl Fogarty Way defining the southeast boundary. The Blackburn Enterprise Centre is positioned immediately to the west with a supermarket and large carpark directly to the north.

Figure Two – Location Plan showing the extent of the site



3.2 Proposed Development

- 3.2.1 As detailed above, this application seeks full planning permission for the erection of a four-storey mixed-use commercial building to be operated within

the parameters Use Classes B8, E(a) and E(g). Amended plans have been received during the application process with a reduction in floorspace now applicable for each of the proposed uses. The following floorspace calculations have been provided by the Agent;

- Lower ground floor internal area – 1462m² B8 storage use + amenities
- Ground floor internal area – 1463m² E(a) retail use + amenities
- First and second floor – 2096m² combined E(g) office + amenities

Figure Three – Amended Proposed Site Plan



3.2.2 The reduced building would have a footprint of 1525 square meters and a flat roof up to 16m in height. Dark bricks and grey metal cladding would be used to externally finish the building with open glazed panels serving the showroom and office areas. A number of brick faced retaining structures would also be formed around the building to facilitate construction of the access ramp and parking and logistics areas.

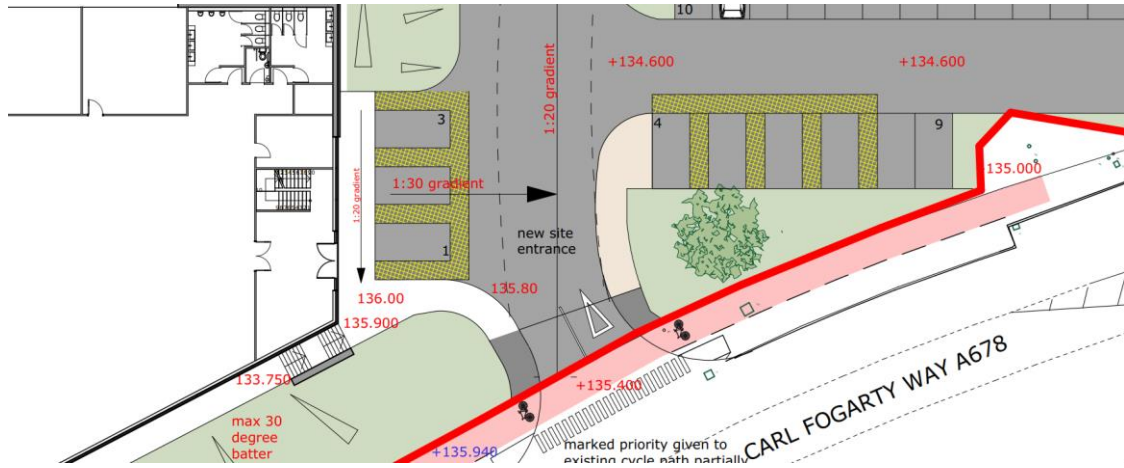
Figure Four – Amended Proposed North and South Elevation Plans



3.2.3 A single vehicle access point would be formed from Carl Fogarty Way accessing the parking and logistics areas. A 70-space carpark would be constructed to the east of the building inclusive of 7 spaces for disabled drivers

for 4 oversized spaces for wider commercial vehicles. A logistics area would be formed to the north elevation serviced by five roller shutter doors accessing the warehouse level.

Figure Five – Close-up of access detail



3.3 Case Officer Site Photos



3.4 Development Plan

3.4.1 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 14: Primary Employment Areas

- Policy 36: Climate Change
- Policy 39: Heritage

3.4.2 BwD Parking Standards

- A1 (Non-food Retail) – 1 space per 22 square meters of floorspace
- B1 (Offices): Business Parks – 1 space per 40 square meters of floorspace
- B8: Storage and Distribution – 1 space per 100 square meters of floorspace

