

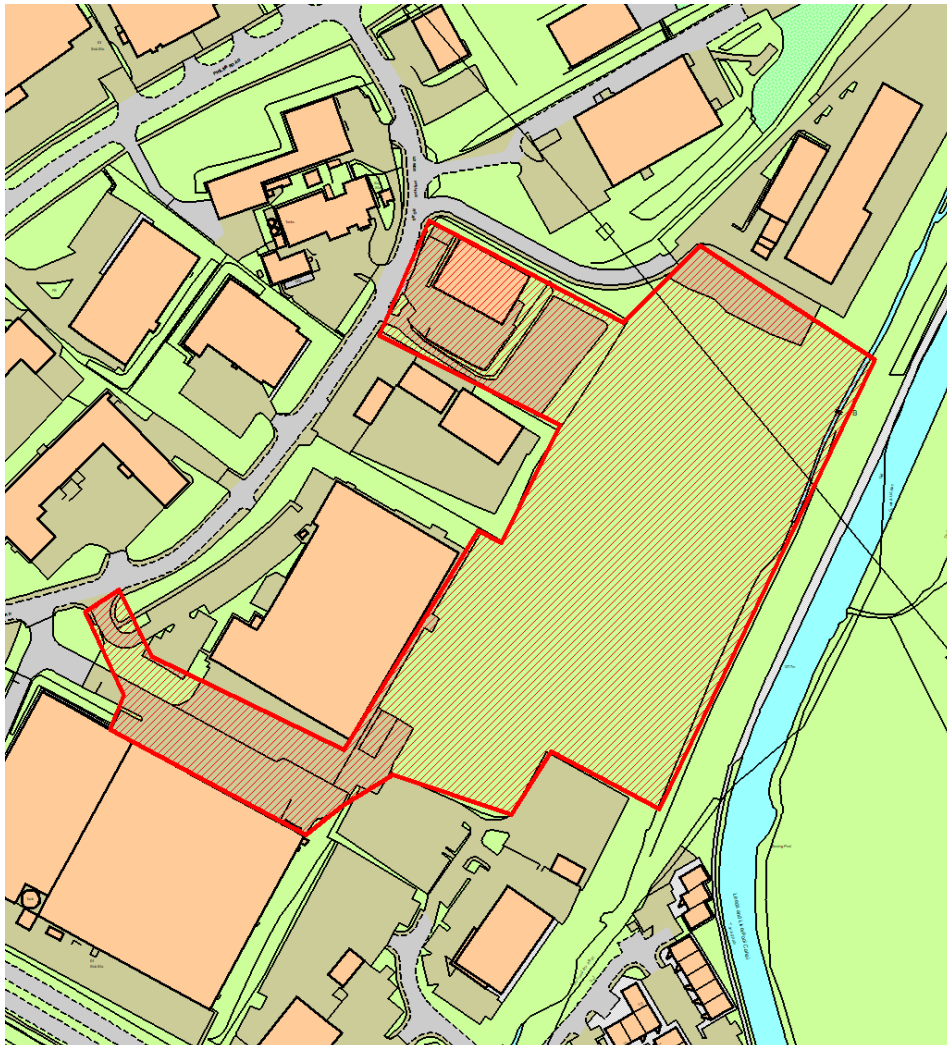
Proposed development: Full Planning Application (Regulation 4) for: Construction of new 120,000 sq ft B2 / B8 warehouse unit with associated external works, car parking and service yards; construction of new dock leveller extension bays to existing warehouse building; change of use of existing 10,550 sq ft production building to form retail unit; construction of access road; and reconfiguration of existing access road.

Site address:

**Land to South East Lower Philips Road
Whitebirk Industrial Estate
Blackburn
BB1 5UD**

Applicant: Pets Choice Ltd

**Ward: Little Harwood & Whitebirk
Councillor Sonia Khan
Councillor Abdul Patel
Councillor Mustafa Ali Desai**



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The proposal is in the form of a major, full planning application. It is reported to Committee on account of the application site (the site) being Council owned, in accordance with the Council's adopted Scheme of Delegation. Submission of the application follows pre-application consultation undertaken between the applicant and the Council. It is considered that the final scheme responds appropriately to representations made during the pre-application process.
- 2.2 Detailed assessment of the application finds that the proposed development corresponds with the Council's overarching employment growth strategy, as set out in the Core Strategy and Local Plan Part 2. Delivery of a high quality employment led development will be secured, focussed on land that is allocated for employment, to the South East of Lower Philips Road, on the Whitebirk Industrial Estate. Moreover, from a technical point of view, all issues have been addressed through the application or are capable of being controlled or mitigated through planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site (the site) is located on the Whitebirk Industrial Estate, accessed from Lower Philips Road, to the immediate north west. The site is bounded by the Leeds Liverpool Canal to the south east and other industrial uses to the north east and south west.
- 3.1.2 The site measures 6.09 hectares in area sits within a wider area allocated for Primary Employment, in accordance with the Adopted Policies Map annexed to the Local Plan Part 2. The site specific policy is set out under Policy 13/1 - Employment Land Allocations, Whitebirk Industrial Estate, Blackburn. The policy is explicit in allocating the site for the development of Use Classes B1, B2 and B8 (light industrial, general industrial and storage & distribution, respectively). It should be recognised that Use Class B1 has been replaced by Use Class E(g), since publication of the Local Plan.
- 3.1.3 The site lies to the north of the A6119 road (Whitebirk Drive), with Lower Phillips Road lying due west. The Leeds and Liverpool Canal lies to the east of the site, beyond which is vacant land, while a variety of commercial, industrial, and retail units lie to the north, and across the Whitebirk Industrial Estate in general. Junction 6 of the M65 is roughly.

- 3.1.4 1.05km to the southeast of the site, with this road a major routeway in Lancashire, connecting Blackburn, Preston, Burnley, and Colne amongst others.
- 3.1.5 The site and its immediate surrounding context is shown in the following aerial image (PWA Planning Support Statement, Nov 2021).



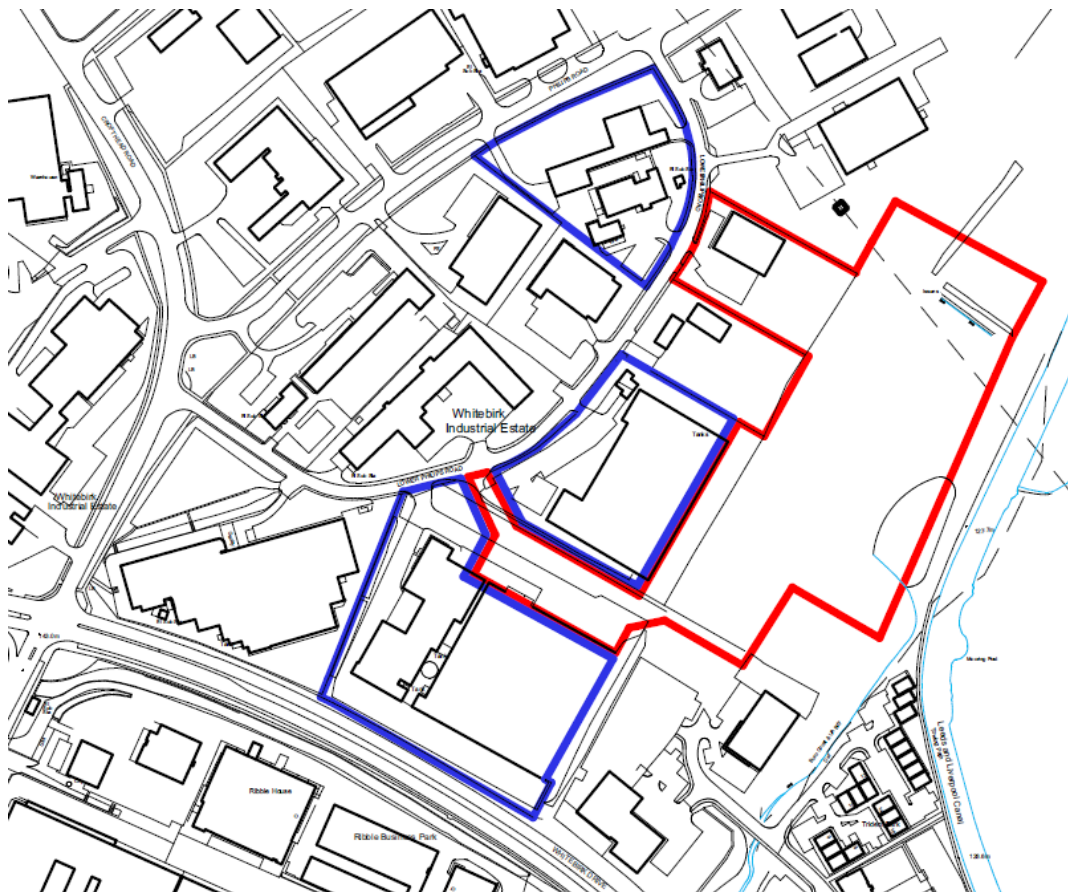
- 3.1.6 The nearest residential units are approximately 425m to the west of the site off Tintern Crescent. A clear, defensible boundary between the residential areas and industrial areas are formed through Philips Road and Whitebirk Drive (A6119), as well as other built development.
- 3.1.7 There are no heritage constraints associated with the site, with the nearest heritage asset to the site is the Grade II listed 'Side Beet Bridge' which is located 215m to the northeast of the site. With regards to flood risk, the site is within Flood Zone 1 where the risk of flooding is the lowest. The site is designated as a Mineral Safeguarding Area (Brick / Clay and Surface Coal). Detailed assessment of such via a Mineral Resource Assessment is not required, on account of the sites position within the Urban Area, as so defined at the time of adoption of the Local Plan Part 2 (2015).
- 3.1.8 A number of Public Right of Ways (PRoW) are routed through the site, as illustrated below (PWA Planning Support Statement, Nov 2021):



