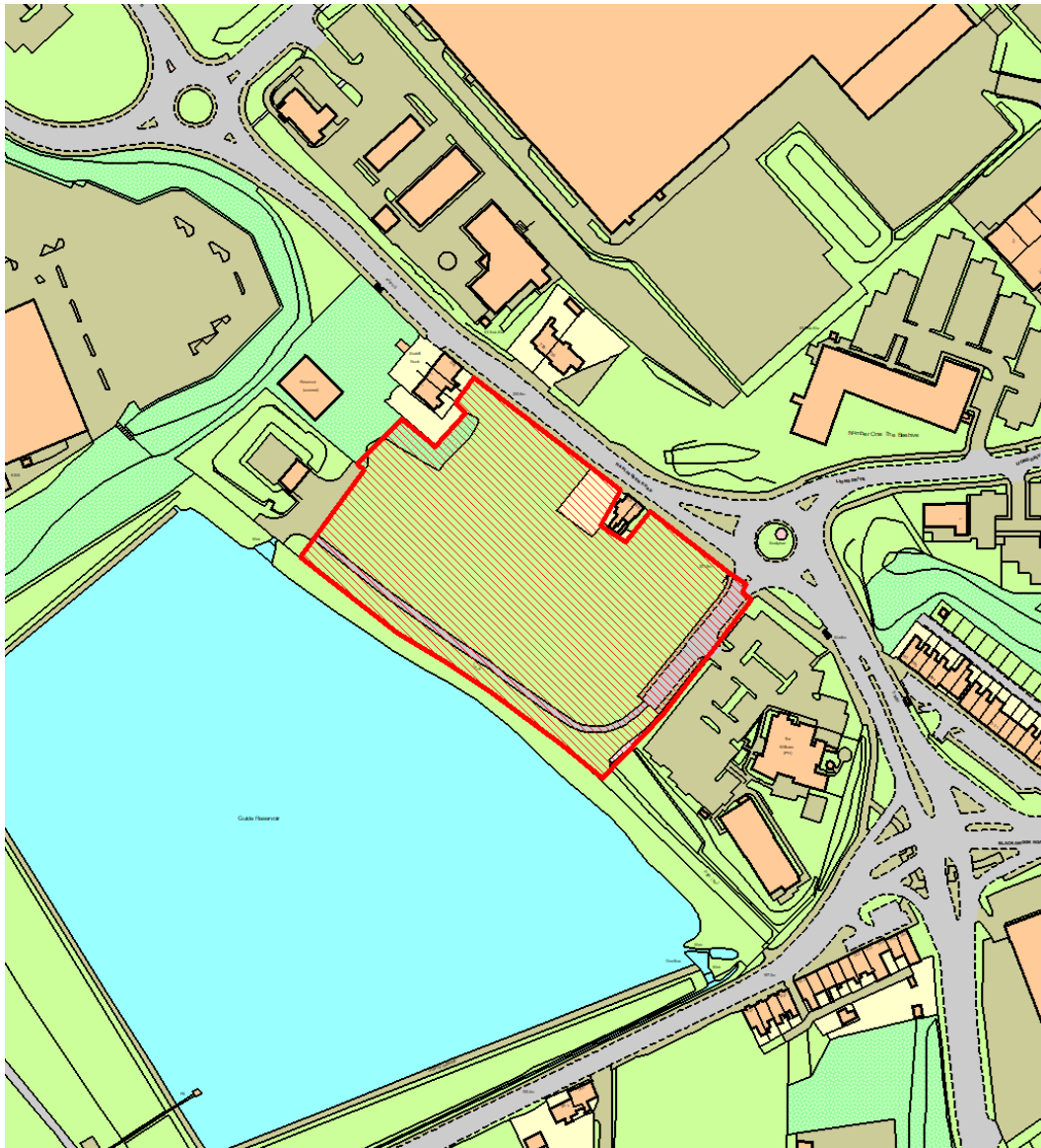


Proposed development: Full Planning Application for Erection of 68 commercial units (use class E (g), B2 and B8) with associated car parking