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. In relation to developments within Primary Employment Areas, Policy 14 details that planning permission will be granted for development in Use Classes B1 (now E[g]) and B8 uses, provided there is no conflict with the overall function or developability of the Employment Area. The policy also supports supporting uses provided their scale is appropriate in the context of the Employment Area.
- 4.1.2 The predominant uses of this proposal are consistent with that policy direction. An ancillary retail use is proposed yet its scale would be appropriate in the context of the wider development. Moreover, the nature of the proposal would not conflict with the overall function or developability of the Employment Area overall, as it would be confined to a single enclosed site.
- 4.1.3 A condition is recommended to ensure the retail floorspace of the site is not increased under the provisions of Class E. Such a condition is necessary in order to prevent the creation of a large retail building within an allocated employment area. Subject to compliance with that condition, the proposed development would be acceptable in principle, in accordance with Policies 1 and 14.
- 4.1.4 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 occupies a prominent position in its immediate setting being positioned on sloping open land and adjacent to a wide main road. The site also forms part of one of the main gateways into the town centre as it is positioned on the junction of two arterial roads. That said, the surrounding buildings differ greatly in their form and scale and the immediate streetscene appears highly varied as result.

- 4.2.2 As detailed above, the proposed building would be constructed with a flat roof and modern construction materials, which would provide a contemporary design. At up to four-stories in height, it would appear as an overtly prominent building within the immediate streetscene. Level differences on site enable much of the lower level to be constructed below road level, which would reduce its height when viewed from the south. The rear elevation would appear more functional in comparison to the other open glazed elevations. That said, any views of the building taken from the north would be from private land and the impacts caused to public visual amenity would be appropriately minimised.
- 4.2.3 The Agent has submitted a streetscene plan showing the proposed building in relation to the adjacent Enterprise Centre, as shown below in Figure Six. Its form would be acceptable in the context of the varied streetscene with its height being set well below that of an adjacent building that is similar in scale. The proposals are thus acceptable in relation to aspect, form and scale.

Figure Six – Proposed Streetscene Plan



- 4.2.4 In relation to the proposed external construction materials, dark facing materials would be used throughout with a glazed curtain walling system installed within three elevations. Any windows and service doors to the rear would be dark grey in colour. Whilst the proposed fenestration of the building would be acceptable in the context of this site, the proposed facing materials would appear at odds with the predominantly red brick streetscene. The use of a paler brick and lighter grey cladding system would therefore be the preferred option. A condition is therefore recommended to agree those details together with the colours and finishes of any doors and windows to be installed.
- 4.2.5 A further condition is recommended to agree a hard and soft landscaping scheme in order to ensure visual enhancements are provided. Subject to compliance with those conditions, 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.
- 4.3.2 Owing to ample separation, and subject to the imposition of conditions to restrict opening hours and sources of external lighting, the proposed development

would not be harmful to the amenities of the immediate neighbours once operational.

- 4.3.3 A further condition is recommended to control the logistics of the construction phase in order to minimise disruptions for neighbours from that phase. Subject to compliance with those conditions, the proposed development would be acceptable in relation to residential amenity.
- 4.3.4 For clarity, final comments from BwD Public Protection are yet to be provided. Any further comments made and/or conditions recommended will be added as part of a committee update report.

