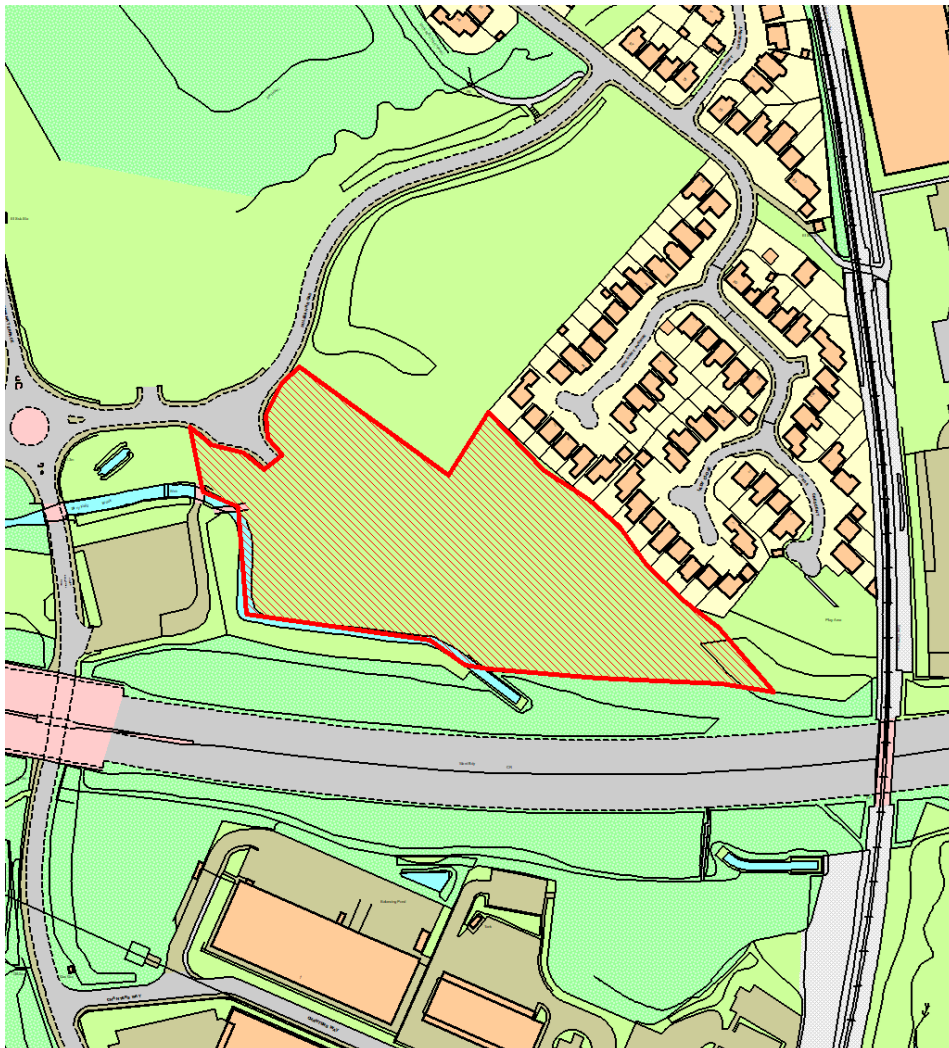


Proposed development: Reserved Matters Application for Approval of the reserved matters for the appearance, layout, scale and landscaping of employment unit on plot 4 pursuant to permission 10/18/1149

**Site address:
Plot 4 Greenbank Terrace
Lower Darwen
Blackburn
BB3 0RN**

Applicant: Barnfield Blackburn Ltd.

**Ward: Blackburn South & Lower Darwen
Councillor John Slater
Councillor Jacqueline Slater
Councillor Denise Gee**



1 SUMMARY OF RECOMMENDATION

- 1.1 APPROVE – Subject to conditions; as set out in paragraph 4.1.

2. KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application considers Reserved Matters (RM) for an industrial unit (Plot 4), pursuant to a hybrid planning permission 10/18/1149 granted by the Committee in February 2020. Following the RM approval for industrial units on Plots 1-3 (ref 10/21/0597 and 10/21/1112) and residential development of 76 houses in 2 parcels (ref 10/21/1001), this is the final RM submission under the hybrid application 10/18/1149.
- 2.2 Members are reminded that matters pertaining to the assessment of this RM application are limited to *appearance; landscaping; layout and scale*. The principle of the proposal has already been established at outline stage.
- 2.3 This application is presented to Committee on account of the application being a significant major planning application, and the Council's interest in the land, in accordance with the Scheme of Delegation in the Council's Constitution.
- 2.4 The 10/18/1149 hybrid approval established full planning permission for a new link road and access points; and outline approval with all matters reserved (except for access) for a mixed use development comprising a maximum of the following: 100 dwellings (C3), 9,000m² of employment use and careers hub (B1/B2/B8/D1), and associated ancillary works. This RM application relates to the provision of 35,000 sqft (3,251m²) internal floorspace of the approved employment use.
- 2.5 The access road approved under 10/18/1149 between Greenbank Terrace and Milking Lane is fully operational. All pre-commencement conditions for the full planning permission part of the hybrid approval (for the access road) have been fully discharged. Other conditions in relation to the outline part of the hybrid application remain in place, and presently there are a number of current applications for the discharge of various conditions attached to both the previous outline and the various RM approvals on this site.
- 2.6 Approval of the RM scheme for this fourth and final industrial unit will facilitate the complete re-development of the whole site. Assessment of this application finds that the proposal will deliver a high quality scheme that will assist in meeting the Council's strategic aims and objectives, including economic growth, and regeneration benefits.
- 2.7 All relevant issues have been addressed or can be controlled or mitigated through additional planning conditions.

3 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The proposed employment unit on Plot 4 lies within the red edge of the wider development site, comprising 9.45 hectares, which was approved by hybrid application 10/18/1149 (shown below).

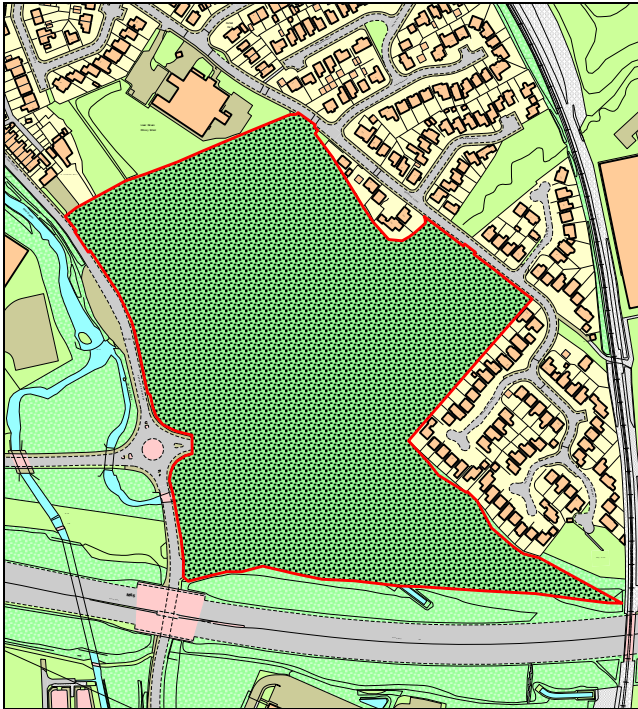


Figure 1: red edge of the hybrid/outline approval 10/18/1149

- 3.1.2 The site is a former paper mill and landfill site, which lies to the immediate south west of Milking Lane and to the north east of Greenbank Terrace, Lower Darwen. A stream runs east-west through the site, leading to the River Darwen via a culvert which runs under Greenbank Terrace to the west of the site. To the immediate north of the site is Lower Darwen Primary School and to the north and east are modern residential developments.
- 3.1.3 The site is linked to junction 4 of the M65 motorway via the Eccleshill Link Road to the west via Greenbank Terrace. Aside from the new access road, the site is otherwise undeveloped (see aerial photo below, which was taken before the new access road was constructed).