Figure 3.1.9: Location plan of the site (Campbell Driver Partnership, July 2021)

3.1.9 A portion of the site is utilised as a warehouse supporting the business through the packaging and dispatch of products to Pets Choice retail stores. The remaining parcel of land is undeveloped.

3.1.10 Pets Choice already have a significant presence on the industrial estate, occupying land to the south, west and north west of the site, as illustrated by the blue outline on the location plan below. The red edge represents the application site (Campbell Driver Partnership, July 2021):



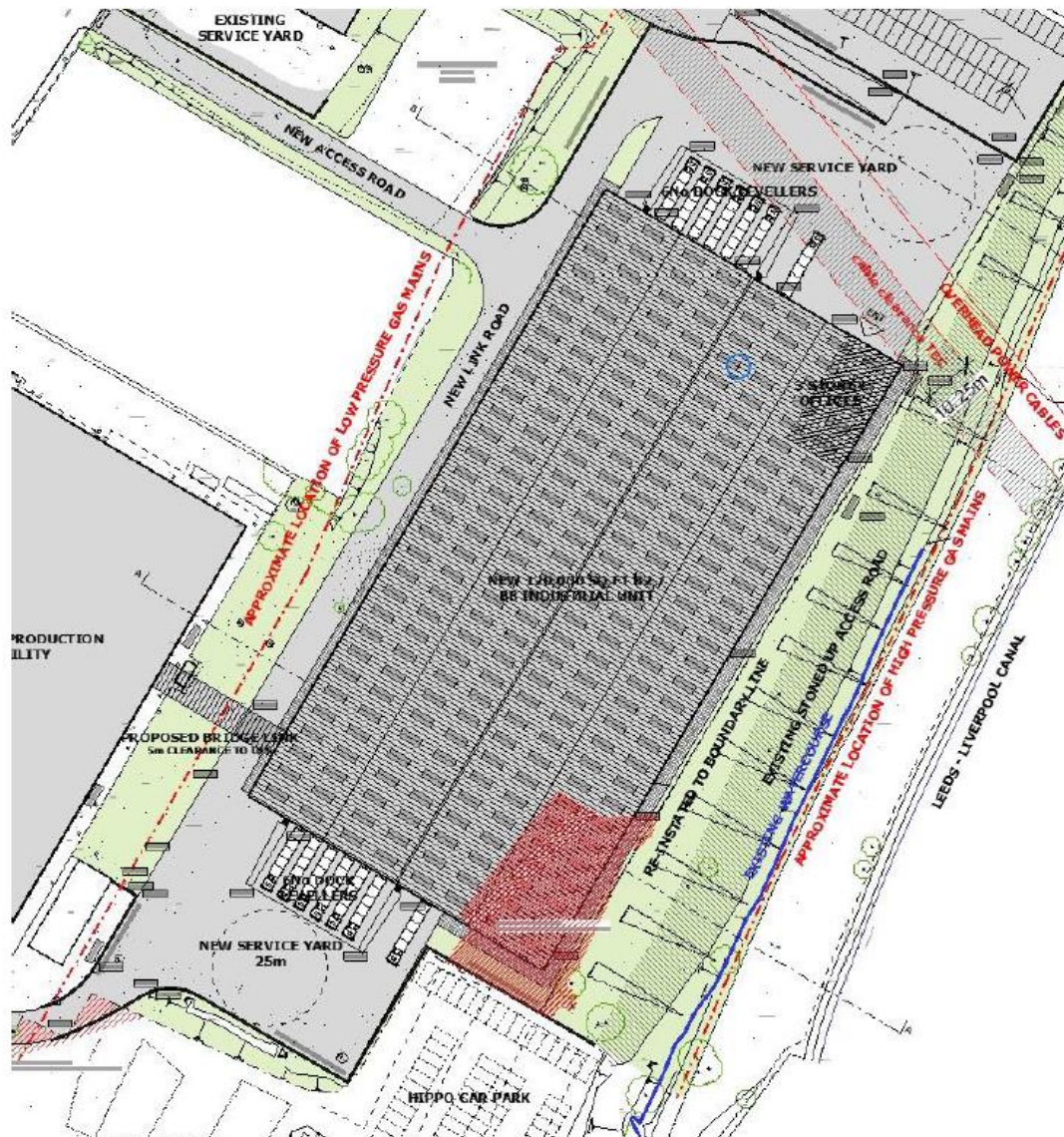
3.2 Proposed Development

- 3.2.1 Pets Choice are a leading pet food manufacturer based in Blackburn, Lancashire, with a worldwide customer base. Pets Choice have an industry knowledge spanning over 135 years, providing pets and wild animals all over the globe with a variety of food at competitive prices.
- 3.2.2 Pets Choice supply partners in the grocery, independent, and pet speciality sectors (both in the UK and abroad) with high-quality products in a variety of formats. Their state-of-the-art UK manufacturing facilities and warehousing facility mean product quality is controlled from the beginning to the end of the product journey.
- 3.2.3 Planning permission is sought for the erection of a single storey 120,000 sqft warehouse building (use Class B2 / B8) with 3 storey offices, change of use of the existing packing building (10,550 sqft) to an ancillary retail building, creation of a new access road, alterations to the sites existing access, and the creation of new car park spaces, as set out in the submitted drawings and Design and Access Statement. The proposal will create an additional 60 jobs.
- 3.2.4 Change of use of the existing industrial building used for packing operations to a retail unit, which will be an ancillary feature to the wider Pets Choice operations and production facilities. The unit is intended to operate on Thursday to Saturday for wholesalers and the general public. Whilst Sunday-Wednesday the space will be used as a 'showroom' to allow the business to 'mock-up' shelves to illustrate to the retailers what their shelves would look like, and what space they are expected to have.
- 3.2.5 It is also envisioned that on a Tuesday and Wednesday the retail space will form staff sales operations, which are currently performed out of the existing warehouse, where employees pick up previously ordered products at the site. Staff are currently permitted to do so from the manufacturing building. Therefore, these vehicle movements will simply be reassigned from where the Pets Choice staff member works (the warehouse or extruder site) to the proposed trade counter. Relocating the staff sales to the proposed trade counter site will simplify the Pets Choice operations across their sites.
- 3.2.6 Access into the site is to be taken through an alteration of existing arrangements that existing along Lower Phillips Road, to the north-west and south-west of the site, as shown on the Site Plan. This will effectively provide a new link road and support access to the new service yard, while also providing access to the new car parking area with 81no. spaces. In addition to utilising the existing car park west of the existing production facility and the existing overflow parking 43no. and 9no. spaces located to the east and west of the proposed retail units. A new access will also be inserted to the south of the existing packing building, this to provide direct access to the existing car park, as well as the new link road.
- 3.2.7 A new dock leveller extension to the south of the site, as well as two new service yards, located to the southeast and northeast respectively. Both of

these service yards will be able to hold 6no. dock levellers, with the north-eastern yard access via the new access road, while the yard to the south-eastern yard will be accessed via the new link road, that connects to the existing access road in the southwest which is to be reconfigured.

3.2.8 Drawings show the proposed warehouse scale and height and to be composed of modern design using high-quality, attractive, efficient, and durable materials. The walls will feature vertical silver cladding on the ground floor of the proposed warehouse, and the 1st and 2nd floor will compromise of horizontal grey cladding. Whilst the offices main entrance will feature flat panel cladding, creating a contemporary design which fits into its surrounding context upon an industrial estate.