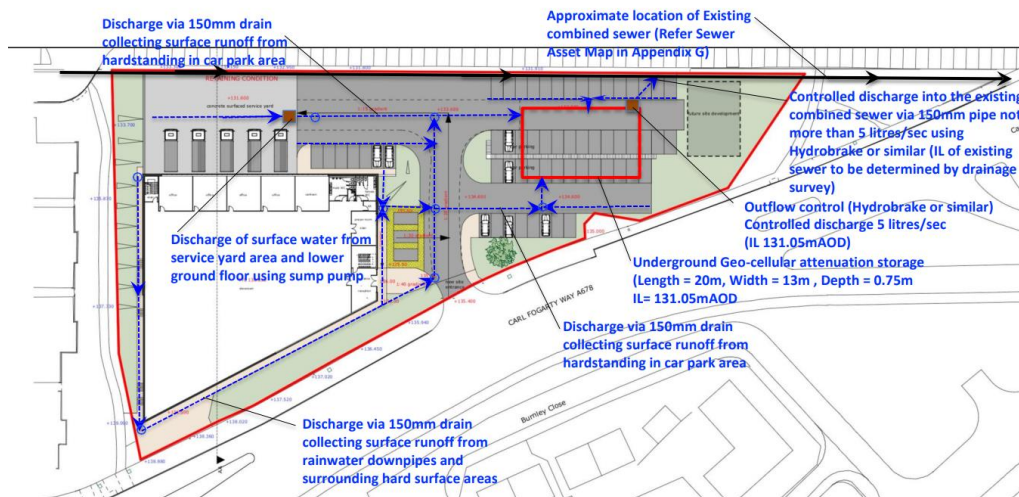
4.4 Highways, Parking and Servicing

- 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.
- 4.4.2 As detailed above, amendments have been secured during the application process showing a building with a reduced floor area together with further bays within the proposed carpark. Such amendments have provided significant improvements in relation to parking arrangements, thereby addressing many of the initial concerns raised by BwD Highways. In support of the amended plans, an updated Transport Statement has been provided that adequately covers the majority of the concerns initially raised.
- 4.4.3 The access arrangements into the site are deemed to be acceptable together with the sightlines shown on the latest proposed site plan. A safeguarded pedestrian access route is also detailed on that plan. Discrepancies in the manoeuvrability of cyclists are still referenced in the final comments provided by BwD Highways. A Grampian condition is therefore recommended to finalise the design and layout of the new access point.
- 4.4.4 Although it is acknowledged that parking provision does not fully comply with the BwD Parking Standards, the amount of parking proposed for this development is deemed acceptable given the proposed end-use. The amended parking arrangements provide an adequate layout and a sufficient number of disabled and wider bays for commercial vehicles. A condition is recommended to ensure the parking and cycle storage areas are laid out in accordance with that plan prior to the development being brought into use.
- 4.4.5 A further condition is recommended to agree the type and position of any gates to be installed within the new access point. Such a condition is necessary in order to ensure vehicles do not wait in the carriageway to enter the site. Finally, a further condition is recommended to agree the logistics of the construction phase in order to minimise disruptions for the local highways network from that phases. Subject to compliance with those conditions, the proposed development would be acceptable in relation to highways, parking and servicing, in accordance with Policy 10.

4.5 Drainage

- 4.5.1 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. In response to those requirements, a Sustainable Urban Drainage Strategy has been submitted. Surface waters are proposed to be drained into a combined sewer with discharge rates restricted by a hydro-brake system, shown below in Figure Seven.

Figure Seven – Proposed Surface Water Drainage Scheme



- 4.5.2 BwD Drainage have reviewed the proposals and no objections have been raised. That said, United Utilities have raised concerns regarding the use of a combined sewer for surface waters. Such an approach will only be supported by them where evidence has been provided confirming that such an approach is the only viable option, which does not support this application.
- 4.5.3 Therefore, two conditions have been advised by United Utilities to control drainage systems and it is recommended both of those be added. Additional requirements are also contained within the recommended surface water drainage condition regarding arrangements for adoption and future maintenance. Subject to compliance with those conditions, the proposed development would be acceptable in relation to drainage, in accordance with Policy 9.

4.6 Ecological Considerations

- 4.6.1 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, an Ecological Appraisal has been submitted documenting the plants and habitats on site, shown below in Figure Eight.

Figure Eight – Phase 1 Habitat Survey Plan



4.6.2 Given that the site is enclosed entirely by built form, its ecological benefits are limited. That said, as the proposals would involve the removal of relatively well-established vegetation, a number of measures of ecological mitigation are detailed within the submitted appraisal in order to minimise harm to species during the construction phase.

4.6.3 A condition is recommended to ensure all of the measures advised are followed. The recommended landscaping condition will also ensure a certain level of replacement habitat is provided. Subject to compliance with those conditions, the proposed development would be acceptable in relation to ecological considerations, in accordance with Policy 9.

4.7 Contamination

4.7.1 Policy 8 contains 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. An initial Ground Investigation Report supports the application. However, its findings and recommended mitigation does not directly relate to these proposals.

4.7.2 The site is currently vacant yet contamination should be investigated given the industrial legacy of the area. Comments from LCC Archaeology also suggest that manufacturing has taken place on the site previously. It is therefore recommended that all three standard contamination conditions be imposed. Subject to compliance with those conditions, the proposed development would be acceptable in relation to contamination, in accordance with Policy 8.