Figure 2: Aerial view of the hybrid site

- 3.1.4 The industrial unit on Plot 4 would be located along the southern part of the hybrid site, as shown below:

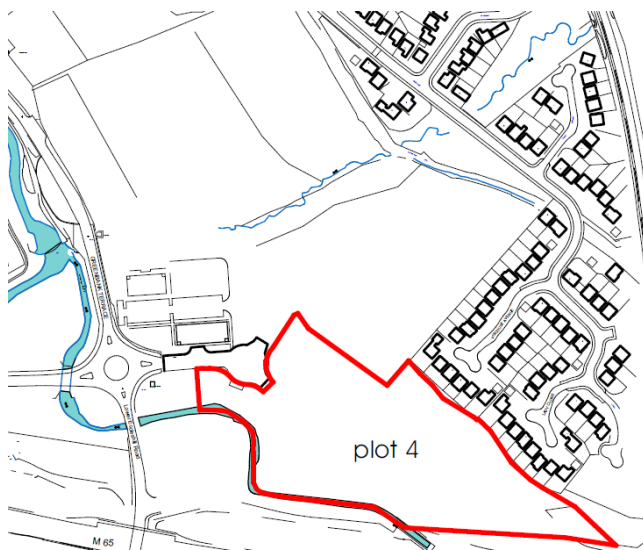


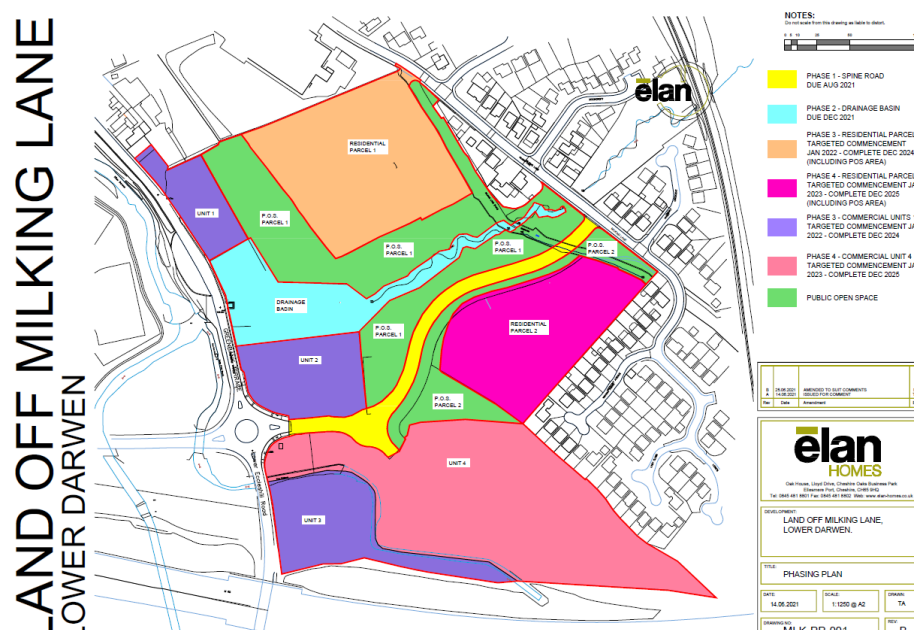
Figure 3: Red edge of Plot 4

- 3.1.5 This southern area of the site is allocated as being suitable for high quality development in the Adopted Policies Map of the Blackburn With Darwen Borough Local Plan Part 2, as can be seen (in Orange: ref 28/9) on the plan below:



Figure 4: Local Plan allocation

- 3.1.6 The 10/18/1149 Outline planning permission established the principle for a mixed use development, and illustrative plans divided the site into 2 distinct development zones, with a use class for each plot. All the employment units are sited along the western / southern part of the site, which are on significantly lower land and therefore distinctly separated from the residential parcels above them to the north / east by the steep topography of the site.
- 3.1.7 A phasing plan has been submitted which shows when the plots are expected to be brought forward. The distinct zones can be clearly seen in the image below (including Unit 4, which is in light red):



3.1.8 The above plan also shows the link road (in yellow) which was approved under 10/18/1149, and which has now been fully constructed. It runs between Milking Lane and the Greenbank Terrace/Paul Rink Way/Lower Eccleshill Road roundabout. Unit 4 would be accessed from an existing roundabout on the new link road.

3.1.9 The employment unit applied for in this RM application is assessed in the context of the surrounding residential uses, including those approved under the RM application for 76 dwellings on the 2 upper parcels of the site (ref 10/21/1001).

3.2 Proposed Development

3.2.1 Reserved Matters are sought for appearance; landscaping; layout and scale of industrial Unit 4, pursuant to outline application 10/18/1149, as set out in the submitted drawings.

3.2.2 Unit 4 would be the largest of the 4 commercial units on the hybrid site, comprising 35,000 sqft (3,251m²) of internal floor space. The unit has been designed as a self-contained development, which is accessed from an existing roundabout off the new link road, and would have its own service yard and car parking, surrounded by landscaping. This, along with the natural steep topography of the site (with the residential uses being sited on much higher land), would provide a natural buffer to the existing (and recently approved) residential areas.

3.2.3 The service yard would be situated to the southernmost point of the building close to the M65 motorway. Parking will be provided along the access to the service yard, and to the north of the proposed unit.

3.2.4 Unit 4 is shown in context with all the recently approved RM developments (i.e. the 3 employment plots and the 2 residential parcels), in the site plan below:



Figure 6: Site plan in the local context

3.2.5 Plot 4 Site plan



Figure 7: Unit 4 site plan

3.2.6 The scale of Unit 4 would be relative to its proposed use and reflects the speculative nature of the development based on current market demands. The proposed floor plan is shown below.

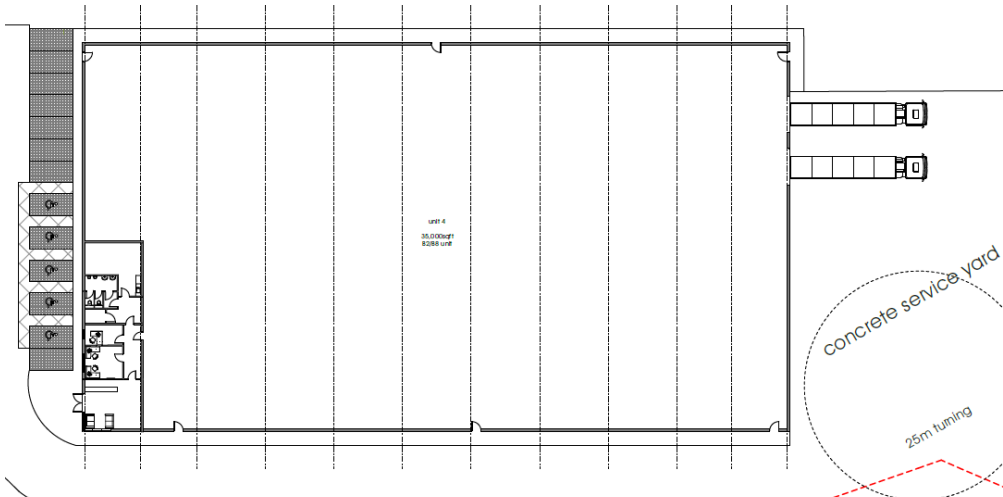


Figure 8: Floor plan

3.2.7 Unit 4 would have an eaves height of 8m. This height reflects the plan size of the unit and sits well within the plot, and in the surrounding area, including using the natural topography to good effect.

3.2.8 The buildings appearance has been designed using high quality contemporary metal faced cladding materials in varying arrangements which are robust and reflect the industrial nature of the unit.

3.2.9 The building would have a modern appearance, with materials comprising a mix of dark grey vertical wall cladding and vertical profile cladding, with goosewing grey vertical profile cladding to most of the lower part of the building. The use of different profile cladding materials would break up the mass of the building and highlight different office and service areas of the building.

3.2.10 Roof lights would be integrated into approximately 10% of the roof space, as shown in the proposed elevations below.