3.2.9 The proposed site layout and selected elevations of the proposed building are illustrated below (Design & Access Statement, Campbell Driver Partnership):



3.3.4 Local Plan Part 2 (LLP2)

- 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 13/1 – Employment Land Allocations: Whitebirk Industrial Estate, Blackburn
- Policy 14 – Primary Employment Areas
- Policy 29 – Assessing Applications for Main Town Centre Uses
- Policy 36 – Climate Change
- Policy 39 – Heritage
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape

3.3.5 Joint Lancashire Minerals and Waste Local Plan.

3.3.6 Joint Lancashire Minerals and Waste Development Plan.

3.3.7 Joint Lancashire Minerals and Core Strategy (2009).

3.3.8 Site Allocations Development Management Policies Plan Part 1 (2013)

- Policy M2 – Safeguarding Minerals.

3.4 **Other Material Planning Considerations**

3.4.1 Green Infrastructure & Ecological Networks SPD (2015)

3.4.2 BwD Air Quality Planning Advisory Note

3.4.3 National Planning Policy Framework (The Framework) (2019)

The Framework sets out Government planning policies for England and how these are expected to be applied. **Paragraph 11** states that the purpose of the planning system is to contribute to the achievement of sustainable development and that a presumption in favour of sustainable development is at the heart of The Framework. For decision taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless:

- Any adverse impacts of doing so would significant and demonstrably outweigh the benefits, when assessed against the policies in the framework as a whole; or
- Specific policies in the framework indicate development should be restricted.

A key objective of The Framework is to raise economic performance to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

Areas of The Framework especially relevant to the proposal are as follows:

- Section 2: Achieving sustainable development
- Section 6: Building a strong, competitive economy
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed place
- Section 16: Conserving and enhancing the historic environment.

3.4.4 National Planning Policy Guidance (NPPG).

3.4.5 Blackburn with Darwen Local Plan 2018 – 2037 (Consultation Draft) (January 2021).

3.5 **Assessment**

In assessing this full application there are a number of important material considerations that need to be taken into account, as follows:

- Principle of the development
- Amenity impact
- Environmental impact
- Accessibility and transport
- Design and layout
- Planning Gain / Section 106 contributions: Affordable Housing, GI and Education.

3.5.1 Principle

Core Strategy Policy CS1 explains that the overall planning strategy for the Borough is one of 'Targeted Growth', with the aim of raising economic performance, average wage levels and Gross Value Added generation, including through new development on land supplied for business and higher value sectors. Policy 1 of the Local Plan Part 2 confirms the preferred option for new development to be the urban area.

3.5.2 Policy 7 on Sustainable and Viable Development echoes the presumption in favour of sustainable development set out in The Framework. Thus, applications that accord with policies in the Local Plan will be approved without delay unless material considerations indicate otherwise.

3.5.3 Policy CS3 confirms that provision will be made for up to 105.5 hectares of employment land between 2011 and 2026. 60 jobs will be created. The proposal will also ensure preservation of the site for employment in accordance with its allocation and consistent with the requirements of Policy CS4.

3.5.4 Policy 13 provides detail on the Core Strategy principles, in allocating specific site for employment purposes – Use Classes B1 (now E_g), B2 and B8. Of the overall minimum 66 hectares allocated in the Local Plan Part 2, the site comprises 6.09 hectares, as defined by Policy 13/1, ‘Whitebirk Industrial Estate, Blackburn’, as set out below:

Site 13/1 – Whitebirk Industrial Estate, Blackburn



Site Area	6.09 Hectares
Typology	Prestige

The site is close to Junction 6 of the M65, and is on the edge of an established business park. Developments could include offices / light industry or general industry.

Key Development Considerations

1. Potential land remediation issues due to proximity to a former landfill gas site. Any development would need to accommodate the requirements of the surrender of an active landfill licence.
2. Any development should have a good relationship with the adjacent Leeds and Liverpool Canal and conserve the setting of the listed canal bridge number 106.
3. Possible ecological impacts should be considered due to the greenfield nature of the site and any features of ecological importance incorporated into the site layout.
4. Public rights of way cross the site which would need to be retained or diverted.

- 3.5.5 As a proposed new building accommodating uses within Classes E(g) and B2, on land allocated for employment, this element of the development is consistent with Policies 13/1 and 14; subject to ensuring no conflict arising with the overall function and developability of the area. No such conflict arises. Detailed assessment of Key Development Considerations 1 – 4 is set out subsequent to addressing the principle of the development, at the relevant policies targeted at safeguarding those matters.
- 3.5.6 Policy RAP4 of the emerging Local Plan identifies that the site is earmarked for renewal, with development that supports employment uses, including B2, B8, & E Use Classes, viewed favourably.
- 3.5.7 Core Policy 3 of the emerging Local Plan shows that a minimum of 57.1 hectares of new land will be delivered for employment purposes over the plan period 2018-2037, with an additional buffer of land applied to provide flexibility and to ensure requirements over the plan period are met. This policy also states that the Council will help to protect existing employment areas, including the Whitebirk Industrial Estate, from inappropriate types of development, in line with Policy RAP4.
- 3.5.8 The Framework, at paragraph 81, states that planning decisions need to encourage economic growth and productivity, while Paragraphs 82 and 122 assert that planning policies need to be flexible to accommodate for needs and respond to changes in economic circumstances. Paragraph 120(a) builds on the above stating that mixed-use schemes will also be encouraged on sites.
- 3.5.9 The proposed change of use of the existing industrial building to an ancillary retail outlet sits outside of the allocated site (as defined by the red edge above by policy 13/1). It remains, however, within the wider employment allocation of the industrial estate. Some minor conflict arises with Policies 14 and 29. That a retail aspect will exist as a use strictly ancillary to the predominant manufacturing and distribution use is an important material consideration weighing in favour of this element of the proposal. This circumstance is considered to avoid any significant conflict with the Council's strategic retail policies relating to 'main town centres uses', that would undermine retail provision within the Town Centres and District Centres. Moreover, it is agreed with the applicant that limitation of the retail use as a provision ancillary to Pets Choice will be secured via condition.
- 3.5.10 The site sits within a defined Mineral Safeguarding Area, relating to brick / clay and surface coal. As the site sits within the Urban Boundary and is allocated for employment use, in accordance with the provisions of the Local Plan Part, review of a Minerals Resource Assessment is not a requirement.
- 3.5.11 Accordingly, the principle of the development is found to be entirely acceptable, in accordance with the provisions of the Development Plan and The Framework.

3.5.12 Heritage

Policies CS17 and 39 requires development to identify and take advantage of opportunities to integrate with and promote the Borough's assets and for development with the potential to affect designated or non-designated heritage assets to sustain or enhance the significance of the asset. This local position essentially reflect that of The Framework.

3.5.13 A Heritage Statement has been submitted with the application which considers the proposed developments relationship with the adjacent Leeds and Liverpool Canal and, specifically, the Grade II listed 'Side Beet Bridge' (bridge no. 106) – Key Development Consideration 2 (Policy 13/1).

3.5.14 The bridge is located circa 215m to the north east of the site. lies off Side Beet Lane and was first listed on 9th March 1984, assigned listing ref. 1206129 by Historic England. This bridge provides crossing across the Leeds and Liverpool Canal and was constructed in 1810 by engineers Ralph Whitworth and Joseph Priestley).

3.5.15 Taking account of the existing industrial nature of the Whitebirk Estate, the sites allocation for employment use, pre-existing industrial / commercial built form (Hippo Motors) positioned between the site and the bridge and the overall separation distance of 215m from the bridge, the proposal is not considered to cause any discernible harm to the setting of a heritage asset.

3.5.16 Accordingly, the proposal is found to comply with the requirements of Policies CS17 and 39, and The Framework.

3.5.17 Amenity

Policy 8 requires development to contribute positively to the overall physical, social, environmental and economic character of the area. It is also required to secure a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking, and the relationship between buildings.

3.5.18 An Air Quality Impact Assessment has been submitted with the application and reviewed by the Council's Public Protection consultee. It is concluded that there may be a medium risk of dust soiling during construction phase of the development. Such an outcome is considered inevitable and not unreasonable and can be proportionately addressed via a condition to secure submission of a Construction and Environmental Management Plan (CEMP) to guard against, amongst other things, excessive dust and dirt emissions towards neighbouring uses. The CEMP will also include safeguarding measures against vibration during construction, particularly if pile driving foundations are required.