**Site address:
Land at Haslingden Road
Blackburn**

Applicant: Roundhouse Properties

**Ward: Blackburn South East
Councillor Tony Humphrys
Councillor Vicky Ellen McGurk
Councillor Jim Shorrocks**



SUMMARY OF RECOMMENDATION

- 1.1 The proposed development is recommended to be granted planning permission, subject to completion of a S106 Agreement, and the conditions detailed in Section 5.

2 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is for the erection of 68 no. commercial units configured into 12 no buildings. The units are proposed for small businesses and start up businesses for a variety of uses that could fall within use classes E(g), B2 and B8. This would provide substantial economic, social and environmental benefits.
- 2.2 The application site lies vacant and is identified as an employment land allocation in the Local Plan, within the urban boundary of Blackburn. Therefore, the proposed employment use conforms with the adopted Development Plan in principle. It lies within a coal low risk area, and a PROW runs to the rear of the site.
- 2.3 The Council's development plan supports new commercial developments and associated works within allocated employment areas, provided they constitute sustainable development, and accord with the development plan when taken as a whole.
- 2.4 This is a major planning application, comprising 5,011sqm of new internal floorspace on a 1.56 hectare site. Access and 193 parking spaces are included. It is presented to the Planning and Highways Committee due to the neighbour objections received. A summary of the responses received is detailed below in Section 6.
- 2.5 The modern appearance of the units, with an attractive, active frontage to Haslingden Road and the retention of the existing stone wall, is considered acceptable, and the scale and appearance of the buildings would be similar to other buildings in the area. Materials would comprise aluminium sheet cladding and buff facing brick; a Profiled Aluminium roof; Aluminium framed glazed windows; and Metal Roller shutter/ aluminum frame glazed doors.
- 2.6 Primary vehicular access into the site would be taken from Haslingden Road. Appropriate vehicular parking, servicing and manouevring would be incorporated within the site, including mobility and cycle/motorcycle parking, which meet the adopted BwD standards. Three new pedestrian accesses to the site would also be created, from Haslingden Road. The western corner of the site would retain a direct access to the United Utilities facility on the adjoining site.
- 2.7 The proposal is considered satisfactory from a technical point of view, with all issues having been addressed through the application process, or capable of being controlled or mitigated through appropriately worded planning conditions. The developer has also agreed to enter into a S106 legal

agreement to make an appropriate contribution towards highways infrastructure and biodiversity net gain.

2.8 The key issues to be addressed in determining this application are;

- Principle of development; (including infrastructure / S106 requirements)
- Design and visual amenity;
- Residential amenity;
- Highways issues, parking, servicing; PROW
- Foul and surface water drainage;
- Ecology;
- Contamination;
- Climate change and air quality;
- Neighbour objections.

3 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site comprises scrubland, located off Haslingden Road, Blackburn and is within land allocated for employment use in the Local Plan. The site is predominantly surrounded by mixed commercial uses with a small number of residential dwellings. The area of the development site is 1.56 hectares.



3.1.2 The site is bounded to the north-west by Haslingden Road with commercial uses on the opposite side of the road. There are two small groupings of

residential dwellings which the site boundary cuts around. To the south-east is The Willows pub and hotel. To the southwest is Guide Reservoir, and to the north west is the treatment works for the reservoir with further mixed commercial uses beyond that comprising of a leisure centre and offices.

3.1.3 The site slopes from Haslingden Road towards the reservoir with a change in level between 3.5 and 4.0m across varying parts of the site. The site is located within 0.5km from junction 5 of the M65 motorway. The site has an existing access road off Haslingden Road which continues through the site as an access track for the United Utilities plant maintenance compound.