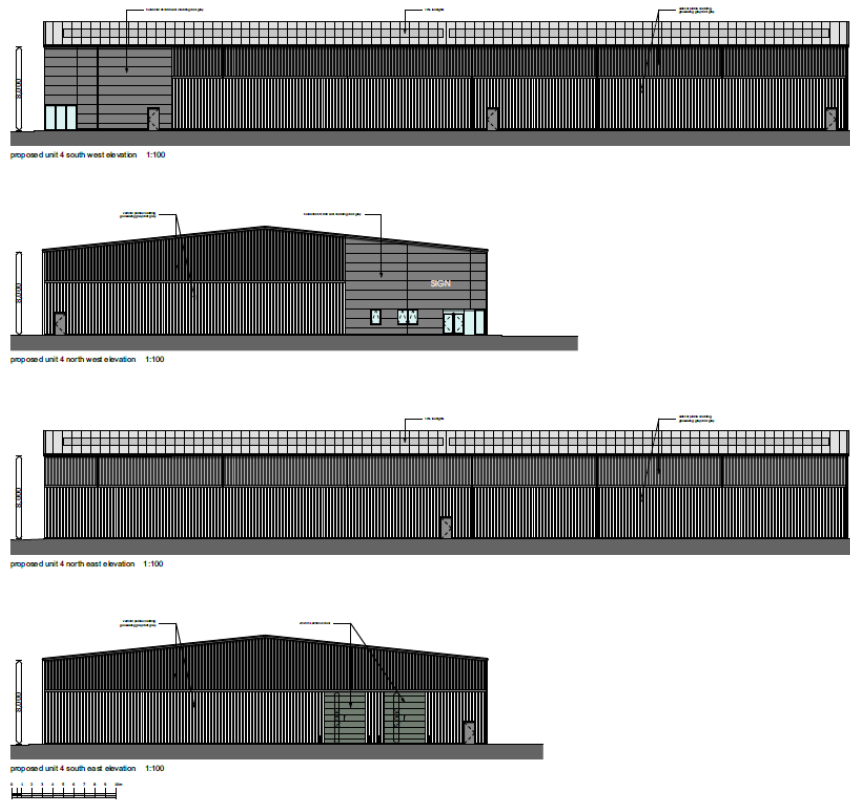


Figure 9: Elevations

3.2.11 Plot 4 – site photos





Photos taken 14th December 2021.

3.4 Planning history

3.4.1 Relevant recent planning applications include:

- **10/22/0097** - Discharge Condition No 3 "revised flood risk assessment" pursuant to planning application 10/21/0597
- **10/22/0096** - Discharge Condition Nos 22 "Construction Method Statement", 23 "ecological surveys and mitigation", 24 "Biodiversity and Habitat Management Plan", 27 "foul and surface water drainage scheme", 28 "surface water construction phase management plan", 29 management and maintenance plan for sustainable drainage system", 33 "design and construction details of highway improvements to M65 Junction 4 circulatory and signals", 38 "scheme for de-culverting of Davyfield Drain", 39 "hydraulic model and flood risk report", 40 "existing and proposed ground levels", 41 "flood resilient scheme", 42 "remediation strategy", and 45 "arboricultural method statement" pursuant to planning application 10/18/1149
- **10/21/1432** - Discharge Condition Nos 2 "written agreement relating to the off-site highway works", 5 "Construction & Environmental Management Plan", 6 "scheme for the management and maintenance of the proposed streets", 7 "full engineering, drainage, street lighting and constructional details of the streets", 9 "landscaping scheme", 10 "lighting scheme", 11 "scheme for the site entrance" pursuant to reserved matters planning application 10/21/1001
- **10/21/1424** - Discharge of Condition Nos 19(part) "S106 Agreement", 20(part) "swept path analysis", 21(part) "movement strategy", 22(part) "Construction Method Statement", 23(part) "Ecological surveys and mitigation plans", 24(part) "Landscape and Habitat Creation and Management Plan", 25(part) "Landscaping Scheme", 26 (part) "Noise impact assessment of both employment uses and existing ambient traffic noise", 27 (part) "Foul and surface water drainage scheme", 28(part) "Surface Waters construction phase management plan", 29(part) "Management and maintenance plan for the sustainable drainage system", 37 (part) "Travel Plan", 38 "Scheme for the de-culverting of Davyfield Drain", 39 "Hydraulic model and flood risk report", 40 (part) "existing and proposed ground levels", 41 "Flood resilient scheme", 42(part) "Remediation strategy", 44(part) "Future management and maintenance of the proposed streets", 45(part) "Tree survey" and 46(part)

"Future management and maintenance of the proposed streets" pursuant to hybrid planning application 10/18/1149

- **10/21/1112** - Formation of additional car parking and landscaping to plot 1 pursuant to reserved matters application 10/21/0597 - Approved
- **10/21/1001** – Application for Approval of reserved matters for the appearance, layout, scale and landscaping of 76 dwellings, pursuant to permission 10/18/1149 – Approved.
- **10/20/0627** - DOC application for conditions 1-15 of the full application part (access road) of the hybrid approval 10/18/1149 - All complied with / discharged.
- **10/18/1149** - Hybrid Planning Application - Full planning permission - new link road and access points; Outline planning permission with all matters reserved (with all matters reserved except for access) for a mixed use development comprising a maximum of the following: 100 dwellings (C3), 9,000m2 of employment use and careers hub (B1/B2/B8/D1), and associated ancillary works. (Approved 20/02/20, subject to various conditions).
- **10/18/0911** – Demolition of 2 vacant office buildings (Prior Approval not required - 02/10/2018).
- **10/15/1119** - The erection of up to 180 dwellings, open space and associated works including the construction of a link road together with the demolition of the existing redundant office buildings (Refused 17/11/2016 – S106 Agreement not completed).
- **10/10/0551** - Residential development and link road at land between Milking Lane and Greenbank Terrace (Approved with conditions 19/11/2012).
- **10/05/0317** - Redevelopment of the former Lower Darwen Paper Mill site to create high quality Business Park (Approved with conditions 28/06/2006).

3.5 Development Plan

3.5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

3.5.2 The Development Plan comprises the Blackburn With Darwen Core Strategy and adopted Local Plan Part 2 – Site Allocations and Development Management Policies. In determining the current proposal the following are considered to be the most relevant policies:

3.5.3 Blackburn With Darwen Core Strategy

Policy CS1: A Targeted Growth Strategy
Policy CS2: Typology of Employment Lane
Policy CS3: Land for Employment Development
Policy CS4: Protection and reuse of employment sites
Policy CS13: Environmental Strategy
Policy CS15: Protection and Enhancement of Ecological Assets
Policy CS16: Form and Design of New Development
Policy CS18: The Borough's Landscapes

3.5.4 Blackburn With Darwen Local Plan Part 2 (LPP2) (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 28: Development Opportunities
- Policy 41: Landscape

3.5.5 **Other Material Planning Considerations**

3.5.6 National Planning Policy Framework (The Framework) (2021)

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

- Section 2 – Achieving sustainable development
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 14 – Meeting the challenges of climate change, flooding and coastal change
- Section 15 – Conserving and Enhancing the Natural Environment

3.5.8 Blackburn with Darwen adopted Parking Standards

4 Assessment

4.1 Assessment of this Reserved Matters application is limited to the following matters:

- **Appearance:** Aspects of a building or place which affect the way it looks, including the exterior of the development.
- **Layout:** Includes buildings, routes and open spaces within the development and the way they are laid out in relation to buildings, routes and open space outside the development.

- **Scale:** Includes information on the size of the development, including the height, width and length of each proposed building.

- **Landscaping:** The improvement or protection of the amenities of the site and the surrounding area; this could include planting trees or hedges as a screen.

4.1.1 The hybrid / outline approval for this site allows for 9,000sqm of employment use and careers hub (B1/B2/B8/D1). This RM application relates to the provision of 3,251sqm of employment use in Unit 4. When added to the 4,520sqm of employment use previously approved for the 3 other units, this totals 7,771sqm of employment use. This falls comfortably within the 9,000sqm allowed for at outline stage. As such the proposal is acceptable in principle.

4.1.2 Unit 4 would be sited to the lower, south eastern area of the site, and has been designed as speculative employment use.

4.2 Appearance

4.2.1 Appearance is considered against Policy 11 of LPP2, which requires a good standard of design and will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area. This includes enhance and reinforcing the established character of a locality. Key aspects of character which must be taken into account are the following:

i) Existing topography, buildings and landscape features and their integration into the development;

ii) Layout and building orientation to make best use of existing connections, landmarks and views;

iii) Building shapes, plot and block sizes, styles colours and materials that contribute to the character of streets and use these to complement character;

iv) Height and building line of the established area;

v) Relationship of the buildings to the street; and

vi) Frontage treatment such as boundary walls.

4.2.2 Although larger in terms of floorspace, the appearance of Unit 4 would be broadly similar to the 3 other units recently approved. It has been designed using high quality contemporary metal faced cladding materials in varying arrangements which are robust and reflect the industrial nature of the units. The use of different profile cladding materials breaks up the massing of the buildings.

4.2.3 The proposal also uses the topography of the site to good effect and respects the character and history of the site and wider area. A 1.8m high paladin fence is considered appropriate boundary treatment, which would integrate

appropriately into the street scene. Accordingly, the proposed appearance of the development is found to be acceptable.