3.5.19 Air quality during operational phase of the development is concluded as being unlikely to result in a 'pollution hotspot' requiring submission of additional modelling predictions on pollution concentrations. Extra traffic will, however, be generated which will contribute to background levels of pollution and a

degree of adverse health impact. Mitigation in the form of provision of 5 electric vehicles charging points, as proposed by the applicant, will, therefore be secured via condition. As an additional measure, a Green Travel Plan will also be secured via condition, specifying details of a Travel Plan co-ordinator, promotion of travel mode choices, a monitoring regime and a timetable for implementation and routine monitoring and review in the form of an annual assessment.

3.5.20 With reference to odour impacts, it is recognised that the site forms part of a wider food manufacturing facility. No record of odour complaints exist, suggesting no pre-existing odour nuisance. Notwithstanding this, odour is controlled via an A1 IPPC Permit with the Environment Agency (EA). Although discussions between the applicant and Public Protection colleagues establish that the precise function of the manufacturing facility proposed is yet to be finalised, Public Protection are satisfied that odour arising from the new facility can continue to be controlled via the EA permitting regime. An informative will advise the applicants of their responsibility to vary the permit to account for any new process, as may be necessary.

3.5.21 Phase 1 and Phase 2 Geo-Environmental Assessments have been submitted with the application, in response to contaminated land issues arising from the proximity of the site to a former landfill gas site which presents a high risk of contamination that could be mobilised during construction. The Council's Public Protection consultee recommends application of standard contaminated land conditions, in order to conclude review of information submitted and to require additional information, as necessary, in order to agree a final remediation strategy for the site - Key Development Consideration 1 (Policy 13/1). In this context, site investigations / gas monitoring, as regulated by the Environment Agency (EA), is ongoing. The applicants are aware of their need to surrender the existing Landfill License to the EA, a matter that will be re-enforced via an informative. Surrender of the license will also be captured via the 'Conditions of Sale' between the applicant and the Council. As with Public Protection, the EA recommend their standard contaminated land condition, in order to secure any necessary remediation strategy to guard against contamination to all areas, including controlled waters.

3.5.22 An acceptable interface between the proposed building and neighbouring existing industrial / commercial buildings is achieved, ensuring an acceptable relationship between buildings.

3.5.23 The nearest dwelling to the site is sited circa 425m to the west, off Tintern Crescent. A clear, defensible buffer from the residential area, in the form of Philips Road and Whitebirk Drive, as well as other built form, guards against any residential amenity impacts (noise, odour, dust, other pollution etc) arising from the proposed development.

3.5.24 The Canal & Rivers Trust recommend that the structural integrity of the adjacent Leeds and Liverpool Canal is safeguarded via condition.

3.5.25 The site sits within a defined 'Development High Risk Area' arising from coal mining legacy. The submitted Phase 2 Geo-Environmental Assessment includes results of intrusive site investigations in this regard which concludes that no worked shallow coal seam or coal seams were encountered. The Coal Authority, therefore, offer no objection to the application.

3.5.26 Cadent Gas have provided comment on the application, in response to the presence of high and low pressured gas mains in proximity to the site. Dialogue with Cadent Gas confirmed the need to consult the Health and Safety Executive on the application. A report, produced via their online app confirmed that the HSE 'does not advise, on safety grounds, against the granting of planning permission in this case'.

3.5.27 Accordingly, the development is found to appropriately safeguard public amenity, in accordance with the requirements of Policy 8 and The Framework.

3.5.28 Environment

Policies CS13, 9 and 40 requires that development will not have an unacceptable impact on environmental assets or interests, including but limited to climate change (including flood risk), green infrastructure, habitats, species, water quality and resources, trees and the efficient use of land.

3.5.29 A Flood Risk Assessment (FRA) and Drainage Strategy is submitted with the application which has been reviewed by the Council's Drainage consultee (as Lead Local Flood Authority) and United Utilities. The FRA confirms the site to be wholly within Flood Zone 1, where the risk of flooding is at its lowest. Moreover, the report confirms that both surface water and foul water will be adequately managed at the site, following the SuDS strategy. No objection is offered, subject to submission of a Surface Water Drainage Scheme and a SuDS Management and Maintenance Scheme, for the lifetime of the development, notwithstanding the submitted information, as recommended by United Utilities.

3.5.30 A Phase 1 Habitat Survey has been submitted with the application which has been reviewed by the Council's Ecology consultee, who offers no objection. Review confirms the site to have limited ecological value, absent of any specially protected or priority habitats, and has only low-negligible potential to support any specially protected species. Only relatively common habitats which have arisen recently on either previously developed, or previously cleared, land are present.

3.5.31 The following are recommended to be secured via condition - Key Development Consideration 3):

- No vegetation clearance during bird nesting season (March to August), unless the presence of nesting birds has been discounted by a suitably qualified person;
- submission of an Invasive Species Method Statement to address the presence of Japanese Knotweed and Himalayan Balsam; and

- submission of a detailed Landscaping and Biodiversity Enhancement Scheme to address biodiversity loss across the site and to enhance the canal corridor (as recommended by the Canal & Rivers Trust). The scheme should include native tree and shrub planting, as well as bird nesting and bat roosting boxes.

3.5.32 The site supports only limited low value scrub trees, most of which are to be removed. Replacement planting will mitigate any tree loss, as above. An ongoing management and maintenance regime, thereof will be secured via condition. No objection is offered by the Council's Arboricultural consultee.

3.5.33 Accordingly, the environmental impact of the development is found to be acceptable, in accordance with the requirements Policies CS13, 9 and 40, and The Framework.

3.5.34 Highways / Accessibility and Transport

Policies CS22 and 10 requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced and that appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards.

3.5.35 Three access routes will connect into the site, from Lower Philips Road, with all three entrances currently in existence. Full connection into the site, to the proposed building is to be carried out as part of the development. Access arrangements, in principle, are acceptable, subject to submission of additional design information confirming proposed gradients, to be secured via condition. Appropriate sightlines at the existing access points will be also be secured via condition.

3.5.36 Submission of an amended site layout provides for appropriate additional pedestrian links into and within the site, in the form of a new stepped access and pathway between the car park and proposed offices.

3.5.37 The proposal generates a total parking provision of 146 spaces, when assessed against the Council's relevant benchmark standard. The proposed layout provides 133 spaces which is deemed acceptable, subject to implementation of sustainability measures set out in the submitted Transport Statement. Such measures will be secured via the aforementioned Green Travel Plan condition. Parking spaces are to be retained in the existing car park to serve the retail unit, together with provision of 2no. additional oversized bays for transit vans. A single 'Powered Two Wheeler' (PTW) space and 2no. covered cycle spaces are also added to the car park. Provision of additional PTW and covered cycle space exists within the existing adjacent (Pets Choice) site which are positioned next to the main arrival point for staff and visitors. Disabled spaces also exist within this area. An additional 3no. disabled spaces to the proposed car park serving the new warehouse and an additional single disabled space to the retail unit are to be provided. Taking account of the nature of the facilities proposed, site level constraints and pre-existing PTW, cycle and disabled provision, additional provision is considered unnecessary.

3.5.38 Submitted vehicle tracking drawings for the maximum legal articulated vehicles, confirms suitability of the access arrangements at the bellmouth and to the servicing area at the proposed dock levellers.

3.5.39 Review of the Transport Statement concludes no significant impacts on the wider highway network. A condition to secure enhanced accessibility routes for sustainable transport modes is recommended. Access to the site and the wider estate is suggested from the Leeds and Liverpool canal. The applicant has, however, provided a rebuttal to this suggestion, asserting that such provision would pose a significant security risk which would require continued monitoring and management, and that site levels between the canal towpath and the site would prove a significant constraint, without substantial and expensive engineering works. On balance, and having regard to the economic and environmental benefits arising the proposal, it is considered that additional accessibility routes are unjustified.

3.5.40 Submission of the aforementioned CEMP will guard against any excessive highway impacts arising during construction phase, including a need to ensure that the surrounding highway be kept free of dirt and debris.

3.5.41 Whilst the definitive Public Right of Way (PRoW) (footpath 80), from Lower Philips Road, is affected by the development it is currently under a temporary closure order. The applicant has requested a diversion of this and other footpaths routed through the site – Key Development Consider 4. Accordingly, an application to permanently divert the PRoW is required. The Council's PRoW consultee confirms that the applicant has entered into dialogue and is aware of their responsibility. An informative will be applied reminding the applicant of their obligation in this regard.

3.5.42 Accordingly, highway impacts arising from the development are found to be acceptable, in accordance with the requirements of Policies CS22 and 10, and The Framework.

3.5.43 Design / Character and Appearance

Policies CS16 and 11 require 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.

3.5.44 A Design and Access Statement has been submitted with the application which sets out the design approach to the proposal. The existing retail unit will remain unaltered.