4.8 Archaeology

4.8.1 In relation development proposals that could potentially affect nationally or locally important archaeological remains, Policy 39 contains an expectation to better reveal and increase understanding of those remains and their settings, unless it is demonstrated that this is not possible or desirable. Development affecting locally important archaeological remains and their settings will only be

permitted where the public benefits of the development outweighs the local value of the remains.

4.8.2 LCC Archaeology have reviewed the merits of the proposals and historic maps of the site indicate that remains from the Industrial Revolution are likely to be present. The archaeological study of industrial workers housing, and small industrial premises, can reveal significant detail about the living and working conditions of the people who lived and worked in our industrial towns.

4.8.3 As per the request by LCC Archaeology, it is therefore recommended that a condition be imposed to excavate the site and record any archaeological remains found. Subject to compliance with that condition, the proposed development would be acceptable in relation to archaeology, in accordance with Policy 39.

4.9 Climate Change and Air Quality

4.9.1 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 submitted Air Quality Impact Assessment and a number of discrepancies have been raised with the document.

4.9.2 A condition is therefore recommended regarding the submission of an updated assessment complete with measures of mitigation. 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.

4.10 Summary

4.10.1 This application involves the erection of a new four storey building providing commercial uses appropriate to the area. 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.

4.10.2 Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Subject to appropriate conditions, the proposal would be acceptable in principle, and in terms of design and visual amenity, residential amenity, highways, parking and servicing, drainage, ecological considerations, contamination, archaeology, and climate change and air quality.

4.10.3 The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

5.0 RECOMMENDATION:

That delegated authority is given to the Strategic Director of Place to approve planning permission, subject to the following conditions and informative note.

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 (007 A), 001 I, 002 E, 003 G, 004 G, 005 E and 006 E.

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

3. The amount of floorspace operated within the retail use (Use Class E[a]) as part of the development hereby approved shall be restricted solely to the amount detailed on the approved plan '003 G', and shall remain ancillary to the storage and office use, with no further area of the site being used for such a purpose whatsoever.

REASON: In order to prevent the formation of a large retail building within an allocated employment area, in the interests of efficient land usage, and to comply with the requirements of Policy 14 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

4. 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: In order 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).

5. 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 confirming the types and extents of any areas of hardstanding to be applied;
- c) Details confirming the heights, types, and positions of any new boundary treatments, including fencing and gates;
- d) Details confirming that any trees lost will be replaced at a ratio of at least 2:1;
- e) Details indicating the location, arrangement, species, sizes, specifications, numbers, and planting densities of all new planting; and,
- f) 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 local ecology, and to comply with the requirements of Policy 9 and 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

6. The development hereby approved shall only be open between the hours of 8:00 – 17:00 Monday – Friday, 8:00 – 16:00 on Saturdays, and 9:00 – 16:00 on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to minimise disruptions 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. 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).

8. 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, where relevant;
- f) Measures to control noise and vibrations from construction works, where relevant;
- 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).

9. No development shall commence on site unless and until, a scheme for the construction of the site access, together with any required off-site works of highway improvement, has been submitted to and approved in writing by the Local Planning Authority. No development shall commence on site until the approved scheme has been implemented in its entirety, unless otherwise agreed in writing.

REASON: In order to ensure an appropriate access point is constructed, 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).

10. The development hereby approved shall not be brought into use unless and until, the vehicle parking and cycle storage provisions as detailed on the approved plan '001 I' have been provided in their entirety. The provisions installed shall thereafter remain in perpetuity with the development, unless otherwise agreed in writing.

REASON: In order to ensure adequate parking is provided and 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).

11. 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).

12. 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). This investigation 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); and
- c) A timetable for its implementation. The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards;
- d) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- e) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

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).

13. Foul and surface water shall be drained on separate systems.

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).

14. The development hereby approved shall be implemented in strict accordance with all of the measures of ecological mitigation detailed within the submitted Ecological Appraisal, prepared by Bowland Ecology and dated May 2019.

REASON: In order to minimise harm to local ecological populations during construction works, 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).