4.3 Layout

- 4.3.1 Layout is assessed against Policy 11, as well as Policies 8 and 10.
- 4.3.2 Policy 8 requires that a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; with reference to privacy / overlooking, and the relationship between buildings, including adequate daylight and sunlight admission.
- 4.3.3 As noted above, the proposed units will be appropriately sited and would not be detrimental to the street character.
- 4.3.4 The layout has been designed using the approved access point from a roundabout on the new link road, and the siting has been influenced by existing site constraints, topography / levels, and watercourses. Unit 4, like the majority of the employment uses (Unit 1, and Units 2, 3 and 4) is concentrated along the southern edge of the hybrid site.
- 4.3.5 The unit has been designed as a self-contained development with its own service yard and car parking surrounded by landscaping. The position of the units achieve an acceptable relationship with nearby residential properties, including the dwellings closest to the proposed unit, to the north-east (as well as the residential development parcels approved under RM application 10/21/1001). The separation distances are acceptable, and any impact arising from the height and massing of the building is significantly mitigated against by the substantial drop in land levels from the existing housing down to the development site at Plot 4.
- 4.3.6 Although some concerns were raised in one letter of objection from a local resident, the principle of development has already been approved at outline stage, and the impact on residential amenity as a result of this RM application is considered acceptable. One concern raised by the neighbour was about potential glare. Following discussions with the applicant, it was considered that the only cladding colour that would give glare is anything metallic, and the applicant had no objection to avoiding using this. An appropriate condition can therefore be attached.
- 4.3.7 The Council's Public Protection Officer raised no objections, subject to various conditions to mitigate the impacts. The majority of the suggested conditions have already been attached to the 10/18/1149 hybrid / outline approval. Therefore it is not necessary to repeat these conditions at RM stage.

4.4 Access

- 4.4.1 Access does not form part of this RM application. The link road and access points were approved under the outline approval 10/18/1149. However, the internal movements, servicing and parking provision etc. within each plot still needs to be considered when assessing the layout at this stage.

- 4.4.2 Assessment of access arrangements and other highway matters are considered against Policy 10 of LPP2, which requires that road safety and the safe, efficient and convenient movement of all highway users is not prejudiced, and that appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards.
- 4.4.3 The proposal is considered acceptable from a highway safety and efficiency perspective, following review of the submitted layout by the Council's Highways consultee. The number of parking spaces is also considered acceptable. Assessed against the adopted parking standards, based on the total floor area, and applying a worst case scenario (i.e. a Class B2 use) the provision required would be 55 spaces. 50 car parking spaces are proposed, which is acceptable. 5 of the total bays are designated for disabled use, and provision is made for electric vehicles and cycle / PTW spaces. All bays provided conform to the council's standard bay sizes and manoeuvrability spaces.
- 4.4.4 Minor amendments to the layout were requested during assessment of the application. Revised plans / additional detail provided by the applicant included details of a safe pedestrian access connecting safely and directly to the entrance of the building; sightline details; swept path of vehicles entering turning and leaving the site; and further detail of the frequency of movements, size of vehicles, and a service vehicle parking area.
- 4.4.5 As amended, the Council's Highways consultee has raised no objection to the proposal and is satisfied that the additional detail has addressed all initial concerns. Whilst raising no objection, the Council's Highways Officer did recommend a number of conditions to be attached to this application. However, the majority of those conditions relate to access, which has already been addressed by conditions attached to the 10/18/1149 hybrid approval, including the S278 works. Appropriate conditions have therefore only been attached where directly relevant to this RM application.
- 4.4.6 The access, parking and movements associated with Unit 4 is therefore considered acceptable, and the impact on highway safety is considered acceptable. The proposal therefore complies with Policy 10 of the Local Plan; the adopted parking standards; and the NPPF.

4.5 Scale

- 4.5.1 Unit 4 has been designed to reflect current market needs for employment uses and in addition to the already approved units 1-3, would distribute the area for employment use across the overall development site to create a varied community of commercial units.
- 4.5.2 The scale of the proposed unit would be appropriate for the size of plot, its location and topography, and the proposed floorspace falls within the maximum amount of floorspace as set out in the hybrid approval.

- 4.5.2 The unit has been designed to reflect the proposed use and would accommodate a large open warehouse/production space with small ancillary office and amenities.
- 4.5.3 The building size would reflect the size of the plot and would sit neatly within the topography of the site and the local area.
- 4.5.4 Accordingly, the proposed scale of the development is found to be acceptable.

4.6 Landscaping

- 4.6.1 Landscaping is assessed against Policy 11. Condition 25 of the hybrid approval required the submission of a landscaping plan prior to or at the same time as the submission of the first reserved matters application.
- 4.6.2 The proposed hard and soft landscaping treatments within plot 4 have been designed to form a south east facing concrete service yard, car parking and footpaths away from existing housing to the northeast.
- 4.6.3 The development plot is to have a boundary treatment comprising a 1.8m high paladin fence, which is appropriate for this location / use.
- 4.6.3 Notwithstanding the detail submitted with this application, further detail will be submitted as part of an application to discharge conditions 23 and 24 of the hybrid / outline approval, following a full ecological survey. Biodiversity mitigation plans will be provided to highlight habitat creation and retention throughout the site.
- 4.6.4 Accordingly, the proposed landscaping is found to be acceptable.

4.7 Summary

- 4.7.1 This report assesses the Reserved Matters planning application for an industrial unit in Plot 4, the final part of the hybrid site requiring RM approval.
- 4.7.2 In considering the proposal, the relevant range of material considerations have been taken into account to inform a balanced recommendation that is considered to demonstrate compliance with the aims and objectives of the Local Development Plan and The Framework.

4.8 **Other matters**

- 4.8.1 Members are advised of the following conditions attached to the Outline permission. These are currently being addressed under the condition discharge application process.
- 4.8.2 Hybrid approval 10/18/1149 (Full permission for the new access road)
- 4.8.3 The following conditions relating to the hybrid (full permission) for the new access road have all been discharged / complied with:

- Condition 1: Timeframe
- Conditions 2 - 4: Pre-commencement drainage details
- Condition 5: Contamination
- Condition 6: Pre-commencement construction management
- Condition 7: Pre-commencement tree survey
- Condition 8: Working hours
- Condition 9: Pre-commencement landscaping
- Condition 10: Motorway drainage
- Conditions 11 - 13: Pre-commencement drainage details
- Condition 14: Highways / visibility splays
- Condition 15: Approved drawings

4.8.4 Hybrid approval 10/18/1149 (Outline consent)

4.8.5 The following conditions were attached to the hybrid (outline approval). Some of these conditions have been discharged, others are currently under assessment. Detail for discharge has been submitted not only through the Discharge of Conditions process for the outline approval, but also additional conditions that were attached to the subsequent RM applications for employment and residential use. The outline conditions are shown below:

- Condition 16: Reserved matters submission
- Condition 17: Timeframe
- Condition 18: Phasing plan
- Condition 19: Pre-commencement S106
- Conditions 20 -21: Highways: Swept paths, Footpaths and cycle linkages
- Condition 22: Pre-commencement Construction method statement
- Conditions 23 - 24: Pre-commencement Ecology surveys, and Landscape and Habitat management plan
- Condition 25: Landscaping scheme
- Condition 26: Noise survey
- Conditions 27 - 29: Pre-commencement drainage details
- Condition 30: Drainage
- Condition 31: Contamination
- Condition 32: Working hours
- Condition 33: Pre-commencement Highways/motorway junction
- Condition 34: Highways/motorway junction
- Condition 35: Pre-commencement boundary fencing
- Condition 36: Motorway drainage
- Condition 37: Travel Plan
- Conditions 38 – 42: Pre-commencement flood mitigation, ground levels, and remediation strategy
- Condition 43: Highways / visibility splays
- Condition 44 (and duplicate Condition 46): Street management plan
- Condition 45: Pre-commencement Tree survey
- Condition 47: Air quality
- Condition 48: Site uses

4.8.6 Flood risk

- 4.8.7 During the assessment of the RM approval for the residential parcels (10/21/1001), detailed discussions were held between the LPA, the EA, and the applicant, and it was agreed to seek a new/revised condition to replace conditions 38, 39, 40 & 41 of the outline consent. The revised condition would need to be applied for separately under the removal / variation of conditions process, and the condition suggested was to be worded as follows:

“Prior to the commencement of each phase of built development, a revised FRA should be submitted. The FRA should include the following detail;

- ☐ *Details of the de-culverting of Davy Field Drain*
- ☐ *Details of ground raising for the building of the spine road*
- ☐ *A summary of the findings of the hydraulic modelling undertaken as a result of the de-culverting works and building of the spine road*
- ☐ *A revised flood map for the site generated by the hydraulic modelling exercise as a result of the de-culverting and construction of the spine road*
- ☐ *Pre and post development topographic levels for each phase of the development*
- ☐ *Anticipated flood depths for a range of flooding events, incorporating an allowance for climate change, to be supplied for each phase of development being brought forward*
- ☐ *Details of any proposed ground raising within the flood extent and a scheme for compensatory storage if required*
- ☐ *Details of finished floor levels and other flood resilience measures to be incorporated into the design*
- ☐ *Consideration of safe access and egress”*

- 4.8.8 However, during the assessment of this current application for Plot 4 (and in light of the various discharge of conditions applications that have subsequently been submitted and are currently under assessment for both the outline and RM matters approvals), further discussions were held between the LPA and the EA, where it was mutually agreed that the best way forward would in fact be to retain the original conditions attached to the outline approval. This would enable determination of the current application for Plot 4 without unnecessary delay, whilst being safe in the knowledge that the outstanding conditions of the outline still need to be addressed through the discharge of conditions process.