3.2 **Proposed Development**

3.2.1 The proposed units are to be provide a mix of E(g), B2 and B8 uses and are designed with flexibility to deliver this. There are 68 no total units but the flexible design allows for owners/occupiers to take more than one unit to create a larger unit that suits their specific business needs. The proposed units will be marketed towards and eventually occupied, in the main, by small businesses.

3.2.2 The units are designed as single storey buildings with mono pitch roofs. This allows for a mezzanine level for any future fit out but keeps the heights of the building down from being full two storey. The units are designed to provide a modern-day contemporary facility to suit a variety of uses whilst maintaining a consistent appearance across the site. The simple mix of materials palette is effective and allows the use of either glazed frontage of colour coated roller shutter to work. This flexible design approach means that the overall appearance of the development would maintain the consistency for a clean, sharp contemporary appearance.

3.2.3 Access to the units is via the lower height of the building which means the higher part of the building faces Haslingden Road on that side of the site. As the site is sat down from road level and is bounded by a 1.6m high stone wall this is considered the best approach as with the alternative approach the building would not be seen other than the roof. The additional height with the building orientated this way allows for some active frontage for the element of building seen above the level of the wall.

3.2.4 The active frontage has been achieved with the introduction of windows that would the position of any future mezzanines. The signage also provides frontage to the units and mix of cladding across the length provides visual interest. This is illustrated on the street scene elevation included on the site layout. This also illustrates the scale of the development in comparison with the existing dwellings.

3.2.5 The layout of the site has been developed to work with the natural slope of the site to provide level access to all units. As the site is fairly level running from east to west, this is the natural way to orientate the units. The units are single sided access providing a terraced row of units. To achieve the density requirements for the viability of the site there is a central run of back to back

units with a wrap around road that can then serve single units on either side. Whilst this creates an inward facing development the road facing units will be designed with dual aspect and the facades of the central units will be visible passing the site access providing another element of active frontage.

- 3.2.6 Existing landscaping in the area is fairly minimal. However, the site layout has made allowances for soft landscaped areas to help soften the proposed development. It is proposed that any landscape design be conditioned by any planning consent so that it can be designed around any approved layout.
- 3.2.7 The site is served well by the existing Highways network. There is also a cycle path to one side of Haslingden Road and bus stops on either side of the road providing alternative modes of transport to access the site. As well as the vehicular access to the site there will be 3 pedestrian access paths to Haslingden Road. The site will be provided with 193 no parking spaces, 12 of which will be mobility spaces. There will also be covered secure parking areas for motorbikes and bicycles around the site. It is proposed to provide space for 10 motorbikes and 25 bicycles. The collection of waste from the site will be by a commercial refuse contractor.
- 3.2.8 The location plan and the proposed site plan are shown below:

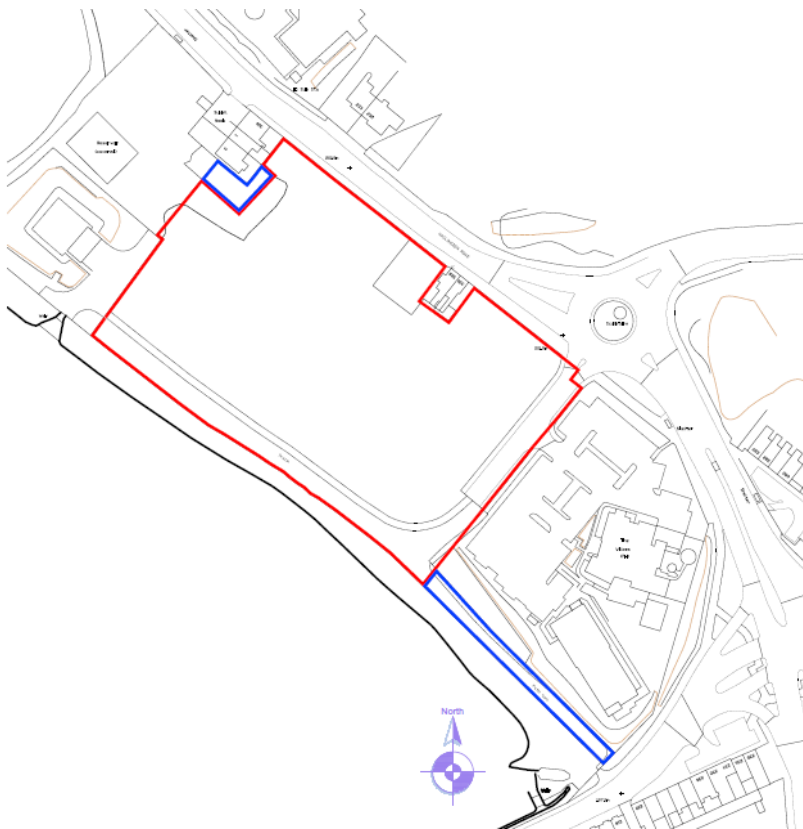


Figure 1 – Location plan



Figure 2 – Proposed Site Plan

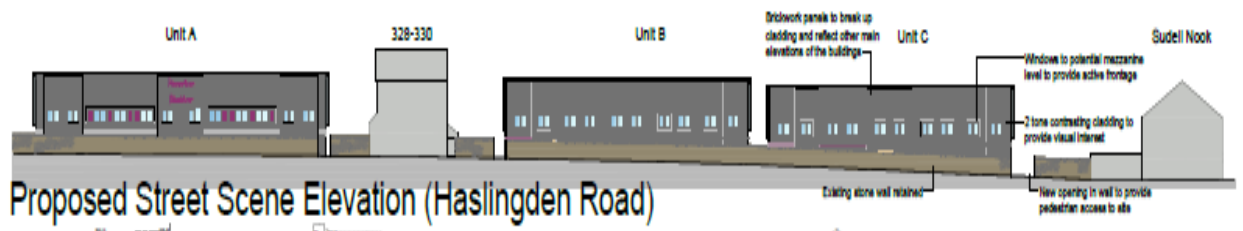
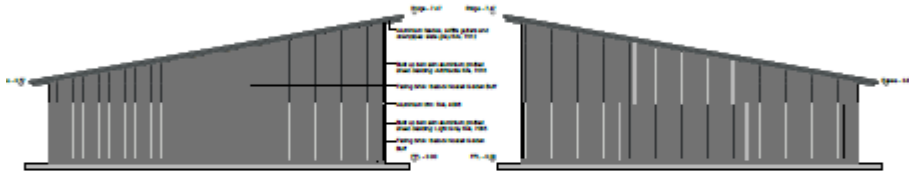


Figure 3 – Proposed street scene elevation (Haslingden Road)



South West Elevation



South East Elevation

North West Elevation



North Elevation



Alternative South West Elevation to Illustrate Roller Shutter Access

Figure 4 – Typical Proposed Elevations (Unit B shown)

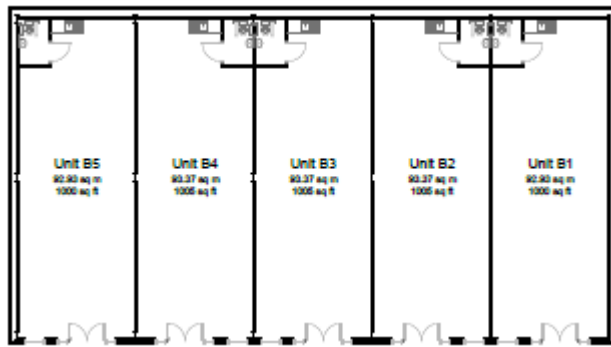


Figure 5 – Typical Proposed Floor plans (Unit B shown)

3.3 Aerial view and Site Photos



Figure 6 – Aerial view of site (north of Guide Reservoir)