15. No development shall commence on site unless and until, a Contamination Method Statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination, which may be present on site, has first been submitted to and approved in writing by the Local Planning Authority. The submitted Statement shall detail the following;
- a) An investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority, and;
 - b) A comprehensive remediation scheme including an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination).

All the agreed remediation measures shall thereafter be carried out in strict accordance with the approved implementation timetable under the supervision of a geotechnical professional and they shall be completed fully in accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

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).

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

REASON: To 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).

17. 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).

18. No development shall commence on site unless and until, the applicant or their agent or successors in title has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation, which shall be submitted to, and approved in writing by, the Local Planning Authority. The programme of works should comprise and archaeological desk based assessment (DBA) of the site and further phases dependent on the findings of the DBA and each successive phase of the programme.

These works shall be undertaken by an appropriately qualified and experienced professional archaeological contractor and comply with the standards and guidance set out by the Chartered Institute for Archaeologists (CIfA). The development shall be carried out in accordance with the agreed details. The development shall thereafter proceed in strict accordance with the agreed details, unless otherwise agreed in writing.

REASON: In order to safeguard the recording and inspection of matters of archaeological/historical importance associated with the site, in the interests of adequately recording archaeological remains, and to comply with the requirements of Policy 39 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 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. 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 CONSULTATIONS

6.1 BwD Highways – In summary, we have no principle objections, subject to conditions.

(Parking/Access) There is some confusion on what is to be assessed and against what use classes for parking assessment. We have arrived at the conclusion that B1 area should be treated as one use, with the B8 combined with the Showroom areas assessed as a separate use. This amounts to a total of 93, only 61 have been provided. There is some discrepancy between the floorarea in the application and that presented in the TS, which when running the same formula, arrives at an allowance of 94 spaces (1 space difference).

Clearly, the provision of spaces provided is vastly under, and we have concerns supporting this moving forward. As you are aware Carl Fogarty Way is a main Strategic Highway into the Borough and is a red route. To, ensure that the site needs are met fully within the curtilage, we would seek further exploration of the site, to afford more parking spaces than have been presented. We also note on the layout received, that there are three disabled parking bays sited in the front of the building, immediately upon entering the site. We would suggest these are repositioned further into the site as is strategically possible to avoid any conflict issues.

The provision of disabled provision should accord with 10% of the total provision of bays, please request further amendment. All parking bays should conform to the parking bay standards of 2.4m x 4.8m with 6m manoeuvrability into and out of the spaces. End bays should have additional room for manoeuvre. We assume the units will require larger parking bays i.e. for the parking of transit vans, this should be accommodated within the layout if necessary. Please request further details.

There is no visible cycle's stands or PTW parking offered, are these being located within the building, please seek clarification. If they are external to the building, then details of this should be provided together with coverage and security. These should be located close to the entrance of the building.

(Access & Layout) A new access point is proposed into the site from Carl Fogarty Way. The access entrance is 6m wide with 6m radii. The access will be a properly formed entrance, to ensure a detailed scheme is received for approval, please attach a Grampian condition in support. The swept path shown within the TS highlights vehicles running close to the kerb radii, which suggests that the radii may need to be adjusted, please request consideration.

Concern is also raised by our transport Consultant on the impact the access layout would have on the cycle provision across the bellmouth, please see matters outlined below under Transport Statement.

No details of sightlines have been received for approval, please request further information, or condition accordingly. A safeguarded pedestrian access route is required from the highway up to the entrance of the building, please seek further details. There are gates proposed at the entry into the site, when will these gates be operational, please request clarification on the management of these. Will they remain open during operational hours, if so the gates should be set at least one car length, to ensure the highway is not obstructed

(Servicing) We are in receipt of Swept path analysis showing a 16.5m arctic, 12m rigid and a 7.5t box van (provided within the TA), the swept path for the largest vehicles is not an easy manoeuvre, and looks very challenging. To fully understand, if this may cause an issue, please can we request details on the frequency of these vehicles to the site. This together with similar details for the 12.5m rigid and 7.5t box van should also be provided. The largest vehicles appears to impact upon the kerb line at the entrance, and as mentioned above, may request the access radii to be adjusted.