3.5.45 Both the new warehouse and dock levellers are to be of steel frame construction allowing for fully cladded exteriors in a mix of flat panel cladding systems and trapezoidal / profiled wall cladding and roof sheets. Dock leveller areas will be formed in concrete Prowall systems.

3.5.46 The proposed office entrance to the warehouse building is proposed to consist of feature flat panel cladding and curtain walling to highlight entrance areas, with high quality horizontal flat panels to north and east elevations, complimented by bands of upper level ribbon windows providing views of the canal.

3.5.47 The new warehouse building is designed to reflect the branding and colour tones as previously approved for the adjacent office building and laboratories, as shown below (Design & Access Statement, Campbell Driver Partnership) to assist in providing a consistent appearance to the wider site development.



3.5.48 The scale of the built development is proportionate to the site and the wider estate. The warehouse building will extend to a height of 17m to eaves and 21m to the ridge of the dual pitch roof. Appearance of the development will be entirely typical and responsive to the industrial / commercial context. Implementation of soft landscaping will help soften and assimilate the development with the canal towpath and countryside beyond to the east.

3.5.49 Submission of boundary treatments, including details of the retaining wall adjacent to the canal, will be secured via condition.

3.5.50 Accordingly, the design of the development is found to be in accordance with the requirements of Policies CS16 and 11, and The Framework.

3.5.51 Summary

This report assess the full planning application for the construction of a new 120,000 sq ft B2 / B8 warehouse unit with associated external works, car parking and service yards; construction of new dock leveller extension bays to existing warehouse building; change of use of existing 10,550 sq ft production building to form retail unit; construction of access road; and reconfiguration of existing access road. In considering the proposal, a wide range of material considerations have been taken into account. The assessment demonstrates that the planning decision must be made in the context of assessing the merits of the proposal balanced against any potential harm that may arise from its implementation. This report finds that the proposal meets the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, Supplementary Planning Document, Planning Advisory Note and the National Planning Policy Framework.

4.0 RECOMMENDATION

4.1 Approve subject to:

Delegated authority is given to the Strategic Director of Place (Growth & Development) to approve planning permission, subject to the following conditions:

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

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

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the application received 22nd December 2021 and with the following drawings / plans / information: *(to be added)*.

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

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

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

4. Prior to commencement of any above ground work hereby approved, and notwithstanding the submitted details, a scheme of boundary treatment(s) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the precise location, height and construction materials of all boundaries. The approved scheme of boundary treatment(s) shall be implemented prior to first occupation of the development and retained thereafter.

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

5. Prior to the commencement of development hereby approved, the developer must submit to the Local Planning Authority for written approval:

i) A preliminary risk assessment including:

- A comprehensive desk study report, which identifies all previous land uses;
- potential contaminants associated with those uses;
- a Preliminary Conceptual Site Model (CSM) in text, plan and cross-section form, indicating potential contaminants and their sources, pathways and receptors associated with those uses;
- potentially unacceptable risks arising from contamination at the site; and
- Where necessary, detailed proposals for subsequent site investigation, clearly based on the CSM.

ii) Findings of the approved site investigation work (where necessary), including an appropriate assessment of risks to both human health and the wider environment, from contaminants in, on or under the land (including ground gas). If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, along with an updated CSM. No deviation shall be made from this scheme without the written agreement from the Local Planning Authority or the Environment Agency.

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

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

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, that the risks it presents have been appropriately assessed, and that the site can be made 'suitable for use', as such, does not pose a risk to future users of the site or the wider environment, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

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

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

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

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

9. The construction of the development hereby permitted shall only take place between the following hours:

Monday to Friday: 08:00 to 18:00

Saturday: 09:00 to 13:00

Sundays or Bank Holidays: No site operations

REASON: To safeguard the amenities of the adjoining premises and the area generally, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

10. Prior to commencement of the development hereby approved, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide for the following:

- Steps to be taken to prevent the discharge of silt -laden run-off, construction site, drainage, materials or dust or any accidental spillages entering the waterway the Canal;
- details of the environmental pollution incident emergency response;
- A plan showing the areas of storage for all materials associated with construction;

- measures to locate, clear, remediate and permanently seal any existing drains or culverts within the application site that may discharge to the canal;
- Details specifying how the waterway corridor and its users would be protected during the works and details of proposed protective fencing/netting to be erected to safeguard the waterway;
- infrastructure during site clearance/construction;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities, including a method statement outlining how the developer intends to use and manage the facility. The approved wheel wash shall be put in place at all vehicle access points onto the public highway when work commences and shall remain in operation throughout the period of development;
- measures to control the emission of dust and dirt during construction; and
- a scheme for recycling / disposing of waste resulting from demolition and construction works.

Construction shall proceed in strict accordance with the approved detail for the duration of those works.

REASON: In order to safeguard protected habitat; to avoid the deposit of debris into watercourse and onto the highway, in order to protect the amenity of the occupiers of the adjacent properties and in order to protect the visual amenities of the locality, in accordance with Policies 8, 9 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

11. Prior to the commencement of any above ground works hereby approved, and notwithstanding the submitted details, an electric vehicle charging point scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to operational use of the approved development and shall be so retained.

REASON: In the interests of air quality management and protection of health, in accordance with Policies 8 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

12. Prior to operation use of the development hereby approved, and notwithstanding the submitted details, a Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall contain:

- details of a Travel Plan co-ordinator;

- details of measures to be introduced to promote a choice of travel modes to and from the site;
- a monitoring regime which sets out travel mode share targets, monitoring procedures and mechanisms to be put in place to ensure that the Travel Plan remains effective; and
- a timetable for the implementation, monitoring and review of the Travel Plan which shall include provision for an annual assessment (over a minimum period of five consecutive years following the implementation of the Travel Plan) of the effectiveness of the measures introduced under (b) and shall identify the need for any changes to the Travel Plan and a timetable for their implementation.

REASON: To provide and promote sustainable transport measures and to minimise traffic flow, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

13. No development (including any site clearance) shall take place within 25m of the edge of the canal towpath until a Risk Assessment and Method Statement (RAMS) outlining all works to be carried out adjacent to the canal has been submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate how the proposed works including, piled foundation for the building and retaining wall; tree removal/planting, bank regrading/level changes, any access roads, paths and supporting infrastructure would be carried out whilst protecting the structural integrity of the canal. In addition to this demonstrate how any additional loads from the permanent or any temporary works, plant and machinery or storage of materials would not harm the structural integrity of the canal infrastructure. The details shall also set out how any proposed earthmoving and excavations works required in connection with the development activities would be carried out and managed to protect the canal and its users. The development shall be carried out in strict accordance with the agreed details.

REASON: In the interests of safety, as excavation, earth removal and / or construction of foundations have the potential to adversely impact on the integrity of the waterway infrastructure, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

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

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;

- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (v) Incorporate mitigation measures to manage the risk of sewer surcharge as required;
- (vi) Full details of overland flow paths and any associated mitigation measures as required; and
- (vii) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

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

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

15. Prior to occupation of the development hereby approved, 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:

- (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- (ii) 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, in accordance with the requirements of Policy 9 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

16. No site clearance between the 1st March and 31st August in any year unless and until a detailed bird nest survey, undertaken by a suitably experienced ecologist, has been submitted to the Local Planning Authority in writing, confirming that no active bird nests are present.

REASON: To ensure the protection of nesting birds, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

17. Prior to the commencement of any works on site, a detailed Invasive Plant Species Survey of the site shall be carried out by a remediation / invasive species specialist, in relation to identified Japanese Knotweed and Himalayan Balsam. The results of this survey and any recommendations or mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Any recommended mitigation measures shall be carried out in strict accordance with the approved detail.

REASON: In order to protect ecology and biodiversity, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

18. Prior to commencement of above ground works hereby approved, and notwithstanding the submitted details, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of native tree and shrub planting, including species and densities, to compliment local priority habitat, to enhance the Leeds and Liverpool canal corridor and to provide for a net gain in biodiversity. Planting of trees and shrubs shall also be implemented in accordance with the approved details, during the first available planting season following completion of the development. Trees dying or becoming diseased, removed or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs.

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

19. Prior to commencement of any above ground works hereby approved, and notwithstanding the submitted details, a Biodiversity Enhancement Scheme to provide for bird nesting and bat roosting boxes within the development shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in strict accordance with the approved scheme which shall be so retained.

REASON: In order to protect ecology and biodiversity; in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

20. Prior to occupation of the development hereby approved, and notwithstanding the submitted detail, a Landscape and Environmental

Management and Maintenance Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall cover all landscaped areas of public open space, subject to details approved under condition 18, and it shall detail a programme of works including scheduled frequencies of weeding and watering as well as monitoring of habitats for a period of 30 years. The strategy shall be implemented in accordance with the approved detail upon completion of the development.