Photos of site, taken 19th November 2021



Photos from Haslingden Road (Google maps)

3.4 **Planning history**

3.4.1 Relevant recent planning applications include:

- 10.98/0162 - Mixed development comprising B1, B2, B8 (Business and Employment), Car Showroom, Petrol Filling Station, A3 (Food and Drink), C1(Hotel), Sports/Health Centre, Related Access, car parking, recreational open space/landscaping
- 10/03/0040 - Mixed Use Development
- 10/06/0545 - Mixed Use Development - Variation of Condition 1 of 10/03/0040 to extend time limit of permission by 3 years
- 10/09/0325 - Variation of Condition 5 on outline planning consent 10/03/0040 to revise the access requirements to include those implemented under application 10/03/0694
- 10/12/0073 - Extension to time of planning application 10/09/0325

3.5 **Development Plan**

3.5.1 Blackburn with Darwen Core Strategy

- Policy CS1: Targeted Growth Strategy
- Policy CS3: Land for Employment Development
- Policy CS16: Form and Design of New Development
- Policy CS23: Tackling Worklessness

3.5.2 Local Plan Part 2 (adopted 2015):

- Policy 1: The Urban Boundary
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 13: Employment Land Allocation
- Policy 36: Climate Change

3.5.3 **Other material considerations**

3.5.4 BwD adopted Parking Standards

3.5.5 National Planning Policy Framework

3.5.6 BwD Air Quality Advisory Note

3.5.7 Borough wide Design Guide SPD

3.5.8 Green infrastructure and ecological networks SPD

3.5.9 Industrial and warehousing buildings SPG

3.5.10 Natural environment SPG

4.0 ASSESSMENT

4.1 Principle of Development (including Infrastructure / S106 requirements)

4.1.1 Policy 1 identifies the preferred location for all new development to be within the defined Urban Boundary, which the site is situated within.

4.1.2 Policy 13 (Employment land allocations) identifies the site as an employment land allocation: Site 13/8 – Waterside Employment Site, Haslingden Road. The application site comprises one of the two plots referred to within Policy 13, and refers to the site as “a high quality, prominent and accessible site close to Junction 5 of the M65 and the established Shadsworth Business Park. The provision of quality buildings would be encouraged at the site, which offers potential to increase job opportunities in offices / light industry or general industry.”



Site 13/8 – Waterside Employment Site, Haslingden Road.

4.1.3 Policy 13 identifies 3 key development considerations for this site. These are shown below:

Key Development Considerations

1. The site is adjacent to a prominent transport gateway, and should be designed with an attractive frontage.
2. Potential ecological impacts should be considered due to the greenfield nature of the site and its proximity to Fishmoor and Guide reservoirs. Mitigation measures for habitat loss should be met in the local area.
3. Careful consideration should be given to the design and use of developments in close proximity to the residential dwellings which adjoin the northern boundary of the site.

4.1.4 The three key issues of design; ecological impact and mitigation; and residential amenity, are all assessed alongside other relevant issues in the main body of this report.

- 4.1.5 Subject to being satisfactory in all other respects, the proposed use is an appropriate use for this site, and the proposal is in accordance with Policies 1 and 13, and thus supported in principle.

Infrastructure / S106 requirements

- 4.1.6 The proposal requires an appropriate contribution to infrastructure, which has been subject to negotiation with the applicant, and an agreed figure of £110,000 has been reached. This S106 contribution includes the following:

Biodiversity:

- 4.1.7 A commuted sum contribution is necessary of £10,000 for the creation and/or enhancement of biodiversity within the administrative boundary of Blackburn with Darwen through tree planting (or enhancing the Arran Trail a wildlife corridor in Blackburn occupying approximately four hectares between Shadsworth housing estate, Shadsworth Business Park and the M65 motorway.) This will include tree planting and woodland management within the administrative boundaries of BwD (or Arran Trail) and for the purpose of any other costs and expenses in connection with or incidental to the same.