(Transport Statement) Site Accessibility – The site is in a location with good accessibility situated on the Pennine Reach bus route with good walking and cycling routes. However, the site access would sever a length of segregated cycle lane. Consideration of LTN 1/20 should be given to the site access design. We are about to commence work on a borough wide Local Cycling & Walking Infrastructure Plan which will identify a number of schemes. While many of these schemes are early in development it is likely that schemes that directly relate to this development would include canal access improvements at Gorse Street and the creation of a comprehensive segregated cycle route from Shadsworth to the Burley Road / Accrington Road junction through improvements to the existing routes via Mulberry Walk, Romney Walk and Delph Lane.

Development Proposals – The development proposals seem to indicate that the development is for B8 distribution of around 5643 sqm with 61 staff/visitor parking spaces (inc. 3 disabled as required) and a service yard. However, we are concerned that the level of parking provision may be insufficient given the large amount of office space. Taken in isolation the benchmark parking standards indicate a requirement for 63 parking spaces for the office use (applying the 1 per 40m for B1 Business Parks standard) without consideration of the warehousing or salesroom elements. Applying a B8: Storage and Distribution standard of 1 per 100m for the other elements indicates a requirement for a further 31 spaces a total of 94 compared to the 61 proposed.

The parking accumulation table presented does not consider the trip generation potential for office use assuming a B8 trip generation rate applied to this element. It is considered highly likely that such a large element (the majority of the proposed development comprising 44.5% of GFA) is not ancillary and should be considered explicitly in this calculation. This should also be the case

for the trip generation calculation. The tables presented under the Trip Generation heading provide a TRICS trip rate for an office use but there are no trips shown in the following table with the floor space seemingly applied to the B8 use.

We are not content that the assessment presented provides an accurate or robust assessment of the potential trip generation or likely parking requirements and would recommend that this part of the assessment be revisited with additional assessment of the traffic impact of the proposed development if appropriate.

(Other) A 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.

(Update) The amended scheme has taken into consideration the concerns we had expressed previously. Essentially the floor space has been reduced slightly and a few more car parking spaces provided. The parking accumulation has been updated with appropriate trip rates etc. and supports the proposed parking provision. The internal layout and parking levels are now deemed satisfactory. Please attach condition to ensure the car park is correctly laid out.

No response has been received with regards to the management of gates has been considered, please condition. Clarification and response is also sought on the servicing information that was requested.

There are also still issues with cycle connectivity yet this can be controlled on delivery of the site access construction details that require submission (Standard Condition 1). The cycle lane is shown to extend along the footway beyond where it returns to the carriageway. The cycle lane markings on the footway should terminate as per the existing markings to allow cyclists to transfer between the carriageway cycle lane and the segregated footway.

- 6.2 BwD Public Protection – The developer is required to submit an Air Quality Impact Assessment prior to determination of the application. The assessment must be produced in accordance with the Council's Planning Advisory Note regarding Air Quality. Such a report is necessary in order to identify any potentially adverse impacts on air quality that may arise from the development.

(Update) The submitted air quality assessment does not include the necessary information. We request that the developer is asked to confirm the site classification (see pages 3 to 6 of our air quality planning advisory note). In addition, we request that they provide the predicted AADT increases (increases in annual average daily traffic) that they have used to classify the site. This will

determine whether an assessment is needed. The key issue is likely to be whether the extra traffic generated exceeds the thresholds detailed in the PAN.

(Update to follow)

- 6.3 BwD Drainage – We have no objections to the proposals but require the following condition – The applicant is required to consult United Utilities to obtain Consent to Discharge the surface water runoff to the public sewer. Such a condition is necessary in order to ensure the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of surface water.
- 6.4 BwD Cleansing – No objections.
- 6.5 BwD Property Services – No objections.
- 6.6 LCC Archaeology – The historical mapping of the area shows the area of the proposed development as having been developed from at least the middle of the 19th century. The 1st edition Ordnance Survey, 1;10560, map, surveyed 1844-6 (Lancashire sheet 62) shows a group of houses and structures in the area of the south western area of the site (some of which may be under the current highway line as the road is likely to have been upgraded for modern traffic since the original survey). By the 1890s the 25" to 1 mile map (Lancashire sheet LXII.6) shows the site area bounded by what were probably terraced houses of different types (some with rear outriggers, some shown in plan as simple rectangles) and a complex of buildings and structures identified as a black lead works.