- 4.8.9 In light of the above, the EA confirmed that no objections were raised to this RM application.

4.8.10 United Utilities (UU) assets

- 4.8.11 UU initially raised some concerns about the impact of the proposal on their assets. However, following further discussions between UU, the applicant, and the LPA, UU are satisfied that any potential issues can be resolved and have clarified that no objections are raised, subject to attaching appropriate conditions.

4.8.12 Summary of other matters outstanding

4.8.13 Further work is required to discharge all the relevant conditions attached to the outline consent (and subsequent RM approvals) for this site. However, following discussion with statutory consultees including EA and UU, these matters will be addressed through the discharge of conditions process, and no objections are raised to this current RM application, which can be approved without delay.

4.8.14 The current application for the approval of the RM application for Plot 4 is therefore considered acceptable, subject to appropriate conditions, and complies with policy.

5 RECOMMENDATION

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

1. 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:

Job no. 18 107, Dwg no. 033 A, @ A1 - Plot 4 – Land Registry.

Job no. 18 107; Dwg no. 037 F, @ A1 – Proposed site layout plan.

Job no. 18-107; Dwg no. 012 T, @ A1 - Employment layout.

Job no. 18-107; Dwg no. 035 A, @ A0 - Proposed elevations.

Job no. 18-107; Dwg no. 036 A, @ A0 – Proposed floor plan.

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

2. Cycle storage detailed on plans Job no. 18 107; Dwg no. 037 F, @ A1 – Proposed site layout plan shall be implemented prior to occupation of the plots, and retained in accordance with the approved details.

REASON: To provide for safe sustainable travel options, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

3. No construction shall commence on Plot 4 (including any earthworks) until details of the means of ensuring the water main/s laid within the site boundary are protected from damage as a result of the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a survey that identifies the exact location of the water main;
- the potential impacts on the water main/s from construction activities (including any construction compound);

- the impacts post completion of the development on the water main infrastructure that crosses the site and identify necessary mitigation measures;
- a timetable for implementation to protect and prevent any damage to the water main infrastructure both during construction and post completion of the development; and
- a pre construction condition survey.

A post construction survey shall be provided within 3 months of completion of the development.

Any mitigation measures shall be implemented in full prior to commencement of development on Plot 4 in accordance with the approved details and timetable and shall be retained thereafter for the lifetime of the development. In the event that the survey of the water main/s identify the buildings/plots as within a 5m standoff either side of the main (10m in total), the developer shall submit evidence to the Local Planning Authority that a diversion has been agreed with the relevant statutory undertaker and that the approved works have been undertaken prior to the commencement of development of the affected plot.

REASON: In the interest of public health and to ensure protection of the public water supply, in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

4. The noise rating level arising from the commercial/industrial premises shall not exceed 50dB(A) at residential premises. Assessment shall be made in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound'

REASON: To protect neighbouring residents from any adverse amenity due to noise from the site in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

5. The approved uses shall be restricted to the following times:
Monday to Sunday: 07:00 - 23:00 hours.
Any variation of the above hours restriction must be submitted to and approved in writing by the Local Planning Authority.

REASON: To protect neighbouring residents from any adverse amenity due to noise from the site in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

6. The external walling and roofing materials to be used in the construction of the development hereby permitted shall be as specified in the approved details referred to in Condition No.1. No cladding used on the external elevations shall be metallic in colour.

REASON: To ensure that the external appearance of the development is satisfactory, and to prevent glare, in accordance with Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2.

6 CONSULTATIONS

6.1 Ecology – GMEU

6.1.1 Initial response:

Apologies for the delay in GMEU's response, the application appeared as unallocated on our system and had not been passed to me as the case officer, even though I have dealt with the other elements of this site. I have now had an opportunity to consider the proposal and have the following comments to make in this Reserved Matters application: -

☐ I note from the Design and Access Statement (Campbell Driver Partnership) that the landscape plan will be submitted as part of the discharge of conditions 23 and 24. This will be accompanied by a full ecological survey.

☐ Given the length of time since the initial outline submission in 2019 it is recommended that the ecological surveys are updated. This should include the presence and location of Invasive Non-Native Species (INNS). Any new substantive matter in relation to ecological protected species or INNS should be accompanied by suitable mitigation proposals.

☐ I am not cognisant with the framing of the conditions in relation to ecological updates, but is strongly recommended that the results of the updated surveys are submitted prior to the commencement of works on site to include any earthworks or other enabling activity. This is to ensure that INNS species are not caused to spread around the site and to avoid inadvertent infringement of the legislation. This is particularly in relation to species such as badger and/or bats in trees that may require removal. From recollection the area under question did support INNS but no protected species issues were noted, however this is now nearly 3 years ago.

☐ The layout provides for a sufficient stand-off to the river corridor and it is recommended that the landscape plan in this area supports locally native species, to maintain and improve the biodiversity connectivity through the site.

☐ A Construction Environmental Management Plan (CEMP) should be required and this should seek to retain semi-natural habitat of value and to protect the watercourse from the accidental spillage of spoil or stored materials.

☐ The Reserved Matters scheme does not appear to include a lighting design and it is recommended that when one is submitted that it considers sensitive lighting to the southern boundary of the plot adjacent to the watercourse. In line with the NPPF (July 2021 para 185 c)) we recommend that applicants follow the Institute of Lighting Professionals guidance (01/21 obtrusive lighting and 08/18 wildlife sensitive lighting). This should include consideration and design for highways access, car parking and any external security/way marking lighting. If the submission of the lighting scheme has not been required via condition associated with the outline it is recommended that a condition be implemented as part of the RM.

I hope you find these comments helpful and I look forward to receiving consultations on the landscape and lighting proposals in due course. In the interim if you have any queries, please do not hesitate to contact me.

6.1.2 Response from applicant on 31st January 2022:

The information submitted to discharge conditions 23 and 24 of the outline approval was updated as of January this year. Please find attached the reports.
[Commercial Ecological Report, and Biodiversity and Habitat Management Action Plan]

6.1.3 Further response from GMEU

Thank you for supplying the additional information in relation to the above site. I have considered the detail in light of this under the two application numbers.

10/21/1328 Reserved Matters

☐ The landscape and ecology comments are addressed below under condition discharge 10/21/1424.

☐ The Ecology Survey indicates that no further site clearance should occur, as the development areas have already been cleared. A CEMP should be secured via condition and include a 5m stand-off with temporary high visibility fencing for the protection of the retained vegetation along the watercourse. The CEMP should also include the fencing off the area of Japanese knotweed (see below) to 7m from the edge of above ground stems.

☐ A sensitive lighting should be submitted and implemented to the southern boundary of the plot adjacent to the watercourse. In line with the NPPF (July 2021 para 185 c)) we recommend that applicants follow the Institute of Lighting Professionals guidance (01/21 obtrusive lighting and 08/18 wildlife sensitive lighting). This should include consideration and design for highways access, car parking and any external security/way marking lighting. If the submission of the lighting scheme has not been required via condition associated with the outline it is recommended that a condition secure this.

10/21/1424 Conditions discharge

Condition 23 (part) Ecological surveys and mitigation plans – The updated surveys (Bowland Ecology, 18.1.2022) is sufficient to discharge Condition 23.

The applicants should note that the Report identifies that no further vegetation clearance should occur, as it would appear that development plots have already been prepared. Additionally, Japanese knotweed has been identified just north of the boundary to Plot 4 – covered by RM application 10/21/1328. This stand of Japanese knotweed should be fenced to 7m from upright growing stems and continue to be treated in order that any further earth moving does not cause this highly invasive species to spread. Japanese knotweed is considered contaminated waste (Environmental Protection Regulations 1991) and is an Invasive Non-Native Species (Schedule 9 Wildlife & Countryside Act).