REASON: To ensure that there is a well maintained scheme of healthy trees and shrubs in the interests of amenity in accordance with Policies 9, 11 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

21. Prior to commencement of any above ground works hereby approved, and notwithstanding the submitted detail, full design specification of the proposed accesses into the site, including cross sections confirming gradients, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved detail.

REASON: To ensure the safe, efficient and convenient ingress and egress at the site for all highway users, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

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

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

23. The retail floorspace hereby approved shall only be used for the sale of food products manufactured by Pets Choice, at its manufacturing facility, and not as an independent shop unit.

REASON: In order that the development hereby permitted will not conflict with the Council's retail / shopping strategy, in accordance with Policy 29 of the Blackburn with Darwen Borough Local Plan Part 2.

5.0 PLANNING HISTORY

The following application relate either directly to the site or close proximity thereto.

10.82/0834 - Erection of two retail stores with supporting retail unit together roads, service yards, car parking and landscaping. Refused 13th September 1982.

10.82/1821 - Disposal of inert highways and construction waste. Withdrawn 3rd May 1983.

10.84/0288 - Extension of existing tip area for depositing inert. Approved 17th April 1984.

10.86/1932 - Single storey extension to existing factory. Approved 7th January 1987.

10.89/1392 - Light industrial units with off road loading and car parking. Area 0.48ha. Approved 24th October 1989.

10/11/1042 - Change of use from B8 (storage and distribution) to B2 (general industry). Approved 29th December 2011.

10/12/0976 - Part demolition of existing building, construction of replacement two storey office and single storey industrial unit including recladding, partial reroofing, installation of roof mounted flues and erection of a new security fence. Approved 21st December 2012.

10/13/0915 - Construction of a three-storey office and single storey high-bay warehouse unit and erection of a new security fence. Approved 23rd December 2013.

10/14/0780 - Demolition of existing meter house, construction of sprinkler pump house and erection of new security fence, gates and access barriers. Approved 24th September 2014.

10/17/0055 - Construction of new, and alterations to existing, Vehicle Parking, Display and Storage Hardstanding's. Hippo Vehicle Solutions Ltd. Approved 29th February 2017.

6.0 CONSULTATIONS:

6.1 BwD Drainage (Lead Local Flood Authority)

LLFA have no objection but require the following condition:

Prior to commencement the applicant is required to obtain Consent to Discharge to the watercourse under the Land Drainage Act 1991. Application forms are available from the Drainage Section of Blackburn with Darwen Borough Council

Reason

To ensure that Consent to Discharge is obtained

6.2 BwD Public Protection

Air Quality

Our AQ officer has reviewed the air quality aspect of the application and lodged the following comments.

Construction phase dust assessment (Section 7 of submitted Miller Goodall Report)

The assessment concluded that there is a medium risk of dust soiling from demolition, construction and trackout. There is likely to be a low risk to health. These are reasonable and justified conclusions. I therefore recommend that the following condition is imposed requiring dust control measures.

Recommended Construction Management Plan & Dust Soiling Condition:

Earthworks and construction activity shall not commence until a construction management plan is submitted by the developer has been agreed in writing with the Planning Authority. The agreed plan shall include but not necessarily be limited to measures to prevent dust soiling. It will be implemented for the duration of the earthworks and construction activity at the site.

Reason: This condition is recommended to mitigate the risk of dust soiling at neighbouring sensitive premises during earthworks and construction. The developer's assessment concluded that the risk of dust soiling is medium without mitigation, but the impact is likely to be negligible if good practice measures are implemented.

Operational phase air quality assessment & Total Emissions assessment (Section 8 & 9 of Miller Goodall Report)

Based on submitted information, it is reasonable to conclude that there is no need for a detailed assessment predicting the impact on pollution concentrations. The developments are unlikely to give rise to a pollution hotspot. However, the extra traffic will contribute to background levels of pollution that will have an adverse health impact. I note that the developer is proposing to install 5 electric vehicle charging points and the TA discusses a travel plan. I therefore recommend the following conditions.

Recommended Electric Vehicle Charging Condition: A scheme for electric vehicle charging shall be submitted by the developer. The scheme will be agreed in writing by the Local Authority, implemented and retained thereafter.

Reason: In accordance with 110 of the NPPF. National government policy is encouraging a transition away from internal combustion engines and towards ultra-low emission vehicles, including EVs, over the next 20 years. The government has committed to end the sale of new petrol and diesel petrol and diesel vehicles by 2030.

Informative: It is recommended that there are at least five mode 3 charging points with Type 2 connectors and a minimum charging rate of 7kW (32A) installed at the developer's Whitebirk sites. I also recommend that passive ducting and wiring

is installed at not less than ten parking spaces to facilitate the addition of extra connection points (with a minimum rate of 7kW) in future years to match demand.

Condition: Green Travel Plan: Notwithstanding any details submitted as part of the application, none of the buildings hereby approved shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall contain:

- details of a Travel Plan co-ordinator;
- details of measures to be introduced to promote a choice of travel modes to and from the site;
- a monitoring regime which sets out travel mode share targets, monitoring procedures and mechanisms to be put in place to ensure that the Travel Plan remains effective; and
- a timetable for the implementation, monitoring and review of the Travel Plan which shall include provision for an annual assessment (over a minimum period of five consecutive years following the implementation of the Travel Plan) of the effectiveness of the measures introduced under (b) and shall identify the need for any changes to the Travel Plan and a timetable for their implementation.

The travel plan shall thereafter be implemented in accordance with the duly approved details and timetable contained therein.

Reason: In order to promote modal shift and increased use of sustainable methods of travel in accordance with the objectives of policies 7, 10 and 36 of the Blackburn with Darwen Local Plan Part 2, and paragraph 111 of the National Planning Policy Framework.

Odour

The site is part of a wider pet food manufacturing installation. I am not aware of any complaints in respect of odour from the new manufacturing facility. The existing facility has an A1 IPPC Permit with the Environment Agency.

From discussing with pets choice the exact function / content of the newly built facility is not yet known and will become clearer in time.

As far as odour is concerned we have two options.

Leave odour to be dealt with as part of the site A1 IPPC Permit. The Permit would need to be varied in time to account for process / site changes; or
Condition an odour management plan to be agreed in writing prior to commencement of the approved use. The OMP would only cover the new development and not the existing extruder equipment.

I would be happy to discuss how you want to proceed on this and the wording of any condition.

Contaminated Land

Info has been submitted and is being reviewed. This aspect can be conditioned using the **standard contaminated land condition** used by the authority.

Construction Phase

Some construction phase conditions can be applied to protect other users of the estate. Above we have already recommended the dust control condition. This could be expanded to include noise in a general CMS condition.

Condition – Construction / Demolition Site Noise, Vibration and Dust

Demolition or construction work shall not begin until a scheme for protecting the surrounding residential premises from noise, vibration and dust from the site during these works has been submitted to and approved in writing by the Local Planning Authority. All measures which form part of the approved scheme shall be adhered to throughout the period of demolition and/or construction.

Reason: To safeguard the amenity of neighbouring uses by reducing the noise/vibration levels emitted from the site.

6.3 BwD Highways & PRow

PROW –

Footpath 80 from Lower Phillips road is affected by this development however the path is currently under a temporary closure order and the applicant has requested a diversion of this and other footpaths throughout their site.

Although the developers have highlighted on their planning application form that the footpaths require diverting, I have been in touch with the developers today to remind them that we still need a completed application form from them to permanently divert these Public Rights of Way, if the temporary closure expires and isn't renewed the definitive line of the PROWS will be obstructed by the development.

The submission details have been reviewed, and a site investigation has been carried out

The proposal seeks consent for Full Planning Application (Regulation 4) – Construction of new 120,000 sqft B2/B8 warehouse unit with associated external works, car parking and service yards; construction of new dock leveller extension bays to existing warehouse building; change of use of existing 10,550 sqft production building to form retail unit.

Parking

In accordance with the adopted parking standards, the floorarea of the proposal is as follows:

- B2 (General Industrial) 4698.5/1 car space per 60 Sqm = 78 car parking spaces

- A1 (retail) 910sqm/1 car space per 22sqm = 41 spaces
- B8 (Storage & Warehousing) 6413sqm/1 car space per 100sqm = 64 spaces

The total allowance generated by the proposal would be 146 spaces.

The application form reports that 124 spaces would be provided. The proposed site plan presents 133 spaces (this includes an indication of 43 spaces in an overflow car parking). The number of spaces provided are generally accepted, subject to the sustainability measures as set out in the Transport Statement section below, being considered and adopted.