Black lead was a compound used for (amongst other purposes) blackening and polishing cast iron stoves and fire grates and was manufactured by mixing powdered graphite, along with such substances as charcoal and bone ash, and using liquids such as turpentine and various oils as a carrying medium to produce a paste that was used domestically. The presence of PAH (polycyclic aromatic hydrocarbon) compounds on the site, identified in the Ground Investigation Report (GIR) by Ian Farmer Associates may be due to contamination from the black lead works.

The GIR also identifies the site as having "made ground" varying in depths from 0.7 m to 3.9 m. This "made ground" is likely to contain archaeological features and deposits relating to the buildings on the site, their occupation and use, and their demolition. The deeper deposits may be indications of cellars below houses or of "cellar dwellings" where families lived in the cellars, usually in fairly squalid conditions.

The archaeological study of industrial workers housing, and small industrial premises, can reveal significant detail about the living and working conditions of the people who lived and worked in our industrial towns and which are not documented by historical sources.

We would advise therefore that we do not have any objection in principle to the redevelopment of this site but that there should be an archaeological assessment of the potential for significant archaeological remains to survive and the formulation of a staged programme of investigation to mitigate the impact of the proposed development on any archaeological features and deposits that might survive on the site and which will be affected by the development proposals.

We would advise that the first stage of this should be an archaeological desk based assessment to identify and analyse surviving historical documentation relating to the site which will in turn identify areas likely to be of the highest significance. From this, working in conjunction with the architects, a programme of excavation and recording, the extent being dependant on the detailed design of the proposed buildings' foundations.

The following condition should be attached to any planning permission that might be granted – No development, site clearance/preparation, or demolition shall commence until the applicant or their agent or successors in title has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation, which shall be submitted to, and approved in writing by, the local planning authority. The programme of works should comprise and archaeological desk based assessment (DBA) of the site and further phases dependent on the findings of the DBA and each successive phase of the programme.

These works shall be undertaken by an appropriately qualified and experienced professional archaeological contractor and comply with the standards and guidance set out by the Chartered Institute for Archaeologists (CIfA). The development shall be carried out in accordance with the agreed details. Such a condition is necessary in order to ensure and safeguard the recording and inspection of matters of archaeological/ historical importance associated with the site.

- 6.7 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. Following our review of the submitted F Sustainable Urban Drainage Systems (SuDS) Strategy, (Ref: QFRA 1987, Version: 1.0, Dated: 14.07.2021, By: UK Flood Risk Consultants, we can confirm the proposals are unacceptable in principle to United Utilities. This is because the drainage hierarchy has not been sufficiently investigated or evidenced. We would also ask that the applicant provides a detailed foul water drainage strategy including manhole cover and invert levels. We request the following drainage conditions are attached to any subsequent approval to reflect the above approach;

(Conditions) Condition 1 (Surface water) – No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- f) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- g) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- h) A timetable for its implementation. The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme. Such a condition is necessary in order to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

Condition 2 (Foul water) – Foul and surface water shall be drained on separate systems. Such a condition is necessary in order to secure proper drainage and to manage the risk of flooding and pollution.

(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. You may find the following example useful;

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan. Such a condition is necessary in order to ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

6.8 Canal and River Trust – No objections.

6.9 Lancashire Constabulary – We would advocate that the development be designed and constructed using the security principles and security rated products as stated in the attached Secured by Design (SBD) 'Commercial 2015' Design Guide.

6.10 Lancashire Fire and Rescue – The proposed Planning Application has been noted and the Fire Authority gives its advice in respect of access for fire appliances and water supplies for firefighting purposes to the site. A number of recommendations have been made to make the applicant aware of conditions that will have to be satisfied on a subsequent Building Regulation application.

6.11 Ward Cllrs

6.12 Public responses – None received.

7.0 CONTACT OFFICER: Christian Barton – Planning Officer

8.0 DATE PREPARED: 04th February 2022