Condition 24 (part) Landscape and Habitat Creation & Management Plan (LHCMP) and Condition 25 (part Landscape Scheme)

The landscape scheme appears to be submitted within the LHCMP. It is very broad brush and is proposing to create Open Mosaic Habitat around the margins of Unit 4. I would suggest that this is not the most appropriate or beneficial habitat to create as it is an early successional habitat which will rapidly develop into rank grassland with scrub. I would suggest that given the substrate is likely to be nutrient poor and acid grassland : heath occurs/occurred elsewhere on the site, that creation of this habitat type would be more beneficial to biodiversity. I would therefore recommend the use of British Flora BFS2 acid grassland wildflower seed mix and plug planting of heather (*Calluna vulgaris*). Suitable cutting regime should be applied to the acid grassland and management on rotation of areas of heather. I would remove wild privet (*Ligustrum vulgare*) from the hedgerow mix as it can become dominant within such locations. I would wish to see a specification of the proportions for each of the hedgerow species.

The specification and locations for bat and bird boxes is acceptable. I would suggest that the LHCMP requires some adjustment prior to discharge of Condition 24 and 25.

I hope you find these comments helpful. If you have any queries, please get in touch.

6.2 Electricity North West (ENW)

6.2.1 No comments received.

6.3 Highways Agency

6.3.1 No objections:

Please find attached response Notice confirming that we have no objection to this application. This is on the basis however that our requirements in relation to the site boundary fencing are governed by Condition 35 of the original consent, which will need to be discharged at a later date. It is worth noting that this requires the boundary fencing to be at least 1 metre away from the motorway boundary fence and not less than 2 metres in height (1.8 metres is referred to in this application). Given the distance between the site and the motorway, and also that the area of the development located closest to the motorway would not be anticipated to be intensively used by the general public / those working within the site, we could be flexible about the height in relation to 1.8 metres on this occasion.

National Highways Ref: 93398

Referring to the consultation on a planning application dated 7th December 2021 referenced above, in the vicinity of the M65 motorway that form part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

a) offer no objection;

Highways Act Section 175B is / is not relevant to this application.¹

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk

Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

6.4 Lancashire Constabulary

6.4.1 No objections:

We would advocate that this aspect of the scheme be designed and constructed using the security principles and security rated products as stated in the attached SBD 'Commercial Developments 2015' Design Guide. Further details about Secured By Design, including application forms and security specifications can be found at www.securedbydesign.com. I would be grateful if you could forward the attached document to the applicant for reference.

These security comments and recommendations have been made in order to keep people safe and feeling safe and to prevent crime and disorder in accordance with :-

- 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.

Crime prevention advice is given without the intention of creating a contract. Neither the Home Office nor the Police Service accepts legal responsibility for the advice given. Fire Prevention advice, Fire Safety Certificates conditions, Health & Safety Regulations and Safe Working Practices always take precedence over any Crime Prevention issue.

Recommendations included in this report have been considered for a specific site and take into account information available to the Police.

6.5 Network Rail

Network Rail has no comments.

6.6 United Utilities

6.6.1 UU Initial response:

Please see attached our response to the above application, which requests clarification from the applicant prior to determination regarding protecting United Utilities Water Main. The details how address our concerns are within the response.

With reference to the above planning application, United Utilities wishes to draw attention to the following points.

It should be noted that we have previously commented on the Hybrid Application (Planning Ref: 10/18/1149) to which the above application relates. Our previous response (Our Ref: DC/18/5232) is available from the Local Planning Authority. This included a condition to

protect our water main within the application boundary. We are disappointed to note that our recommended condition was not placed on the decision notice of 10/18/1149.

As referred to above, United Utilities has a significant water asset within the red line boundary. It is important for both the applicant and LPA to understand that we will not permit development over or in close proximity this strategic water main. Although the new information within the submission acknowledges the location of the asset, we recommend the applicant engages with us to agree the necessary protection measures as soon as possible to avoid issues further into the development process.

Our recommendation to the LPA is that the application is not progressed further until the protection measures afforded to the asset is confirmed with us so that the implications for the proposed site layout can be fully understood and redesigned if necessary prior to determination.

The applicant must continue discussions as soon as possible and provide an update to United Utilities in line with our 'Standard Conditions' guidance document. This is attached alongside this representation for reference.

For advice on protecting United Utilities assets, the applicant is advised to contact Sara Livesey via DeveloperServicesWater@uuplc.co.uk.

We also recommend the applicant contact PropertyGeneralEnquiries@uuplc.co.uk to discuss the necessary agreements regarding the separate legal easement afforded to the water man, which has a UU references of R 689 and R 285. Further information can be found below under United Utilities' property, assets and infrastructure.

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.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

- 1. into the ground (infiltration);*
- 2. to a surface water body;*
- 3. to a surface water sewer, highway drain, or another drainage system;*
- 4. to a combined sewer.*

Further information regarding Developer Services and Planning, can be found on our website at <http://www.unitedutilities.com/builders-developers.aspx>.

Please note, United Utilities are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

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. You may find the below a useful example.

Example condition

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.

Reason: 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.

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances.

Water supply

Our water mains may need extending to serve any development on this site and the applicant may be required to pay a contribution.

For larger premises or developments of more than one property, including multiple connections, where additional infrastructure is required, a water network behaviour/demand modelling exercise would be required to determine the network reinforcements required to support the proposed development. With this in mind we recommend the applicant contacts us at the earliest opportunity.

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for.

In some circumstances we may require a compulsory meter is fitted. For detailed guidance on whether the development will require a compulsory meter please visit <https://www.unitedutilities.com/my-account/your-bill/our-household-charges-20212022/> and go to section 7.7 for compulsory metering.

To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at DeveloperServicesWater@uuplc.co.uk. Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

United Utilities' property, assets and infrastructure
As noted above, according to our records there are easements crossing the proposed development site which is in addition to our statutory rights for inspection, maintenance and repair. The easements dated 28/07/1975, 13/12/1876 UU Refs: R689 & R285 has restrictive covenants that must be adhered to. It is the responsibility of the developer to obtain a copy of the document, available from United Utilities Legal Services or Land Registry and comply with the provisions stated within the document. Under no circumstances should anything be stored, planted or erected on the easement width. Nor should anything occur that may affect the integrity of the pipe or United Utilities legal right to 24 hour access.

We recommend the applicant contacts our Property Services team to discuss how the proposals may interact with the easement. They should contact PropertyGeneralEnquiries@uuplc.co.uk.

As noted above, a strategic water main crosses the site. As we need unrestricted access for operating and maintaining it, we will not permit development over or in close proximity to the main. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', a copy of which is enclosed.

The applicant must comply with our 'Standard Conditions' document. This should be taken into account in the final site layout, or a diversion may be necessary. Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion required as a result of any development will be at the applicant's expense. If considering a water mains diversion, the applicant should contact United Utilities at their earliest opportunity as they may find that the cost of mains diversion is prohibitive in the context of their development scheme.

The Water Industry Act 1991 affords United Utilities specific rights in relation to the maintenance, repair, access and protection of our water infrastructure;

☐ Sections 158 & 159, outlines the right to inspect, maintain, adjust, repair or alter our mains. This includes carrying out any works incidental to any of those purposes. Service pipes are not our property and we have no record of them.

☐ Under Section 174 of the Act it is an offence to intentionally or negligently interfere with any resource main or water main that causes damage to or has an effect on its use or operation. It is in accordance with this statutory provision that we provide standard conditions to assist developers when working in close proximity to our water mains.

Both during and post construction, there should be no additional load bearing capacity on the main without prior agreement from United Utilities. This would include earth movement and the transport and position of construction equipment and vehicles.

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

For advice regarding protection of United Utilities assets, the applicant should contact the teams as follows:

Water assets – DeveloperServicesWater@uuplc.co.uk

Wastewater assets – WastewaterDeveloperServices@uuplc.co.uk

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

A number of providers offer a paid for mapping service including United Utilities. To find out how to purchase a sewer and water plan from United Utilities, please visit the Property Searches website; <https://www.unitedutilities.com/property-searches/>.

You can also view the plans for free. To make an appointment to view our sewer records at your local authority please contact them direct, alternatively if you wish to view the water and the sewer records at our Lingley Mere offices based in Warrington please ring 0370 751 0101 to book an appointment.