Highways

- 4.1.8 A commuted sum contribution of £98,911 towards Haslingden Road corridor improvements; other highway improvements in South East Blackburn including pedestrian crossings, markings, signage as required, promotion of the required TRO to reduce speeds; sustainable transport measures in the South East Blackburn area; and contingency / associated works such as TROs, signage and lining associated with all of the above.

- 4.1.9 The total contribution (including monitoring fee of £1,089) is £110,000.

- 4.1.10 Payment is to be made prior to commencement of the development, and the clawback period for unspent sums should be 5 years.

- 4.1.11 Subject to securing the aforementioned contributions, the proposal is considered acceptable in principle.

- 4.1.12 In accordance with the presumption in favour of sustainable development detailed in the Framework, development proposals should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of the proposal are identified; subject to assessment of the following matters;

4.2 Design and Visual Amenity

- 4.2.1 In general terms, Core Strategy Policy CS16 require and Local Plan Policy 11 requires all development proposals to represent a good standard of design through demonstrating an understanding of the sites wider context and making a positive contribution to visual amenity.

- 4.2.2 Policy 13 of the Local Plan seeks to ensure that the proposal, on a gateway frontage, has an attractive design.
- 4.2.3 The proposal has sought to deliver an attractive frontage to Haslingden Road, and retains the existing stone wall on the front Haslingden Road boundary.
- 4.2.4 The frontage onto Haslingden Road has incorporated high level windows to provide active frontage, overlooking the retained stone wall. It is considered that the retained stone wall, high level windows and contrasting cladding colour cladding, would create an attractive frontage in the street scene and would be in keeping with the character of the wider area. The proposal would reflect the colour palette and materials of commercial buildings in the locality including the buildings at Premier Way and Blackmoor Road to the south.
- 4.2.5 In terms of scale the proposed buildings have a roof line below that of the residential properties fronting onto Haslingden Road and at Sudell Nook, taking advantage of existing topography of the site. The lower roof line combined with the set back from the road means that the application proposal would not compete with the existing residential properties on Haslingden Road in a visual sense.
- 4.2.6 A condition can be attached to secure a detailed landscaping scheme to further integrate the buildings into their setting.
- 4.2.7 The proposed materials are considered acceptable and can be conditioned.
- 4.2.7 It is considered that the design and appearance of the application is in keeping with the local area and compliant with the requirements of Policies 11 and 13 of the Local Plan and CS16 of the Core Strategy.

4.3 Residential Amenity

- 4.3.1 Policy 8 states that all development proposals must secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself, with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy/overlooking, and the relationship between buildings.
- 4.3.2 The scale, massing and proximity of the proposed units would have some impact on the outlook and amenity of adjoining residents. However, the units would achieve acceptable separation distances to adjoining residential properties, whilst the height and massing of the units would not be excessive.
- 4.3.3 In relation to interface and outlook the scheme has been designed to respond to the residential properties adjoining the site. The side elevations of the two properties fronting Haslingden Road do not incorporate any habitable room windows and therefore the proposal does not unduly impact on outlook from these properties. In relation to the properties on the north western boundary of the site at Sudell Nook a separation distance of 16 metres is achieved