In addition, further works is required around the layout of spaces:

- The arrangement of bays near the retail unit, would appear restrictive. If there are vehicles larger than a standard vehicle visiting the site i.e. transit vans (for bulk buys) then the bays need to be altered. Please consider further.
- We would request a plan showing the arrangement on the overflow car park together with the Bellmouth entrance.
Please request further details, showing the arrangement at access bellmouth.
- No cycle or ptw spaces are provided, nor is there any inclusion for disabled spaces. These should be provided close to the entrance, and in the case of the cycle and PTW spaces these are to be covered and made secure.

Access

There are three access roads which will connect into the site. All three entrance currently existing, however they do not currently provide full connection to the proposed buildings. This is to be carried out as part of the scheme proposed, this is deemed acceptable

The Access sited most southern is existing, this will connect to the extension works proposed.

We would request details of the gradient of the access roads is provided, more specially the areas that join the highway.

There is no pedestrian links into the site. These need to be provided connecting from the highway into the site, also required is a safe pedestrian route from the car park up to the entrance of the building.

No details of sightlines have been offered in support of the application, please seek further details.

Transport Statement

- The Transport Statement appears to relate to wider development proposal including:
- a new 120,000sq.ft B2/B8 commercial building on undeveloped land to the south of recently constructed and operational Pets Choice B2 unit on the south side of Lower Philips Road;
- the repurposing of an existing building to the east of their current operation as a trade counter for staff and the general public to use;

- amendments to the extruder works building, located to the north-east of the operational.

The site layout and the D&A statement appear to relate to the amendments to the extruder site only. As stated in the TS there does not appear to be any material impacts that would result in a severe impact on the wider highway network.

While this application does not relate to the wider proposals it is noted that the TA proposed parking provision across the proposed development sites (as presented in the TS) which is below the benchmark standard despite being in an area of low accessibility. A framework travel plan is provided within the Transport Statement which sets out a series of soft measures to support sustainable travel to the site. It should however be noted that parking provision and/or the provision of additional physical measures to improve the sites accessibility by sustainable modes should be considered as part of any future applications relating to the other elements of the development proposals considered within the TS. In particular it would be worth considering if an access to the site (and wider Philips Road estate) can be provided from the Leeds & Liverpool canal (through the site south of Lower Philips Road) to ensure the opportunities for access by sustainable modes are taken up.

We would request this is conditioned, please attach a Grampian to support the delivery of a connection to the Leeds and Liverpool Canal corridor.

Servicing

The tracking provided shows some adjustment would need to be made to the middle access road at the bellmouth, as the radius is currently restrictive

The addition of the new dock leveller to the existing building, would impact upon the existing servicing, details are to be presented and how the vehicles would enter, and turn to exit the highway, for these locations.

Other

Please request an assessment of the PROW and the diversion that needs to be presented for approval.

Details of construction method statement are required –please seek this information or condition accordingly.

Mattes 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)
- 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 585009
- Any old entrances that are no longer required, should be reinstated back to full footway at the developers expense

- Footways around the periphery of the site, are to be made good, up to modern adoptable standards, this include street lighting, lining and any associated works.

In principle we are supportive of the scheme, there are however a number of outstanding matters that require further consideration. Please request a response and additional information required.

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

Additional details received 18th march 2022

The original assessment has been responded to positively for the vast majority, however there are details that have not been satisfactorily responded to.

Those that remain and which in my opinion either require further clarification or can be conditioned are:

- Details for coverage and security for cycles and ptw parking ...please condition
- Details of site access and gradients of new accesspoitns joining the highways. These details require approval...they have accepted this can be conditioned. Please attach condition
- Pedestrian connection from the highway up to the offices is required. They have provided connection from the new car park to the offices...however the point we were making was to safeguard those who walk to the site, they require a safeguarded delineated route up to the office, please condition
- Sightlines are still required, irrespective of existing...as this is an opportunity to make good, if the visibility is poor. Please request details or condition accordingly
- We remain steadfast in our request to connect a footway from Lower Phillips Road through to canal towpath. This does not have to go through their site if it poses security issues, but one should be provided at the edge of the site.

6.5 BwD Arboriculture Officer

It appears that there are some scattered scrub trees across the site most of which are to be removed. Looking at the proposed landscaping there is to be a substantial planting scheme that uses mostly native trees and shrubs which will adequately mitigated the loss of the scrub. The landscaping scheme also includes the necessary planting schedule and specification as well as details on maintenance and management.

6.6 BwD Property

No comment.

6.7 The Coal Authority

The Coal Authority Response: Material Consideration

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards, which need to be considered in relation to the determination of this planning application, specifically likely historic unrecorded underground coal mining at shallow depth associated with a thick coal seam outcrop.

The Coal Authority notes the submitted Phase 2 Geo-Environmental Investigation Report (dated May 2017, prepared by PWA Geo-Environmental Ltd), which accompanies this planning application. The content of the Report has been informed by an appropriate range of sources of information, including the results of intrusive site investigations.

On the basis that the Report confirms that no worked shallow coal seams or coal seams were encountered, the Coal Authority is satisfied that the site is safe and stable from a mining viewpoint. The Coal Authority therefore has **no objections to this planning application.**

Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on.

SUDS

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

The Coal Authority Recommendation to the LPA

The Coal Authority considers that the content and conclusions of Phase 2 Geo Environmental Investigation Report (dated May 2017, prepared by PWA Geo-Environmental Ltd) are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development.

The Coal Authority therefore **has no objection** to the proposed development.

6.8 Canal & Rivers Trust

The main issues relevant to the Trust as statutory consultee on this application are:

- a) Structural Integrity of the canal
- b) Layout, landscaping and ecology
- c) Construction Environment Management Plan
- d) Surface water drainage

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that suitably worded conditions are necessary to address these matters. Our advice and comments follow:

Structural Integrity of the canal

The towpath side of the Leeds & Liverpool Canal passes to the east of the site. The towpath carries a National Cycle Route. There is an existing brook between the site and canal, which is understood to be a tributary to the river. Listed Bridge no.106 Side Beet Bridge is located to the north-east of the site. The canal is in a principle cutting at that point, but for the majority of the site boundary is relatively open to the canal. The application site where the building is proposed is formed on a plateau relative to the canal with the land generally falls/slopes towards the canal corridor. Based on the submitted details and the cross sections the proposed building would be offset from the canal corridor by approximately 30m and as such the building construction should not impact the structural integrity of the canal infrastructure. The details show that a new retaining wall is proposed next to the building. The building would be constructed with piled foundations. The reinstated banking/re-profiling and planting would however require works to be undertaken closer to the canal corridor which may be of concern depending on the method of works. Therefore, if the Council are minded to approve the application we would welcome the following condition be included on the decision notice:

No development (including any site clearance) shall take place within 25m of the edge of the canal towpath until a Risk Assessment and Method Statement (RAMS) outlining all works to be carried out adjacent to the canal has been submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate how the proposed works including, piled foundation for the building and retaining wall; tree removal/planting, bank regrading/level changes, any access roads, paths and supporting infrastructure

would be carried out whilst protecting the structural integrity of the canal. In addition to this demonstrate how any additional loads from the permanent or any temporary

works, plant and machinery or storage of materials would not harm the structural integrity of the canal infrastructure. The details shall also set out how any proposed earthmoving and excavations works required in connection with the development activities would be carried out and managed to protect the canal and its users. The development shall be carried out in strict accordance with the agreed details.

Reason: Excavation, earth removal and/or construction of foundations have the potential to adversely impact on the integrity of the waterway infrastructure and to accord with the advice and guidance relating to land stability contained in Paragraphs 174 and 183 of the National Planning Policy Framework 2021.

Layout, landscaping and ecology

Based on the submitted details the building measuring up to 17m in height to the eaves would be quite substantial, especially as it would be sited on a plateau and elevated above the canal corridor. The potential impact may be lessened to a degree due to the offset from the canal and the proposed landscaping buffer.

Indeed, the landscaping details appear to be comprehensive and should provide appropriate species to enhance the natural canal buffer. We would however welcome some further planting here of larger native specimens as the majority of the planting proposed would be relatively low level. It would be important that the ongoing management and maintenance of the landscaping is conditioned to ensure that it establishes and flourishes. The building would also be set with an existing light industrial context and large warehouse typology and would be approximately 200m from the listed Side Beet Bridge. We agree with the heritage statement that the impact on the listed bridge would be limited.