Due to the public sewer transfer in 2011, not all sewers are currently shown on the statutory sewer records and we do not always show private pipes on our plans. If a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

For any further information regarding Developer Services, including application forms, guides to our services and contact details, please visit our website at

<http://www.unitedutilities.com/builders-developers.aspx>

6.6.2 Applicant's response to UU comments:

Thanks for sending through the response from your consultation with UU. Would it be possible to deal with this by way of condition similar to condition 5 detailed on the reserved matters approval for units 1-3? We will be appointing a surveyor to locate the exact position of the main and providing an assessment of impacts and method statement for mitigation measures. In the interim we will liaise with Sara Livesay at UU to understand any immediate concerns on layout etc.

Trust this is ok

6.6.3 Further comments received from UU, Feb 2022:

6.6.4 We are still in discussions to understand whether development would detrimentally impact our asset. This is predominantly whether the loading would be acceptable. We can agree a pre-commencement condition if you are happy to proceed as per your previous email.

6.6.5 The suggested use of a pre-commencement condition was clarified as being acceptable to the applicant.

6.7 Environment Agency

6.7.1 Initial response:

Hi Tom, I am conscious that I should have got a response back to you for the reserved matters application for the commercial plot at Greenbank Terrace 10/21/1328.

I tried to give you a call just before Christmas about the best approach to take for this application in light of how we dealt with the other two reserved matters applications for the site that we have already responded to (10/21/1001 and 10/21/0597).

I think we still need to give some bespoke comments re. the flood risk and contamination aspects of this parcel even if we proceed on the same footing as the other applications where we replaced the conditions on the outline with a new catch all type condition on this reserved matters application.

This is probably the most difficult part of the site in terms of flood risk and severity of contamination, so I was hoping you could give us a bit more time to come up with the bespoke comments. Would an extension until the end of the month be okay? Also, could you let me know if the same approach re. the new condition is the way you would prefer to proceed?

6.7.2 EA Additional comments

Thank you for consulting us on the above application which we received 06 December 2021

Environment Agency position

The site is subject to a number of pre-commencement conditions which were applied to the outline consent for this phase of the development. We have no objection to the detail of this reserved matters application however, no detail has so far been submitted to satisfy the requirements of the conditions on the outline consent.

The discharge of these planning conditions is required because the building of the spine road has altered levels on the site and therefore altered the flood picture for the site as a whole.

Plot 4 is affected by flood risk and is also the location of an historic landfill associated with the former mill that was located on the site. We therefore have the following comments for the LPA/applicant

Flood Risk

Development of each phase of the site is subject to pre-commencement planning conditions which the EA requested to be included at the outline stage. This reserved matters application does not contain sufficient information to satisfy the discharge of any of these pre-commencement conditions. Details of the missing information can be found in the detailed comments for each condition below.

Discussions between the applicant and the local authority planning team have indicated that the details requested by conditions 38, 39, 40 and 41, can now be governed by a single new condition that outlines the content of a revised FRA for the site. We have no objection to this approach. We have included a suggested planning condition that encompasses the information that will be required for submission by the applicant to ensure compliance with the detail requested at the outline planning stage. The existing FRA is no longer representative of the conditions on site.

Condition

No development approved by this reserved matters planning application, relating to the employment unit on Plot 4, shall commence until such time as a revised flood risk assessment has been submitted to and approved in writing by the local planning authority.

The report shall include the following details:

- Acknowledgement of the impact of the de-culverting of Davyfield Drain and the building of the spine road
- Findings of the hydraulic model including the summary report for the watercourses approved under Discharge of Condition application 10/20/0627, for the wider site as a result of the de-culverting and construction of the new spine road. If compensatory storage is to be provided, details should be submitted to the LPA
- Finished ground levels and proposed finished floor levels for Plots 1, 2 and 3 should be supplied and the FRA should indicate what other flood resilience measures are proposed

Reason

To reduce the risk of flooding to the proposed development and future users by ensuring that there are no detrimental impacts to flood storage of flood flow routes in accordance with Policy 9 of the Blackburn With Darwen Borough Local Plan Part 2 (2015).

Contaminated Land

There is no additional information submitted with this application to address the area of historic landfill located in this phase of the development. As part of our response to previous phases of development on this site we have reviewed the following documents:

REMEDIATION STATEMENT for Milking Lane, Darwen, dated July 2021 REPORT Ref No: 21ELA052/RS by Betts Geo

Desk Study & Ground Investigation Report for Milking Lane, Lower Darwen, Blackburn, dated August 2015, REPORT Ref No:15RSA011/DSGI

And would offer the following comments;

No groundwater sampling has been undertaken, and the report also indicates that leachability testing to assess the contaminants within the landfill has also not been undertaken. Consideration should be given to assessing the actual hard standing over the landfill and the decrease in infiltration that this may result in, to decrease influx.

There is currently inadequate information about this phase of the development in the documentation to make a contaminated land assessment.

6.7.3 A meeting was held with the EA to discuss the above comments.

6.7.4 The final EA response, received on 11/02/2022, confirmed no objections were raised:

Thanks for the levels for the residential plot, that is the missing information that we require. In order to discharge the conditions for the housing, could you ask for the following to be uploaded to the discharge of conditions application (10/21/1424)?

The levels drawing you have just sent through
The summary report of the hydraulic modelling
The revised flood map for the site
The scheme for the de-culverting of Davy Field Drain (this may be included in the hydraulic modelling report)

The latter three pieces of evidence were submitted for the discharge of conditions for the road which I think is 10/20/0627.

If you can arrange for these to be uploaded and for us to be re-consulted, I will just check with my flood risk colleague and we will get a response back to you asap.

If she is happy, it should be a full discharge of conditions 38, 39, 40 & 41, but a partial discharge of condition 42 re. contaminated land, until we get the verification report to satisfy the final point of the condition.

With regards the reserved matters applications for the housing 10/21/1001 and the SE commercial parcel (plot 4) 10/21/1328, we are fine for those to be determined. We did however recommend that catch all condition to go on the reserved matters decision notice for the commercial plot to replace the conditions from the outline. I am happy for you to disregard that if the preferred approach is now that we will fall back on the discharge of the conditions from the outline decision notice.

6.8 Drainage

6.8.1 No objections:

Lead Local Flood Authority Position
We would confirm approval of the reserved matters

6.9 Public Protection

6.9.1 No objections, subject to conditions:

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

Condition - Industrial/Commercial Noise Control
The noise rating level arising from the commercial/industrial premises shall not exceed 50dB(A) at residential premises. Assessment shall be made in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound'
Reason: To ensure an acceptable standard of residential amenity.

Condition – Hours of Use Restriction

The approved use shall be restricted to the following times:

Monday to Sunday: 07:00 – 23:00 hours

Any variation of the above hours restriction must be approved in writing by the Planning Authority.

Reason

To ensure appropriate hours of use to minimise noise disturbance at residential premises.

CONTAMINATED LAND CONDITIONS

Condition 1

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

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

Condition 2

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

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

Condition 3

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

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

INFORMATIVE:

- All reports shall be prepared in accordance with BS10175:2011 (as amended), CLR 11 and any other relevant, appropriate and authoritative publications.
- The Local Planning Authority will not accept any liability for remediation works.
- The responsibility for the safe development and occupancy of the site, at all times, rests with the developer.
- Failure to comply with above condition may result in enforcement action being taken by the Local Authority under the Environmental Protection Act 1990.

- You are strongly advised to contact the Environmental Protection Team of the Public Protection Service to discuss the requirements of the Contaminated Land Condition (Karen Huddart or David Johnson tel: 01254 267699).
- The guidance documents entitled 'Contaminated Land Planning Guidance' & 'Validation Policy Document' should be read before you investigate the site. This guidance is available on the Council web site. These hyperlinks will give you direct access :
www.blackburn.gov.uk/upload/pdf/Contaminated_Land_Guidance.pdf
www.blackburn.gov.uk/upload/pdf/Validation_Policy_Document_FINAL.pdf
- A suitably qualified, competent & impartial person shall fulfil the requirements of the condition.

NOTES FOR PLANNING

When a condition is recommended by the Environmental Protection Team to be attached to the consent, guidance should be sent out to the applicant outlining how this condition should be addressed. The guidance is also available on the website:

www.blackburn.gov.uk/upload/pdf/Contaminated_Land_Guidance.pdf

www.blackburn.gov.uk/upload/pdf/Validation_Policy_Document_FINAL.pdf

It should be made clear that it is the responsibility of the developer to undertake an adequate risk assessment of the site, and to propose measures to ensure that these risks are appropriately addressed for the safe development of the site. The developer is also responsible for ensuring that appropriate competent professional advice is available. Those providing expert advice to developers should be aware of the future reliance that may be placed on it.