- 4.3.4 The Public Protection team raised no objections to the proposal in principle, subject to various conditions to mitigate against potential impacts such as noise, etc. During the course of the application, further information was sought from the applicant to address noise arising from car doors slamming at various locations near to the residential properties, roller shutter noise, and from the emptying of bins at the bin store near to Sudell Nook to the west of the site. Acoustic reports and addendums were provided, and appropriate mitigation, such as soft closing roller shutters and the restriction of roller shutter usage during night time hours, were considered.
- 4.3.5 The report acknowledges that the final occupants of the development are unknown, therefore a number of conservative assumptions were made to calculate the impact of the development, and the actual impact is likely to be significantly less than that predicted. The report concludes therefore that the development will meet the objectives of the National Planning Policy Framework in ensuring that no significant adverse impact is experienced by the future residents.
- 4.3.6 Whilst the noise report explains that the design of the units maximises sound attenuation and the proposal is therefore unlikely to have a significant adverse impact on the existing neighbouring residential properties, concerns were expressed by Public Protection that unrestricted employment use, aligned with roller shutter usage and unrestricted hours of use, could have a detrimental impact on the amenity of the occupiers of nearby properties.
- 4.3.7 This was discussed with the applicant, and a restriction on the hours of use of the units that would be closest to, and likely to have the most impact on the amenity of nearby residents, was discussed. A condition can be attached to restrict the hours of use for those specific units. The development is therefore considered to be acceptable in terms of noise.
- 4.3.8 Subject to the amenity conditions recommended by the Public Protection Officer, including conditions to mitigate against the impacts of the construction phase, the proposal is considered to have an acceptable impact in terms of residential amenity, and the proposal accords with Policy 8.

4.4 Highways issues, Parking, Servicing

- 4.4.1 Policy 10 outlines a general requirement for all development proposals to not prejudice road safety, or the safe and convenient movement of all highway users. Parking should also be provided in accordance with the BwD Parking Standards. Policy 10 also requires developments with the potential to affect the highways network significantly to be supported by a Transport Assessment.
- 4.4.2 The Framework seeks to ensure that the cumulative impact of development on the highway network is not severe.
- 4.4.3 The application is supported by a Transport Statement which identifies that there will not be a significant impact on the road network as a result of the

proposal. It is further noted that a contribution towards highways infrastructure will be made, and that the site is an allocated employment site in the adopted BwD Local Plan. The proposal is therefore supported in principle, and no objection is raised by the Council's Highways consultee.

- 4.4.4 Primary vehicular access into the site would be taken from Haslingden Road. Appropriate vehicular parking, servicing and manouevring would be incorporated within the site, including mobility and cycle/motorcycle parking, which meet the adopted BwD standards. Parking comprises 170 spaces (including 17 mobility spaces), 8 covered/secure motor cycle spaces, and 10 covered/secure communal cycle spaces (external). The units will also have the facility for secure cycle parking internally.
- 4.4.5 Three new pedestrian accesses to the site would also be created, from Haslingden Road. The western corner of the site would retain a direct access to the United Utilities facility on the adjoining site.
- 4.4.3 As amended, the Council's Highways consultee raises no objections to the proposal. The access arrangements into the site are deemed to be acceptable, together with the sightlines.
- 4.4.5 Subject to compliance with appropriate conditions, as requested by the Council's Highways consultee, the proposed development is considered acceptable in relation to highways, parking and servicing, in accordance with Policy 10 and the Framework.
- 4.4.6 A commuted sum towards highways infrastructure has been agreed, as set out in paragraph 4.1 of this report. The commuted sum contribution of £98,911 will be towards Haslingden Road corridor improvements; other highway improvements in South East Blackburn including pedestrian crossings, markings, signage as required, promotion of the required TRO to reduce speeds; sustainable transport measures in the South East Blackburn area; and contingency / associated works such as TROs, signage and lining associated with all of the above.

4.5 Foul and surface water drainage

- 4.5.1 Requirements within Policy 9 state that it must be ensured that all proposals are not subject to an unacceptable risk of flooding, or adversely contribute to the risk of off-site flooding.
- 4.5.2 BwD Drainage have reviewed the proposals and no objections have been raised, subject to conditions. United Utilities (UU) have also raised no objections, subject to an appropriate drainage condition. The EA have also confirmed they have no objections.
- 4.5.3 Further to the initial UU response, the applicant clarified that there is not a public surface water sewer in the vicinity of the site. This is confirmed in the FRA and Drainage Strategy. There is however, a private surface water sewer crossing the site which currently serves the adjacent public house, hotel and

car park. Accordingly, as set out in the submitted Drainage Strategy, it is proposed that surface water would discharge to this private surface water sewer at attenuated greenfield run-off rates.