The extended habitat survey notes the presence of Himalayan balsam and Japanese Knotweed and we welcome that these will be eradicated on the site (para 4.10). If the Council are minded to approve the application we suggest the following condition:

Prior to commencement of development, a method statement detailing how Japanese Knotweed and Himalayan Balsam will be prevented from spreading throughout the development site must be submitted to and approved in writing by the Local Planning Authority. The statement must include a plan showing the extent of the plants, the methods used to prevent spreading, the method of removal/treatment, the methods of control to be used and details of monitoring. The recommendations of the approved statement shall be carried out prior to the occupation of the development.

The ecology details also make reference to a dark zone to be created and that the canal corridor would be protected from light spill. We would welcome details of the lighting strategy to be conditioned to ensure that there would be no light spill towards the canal corridor both during and completion of the works. The lighting scheme bordering the canal should comply with the Bat Conservation Trust 'Guidance note 08/18: Bats and Artificial Lighting in the UK'.

Construction Environment Management Plan

The submitted contamination reports set out that the site is contaminated. Given the brook/steam between the development and the canal the risk from pollution from

run-off to the canal would be mitigated to a degree. The waterway has been considered as a receptor within the contamination report. Any storage of materials near the boundary with the waterway would need to ensure that there would be no loading imposed on waterway infrastructure. The waterway would also need to be protected from runoff and other waste both from any storage compounds and during construction. It is important that any excavated material stored in temporary stockpiles on site is situated away from the canal to prevent contaminated water run-off and the amount of exposed ground and stockpiles minimised. The potential for contamination of the waterway in terms of dust, solid materials and surface runoff during the construction phase would need to be addressed as part of the Construction Environment Management Plan (CEMP) for the site. If the Council is minded to approve the application we would ask that the CEMP condition includes the following criteria:

A plan showing the areas of storage of plant, fuel/chemicals and materials used in constructing the development;

Include the steps to be taken to prevent the discharge of silt -laden run-off, construction site drainage, materials or dust or any accidental spillages entering the waterway;

details of the environmental pollution incident emergency response;

include measures to locate, clear, remediate and permanently seal any existing drains or culverts within the application site that may discharge to the canal; and

Details specifying how the waterway corridor and its users would be protected during the works and include any details of proposed protective fencing/netting to be erected to safeguard the waterway infrastructure during site clearance/construction.

The Trust would be happy to assist the Council with the discharging of the condition.

Surface water drainage

The application details set out the surface water drainage arrangements would be to the brook/steam which runs through the site between the building and the canal. The drainage strategy would incorporate fuel interceptors and attenuated discharge. Subject to this being the case, we would have no further comments to make on the drainage strategy.

Should planning permission be granted we request that the following informative are appended to the decision notice:

1) The applicant/developer is advised to contact the Canal & River Trust Infrastructure Services Team on

01782 779909 or email Enquiries.TPWNorth@canalrivertrust.org.uk in order to ensure that any necessary consents are obtained and that the works comply with the relevant Code of Practice.

6.9 GMEU Ecology

The application site has limited nature conservation value; it appears to support relatively common habitats which have arisen recently on either previously

developed, or previously cleared, land. The site does not support any specially protected or priority habitats, and has only low-negligible potential to support any specially protected species.

I would therefore raise no overall objections to the application on Ecology grounds. However, I would recommend the following to protect nature conservation interests

No vegetation clearance required to facilitate the scheme should take place during the optimum time of year for bird nesting (March to August inclusive) unless nesting birds have been shown to be absent by a suitably qualified person. All nesting birds, their eggs and young are legally protected.

A method statement should be required to be prepared giving details of measures to be taken to control invasive plant species during the course of any development. One agreed, the method statement must be implemented in full. Both Japanese knotweed and Himalayan balsam have been recorded on the site, and the spread of both of these species is prohibited under the terms of the Wildlife and Countryside Act 1981.

The development will result in losses to semi-natural habitats and the current landscaping plans for the site are very limited. The development will therefore result in a local loss to biodiversity. The NPPF encourages development to avoid biodiversity losses, and to achieve a gain in biodiversity, wherever possible. I would advise that more detailed landscape plans should be provided for the scheme, to include planting and features which would benefit wildlife. For example, new tree and shrub planting, sustainable drainage features and the installation of bird nesting and bat roosting boxes would all be useful. If the limited space on the site precludes any of these measures, consideration should be given to seeking a contribution for the management of off-site greenspace.

6.10 United Utilities

Drainage

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

We request the following drainage conditions are attached to any subsequent approval to reflect the above approach:

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:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall

include evidence of an assessment of ground conditions and the potential for infiltration of surface water;

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and

(iii) A timetable for its implementation.

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

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

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

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:

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.

6.11 Environment Agency

Environment Agency position

We have no objection to the proposed development however, the new unit will be partially located on an active landfill.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework. Without this condition we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons

To ensure that the development does not contribute to and is not put at unacceptable risk from, or adversely affected by unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework; and

To prevent deterioration of a water quality element to a lower status class in the underlying aquifer and the adjacent water course.

Land Contamination – Advice to the LPA

The previous use of the proposed development site as a landfill presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because:

- the proposed development site is located adjacent to a surface watercourse, and
- is located upon a secondary aquifer A

We have reviewed the following reports:

Report No: 16246/GR/01 by PWA geo-environmental, entitled: Phase 1 for Pets Choice, Former Whitebirk Landfill Site, Blackburn, dated January 2017

And

Report No: 16246/GR/02 by pwl geo-environmental, entitled: Hippo Expansion and Extruder Building, Blackburn, dated May 2017

and would offer the following comments.

The Phase 1 report requires consideration of the following information:

Construction on a landfill that has not been surrendered can lead to the potential development of pollution pathways that might render the developer responsible for the liabilities of that pollution pathway under Part 2A. All possible precautions should be undertaken to prevent this potential. All monitoring positions associated with the surrender monitoring of this landfill should remain unhindered during and after construction, with all possible access being made available freely to those undertaking the monitoring on behalf of the license holder. These boreholes should also not be impacted by any below ground geotechnical interventions.

The Phase 2 report states that:

In groundwater the results of the remedial targets methodology indicate that there are elevated concentrations of some inorganic metal species above EQS targets and slightly elevated concentrations of organic hydrocarbon contaminant species although the majority of determinands analysed were below the detection limit of the laboratory.

We would agree that the elevated concentrations of these inorganic metal species may be due to the presence of the Made Ground at this location and/or due to the presence of Coal Measures beneath the site, or potentially associated with a number of commercial/industrial facilities located up the hydraulic gradient relative to the subject site.

We would concur that the contaminant concentrations identified are not considered significant in the context of the surrounding groundwater quality. Furthermore, the presence of hard standing across the majority of the site (post development), will limit surface infiltration and reduce the risk of leaching of contaminants via vertical and lateral migration to the adjacent watercourse.

As previously stated in your Phase 1 report, our preferred method of pile construction is cast in-situ to prevent development of pollution pathways through the structures, to the underlying aquifer.

We look forward to receiving the Remediation Strategy and Development Method Statement for the site.

Waste – Advice to the LPA/applicant

The landfill in this location was largely composed of inert waste. We have been working with Blackburn with Darwen Council, the developers and their consultants, however, the developers need to ensure that the plant is built so as to protect it from landfill gas, which is being generated at low levels within the landfill.

In addition, the applicant must ensure continued access for monitoring from the boreholes that are present (and for any that need to be installed in the future) and for the maintenance of those boreholes until such time as the site is considered stable and the permit has been surrendered.

6.12 Cadent Gas

Your planning application – No objection

After receiving the details of your planning application at Whitebirk Industrial Estate, Blackburn, BB1 5UD we have completed our assessment.

We have **no objection** to your proposal from a planning perspective.

What you need to do

Please review our attached plans, which detail the Cadent gas asset/s in the area. If your application affects one of our high pressure pipelines, it is a statutory requirement that you input the details into the HSE's Planning Advice Web App. For further details, visit www.hse.gov.uk/landuseplanning/planning-advice-web-app.htm

6.13 Health & Safety Executive

Your Ref: 10/21/1345

Development Name: Pets Choice, Brentwood House, Lower Philips Rd, Whitebirk Ind. Estate, Blackburn, BB1 5UD

Comments: Construction of new 120,000 sqt ft B2 / B8 warehouse unit with associated external works, car parking and service yards

Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013]

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Blackburn with Darwen (B).

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

6.14 Lancs Constabulary

No objection subject to standard recommendations

6.15 Lancs Fire & Rescue

No objection subject to standard recommendations

6.16 Public consultation

22 letters were posted to the local community on 21st December 2021 and site notices were displayed. A press notice was published 14th February 2022. In response, no comments were received.

6.17 Hyndburn Borough Council

No comments received.

7.0 CONTACT OFFICER: Nick Blackledge – [Principal Planner].

8.0 DATE PREPARED: 10th May 2022