If requested, and where appropriate, written confirmation that parts, or indeed all, of the condition has been satisfied should be provided by the Head of Planning after consultation with the Environmental Protection Team. Some conditions should be ongoing, however, where there is no obvious end point, for example where ongoing monitoring of contamination or of the continued integrity of a remedial scheme is necessary. Any such written confirmation should be provided, clearly stating which part(s) of the condition have been satisfied. Also, it should be stated that "the decision as to whether the condition has been satisfied has been taken by the Head of Planning on the basis of the information supplied by the developer. However, this does not mean that the land is free from contamination", and that "the responsibility for the safe development and secure occupancy of the site rests with the developer".

Air Quality:

Condition - 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 report shall include a screening assessment which determines whether an Air Quality Assessment (AQA) is necessary. Where an AQA is necessary, 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'.

REASON: In accordance with Policy 36 of the Blackburn with Darwen Borough Local Plan Part 2 and Paragraph 110 of the National Planning Policy Framework 2019, which states that developments should be designed to enable charging plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. This implements the requirements of Council's Air Quality PAN and the Principles of Good Practice in the EPUK & IAQM guidance

Planning for Air Quality. These are readily achievable mitigation measures that reflect current good practice and help to reduce the cumulative impact of current and future developments.

Informative:

The Council has published a Planning Advisory Note (PAN) 'Air Quality' for guidance available at: <http://www.blackburn.gov.uk/Pages/Planning-policies.aspx>. Details of Air Quality Management Areas declared by Blackburn with Darwen Borough Council and the associated Local Air Quality Management reports can be downloaded at www.blackburn.gov.uk. The applicant is advised to contact Simon Kirby or Karen Huddart of the Environmental Protection Team to validate the scope of the air quality assessment (Tel : 01254 267699, publicprotection@blackburn.gov.uk). As a minimum requirement, the Principles of Good Practice in the EPUK & IAQM guidance 'Planning for Air Quality' should be applied to all developments of this size.

Floodlighting

Should the proposed development include outdoor lighting I would recommend the following condition:

Condition – Floodlighting (as appropriate)

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

Reason

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

Informative:

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

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

Construction Phase Control Conditions

Condition – Hours of Site Works

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

Saturday 09:00 - 13:00 hours

Any variation of the above hours restriction must be approved in writing by the Planning Authority.

Reason

To ensure appropriate hours of site work to minimise noise during the construction phase.

Condition – 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.

Reason

To ensure that satisfactory measures are in place to alleviate any dust & dirt impact at adjacent residential premises.

Noise & Vibration Control

The following condition is recommended if pile driving works are required on site.

Condition

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.

Reason

To minimise noise/vibration disturbance at adjacent residential premises.

Floodlighting Control (Construction Phase)

The following condition is recommended if security floodlighting is required on site.

Condition

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.

Reason

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

Informative:

When assessing potential loss of amenity the Local Authority shall make reference to the lighting levels provided in 'Guidance Notes for the Reduction of Obtrusive Light' GN01 produced by The Institution of Lighting Professionals, available at:

<https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2020/>

NB: The proposed development is within an E3: Medium District Brightness Area.

Informative - Construction/Demolition Noise

All activities associated with the construction/demolition works shall be carried out in accordance with British Standard 5228: Code of Practice for Noise & Vibration Control on Construction & Open Sites – Parts 1 and 2.

6.9.2 Additional comments from Public Protection re potential glare:

Building glare arising from the sun's reflection isn't something that EP legislation covers

6.10 Cleansing

6.10.1 No objections

No issues.

6.11 Highways

6.11.1 No objections, subject to conditions:

6.11.2 Initial response:

The submission details have been reviewed, and a site investigation has been undertaken.

The proposal received is for Approval of the reserved matters for the appearance, layout, scale and landscaping of employment unit on plot 4 pursuant to permission 10/18/1149.

Parking/Access

In accordance with the adopted parking standards, based on the total floor area. We have assessed it against a B2/B8 use, the parking allowances would be as follows:

- 3251sqm/(B8) 1 car space per 100sqm = 33*
- 3251sqm/(B2) 1 car space per 60sqm = 55*

If we were to assess it against the worst case scenario, then the provision would be 55 spaces. 50 car parking spaces are proposed, this is acceptable. 5 of the total bays are designated for disabled use. I would add that there should be a provision made for electric vehicles, please could we seek consideration of this.

All bays provided conform to the council's standard bay sizes and manoeuvrability spaces

No details of cycle or PTW spaces have been provided, these should be sited near the entrance of the building secure and covered.

Access & Layout

The vehicle access is already off the roundabout from Mill Bank Road. This is a newly created access road which will support this site and others.

A pedestrian access is shown off the highway, however this does not connect safely or directly to the entrance of the building. Please seek details showing a safeguard delineated route.

Sightlines details are not offered. We suspect these will be acceptable, however we would request that the splays on either side of the access are kept free from vegetation and obstructions, when setting out boundary treatment.

Servicing

No details on swept path of vehicles entering turning and leaving the site have been provided. This together with frequency of movements, confirmation of largest vehicle to visit the site, a service vehicle parking area associated with vehicles waiting to load whilst one is unloading is to be offered for assessment. Please seek further details.

Other

Construction Method Statement is required, please condition

Matters also to be considered are:

- 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
- 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.

To conclude, in principle we support the application, subject to the matters as outlined being addressed satisfactorily.

6.11.2 The applicant submitted a revised plan and additional information to address the initial Highways Officer concerns.

6.11.3 In response to the amended plan / additional detail provided, the Highways Officer responded as follows:

Additional details received 2nd February 2022

The information has been reviewed.

*All matters have been considered and responded to satisfactorily
No further objection to offer*

Saf – 28th February 2022

6.12 PROW

6.12.1 No objections

No PROW issues

6.13 Tree Officer

6.13.1 No objections. No detailed comments received.

The RM application was conditioned no.7 for tree information and Con 9 was for Landscaping.

7 **Publicity**

7.2.1 64 Neighbouring properties were consulted during the consultation process, and site notices were posted on 14th December 2021. A press notice was also issued on 22nd December 2021. One representation was received, from a local resident.

7.2.2 A summary of the issues referred to in the letter of objection from the neighbour is set out below:

- High pressure water main
- Sunlight reflection

- Noise, light and air pollution
- Pile driving in the construction phase – potential for vibration causing land slippage on the embankment
- Landscaping and reinstatement of lost vegetation

7.2.3 The objection letter is shown in full in Section 10.

7.2.4 The planning matters referred to in the letter of objection that are pertinent to this current RM application are noted.

7.2.5 The above matters were / are being addressed through the conditions attached to the outline approval. In relation to potential glare, this can be addressed by an appropriately worded condition, and is referred to in more detail in the main body of this report.

8.0 CONTACT OFFICER: Tom Wiggans – Planning Officer

9.0 DATE PREPARED: 4th March 2022

10.0 SUMMARY OF REPRESENTATIONS

Mr Kevin Lloyd, 14 Lady Close, Lower Darwen. Received – 20th December 2021:

With reference to the above please find my objections/comments below:

1. The recently submitted planning application clearly shows that parts of the concrete storage yard and car park in respect of unit 4 are built over the high pressure water main. This high pressure water main serves the estate on which I live. It is my understanding that in accordance with planning department comments in respect of unit 3 there should be no building over a high pressure main and also that there should be a clear space to either side of this main. These restrictions should also apply to unit 4.
2. I would also like to see some restriction as to the use of materials used in the construction of this building which minimise the effect of sunlight reflection. There is already a building on the other side of the M65 which when the sun shines on the roof makes it virtually impossible for me to look through my house windows to the rear of my property. There are massive flash backs.
3. I assume that there will be restrictions in respect of noise, light and air pollution.
4. I further assume that there will be no pile driving in the construction phase in view of vibration causing land slippage on the embankment. My neighbours are convinced that their rear fences have slipped due to unnecessary land clearance activity in respect of the removal of trees and bushes on the embankment to the rear of both mine and their properties. Please reference to local councillors and local member of Parliament.
- 5 I presume that there will be substantial reinstatement of vegetation lost through the planting of indigenous trees and shrubs etc on the embankment at the rear of my house to prevent further slippage. Such planting has already been specified by the planning department in respect of the other units proposed for this site.