4.5.4 UU do not formally object to the proposals, rather they have requested confirmation of the approach to surface water drainage in light of the lack of a public sewer network. UU have clarified that the matter can be finalised at condition discharge stage provided the recommended condition is attached. Subject to conditions, the proposed development would therefore be acceptable, in accordance with Policy 9.

4.6 Trees

4.6.1 Requirements within Policy 9 state that all development proposals must avoid unacceptable impacts on environmental assets or interests, including habitats and species.

4.6.2 The applicant submitted an Arboricultural Impact Assessment and Tree Protection Plan Method Statement to accompany the application.

4.6.3 There are no trees of significant value on the site. However, there are some trees worthy of retention which should be protected during the construction phase. This is referenced in Sections 8 and 9 of the Arboricultural Impact Assessment, and the tree protection measures can be secured by condition.

4.6.4 Some mitigation planting is also recommended in the Arboricultural report, which can be achieved by attaching a landscaping condition.

4.6.5 Subject to the above conditions, the impact on trees is considered acceptable.

4.7 Ecology

4.7.1 The applicant also submitted a detailed ecological report with the application, which was reviewed by GMEU Ecology.

4.7.2 The main ecological issue raised by GMEU was compliance with section 170 NPPF, due to the development resulting in a net loss of biodiversity. In terms of Biological Net Gain requirements, the ecological benefits of the proposal on site are limited. Therefore a commuted sum for off site Biodiversity Net Gain has been agreed, as set out in paragraph 4.1 of this report. As advised by GMEU Ecology, an appropriate commuted sum of £10,000 has been agreed with the applicant.

4.7.3 Whilst no protected mammals and amphibians are likely to be present the site is likely to have other mammals including potentially species such as hedgehog and common toad both UK Biodiversity Priority Species and whilst no badger setts are present, this species can range a long way and may forage on the site. Section 5.9 of the ecological report makes recommendations on how to minimise negative impact of these species. This can be conditioned.

4.7.4 Other issues relating to nesting birds, Himalayan balsam and proximity to Guide Reservoir can also all be dealt with via condition. The landscaping scheme condition will help ensure a certain level of replacement habitat is provided, with appropriate native species.

4.7.5 Subject to compliance with those conditions, the proposed development would be acceptable in relation to ecological considerations, in accordance with Policy 9.

4.8 Contamination

4.8.1 Policy 8 contains requirements to ensure development proposals on previously developed land can be remediated to a standard that provides a safe environment for users of the development whilst also ensuring contamination is not displaced.

4.8.2 The proposal was subject to review by the Contaminated Land Officer, who raised no objection to the proposal, subject to standard conditions.

4.8.3 GMEU Ecology also highlighted that, due to the proximity of the site to Guide Reservoir, there are risks during construction of dust, contaminated run off and debris and post construction of polluted drainage entering the reservoir. A construction and environmental management plan can be attached as a condition, to include measures to protect the Reservoir and includes emergency procedures in case of an incident during construction that could pollute the reservoir.

4.8.4 Subject to conditions, the proposed development would be acceptable in relation to contamination, in accordance with Policy 8.

4.9 Climate Change and Air Quality

4.9.1 Policy 36 requires all development proposals to minimise contributions to carbon emissions and climate change, both directly from the development and indirectly arising. Given the size of this proposal, an Air Quality Impact Assessment was submitted with the application.

4.9.2 Following a review of the initial AQA, Public Protection officers requested that revisions were made to ensure all approved developments in the vicinity were referenced. It was noted that whilst the methodology was acceptable, there were some omissions in the original assessment. The concern was the traffic data, and whether it accounted for the relevant committed developments.

4.9.3 The applicant updated the AQA accordingly and the amended report was subject to review by Public Protection, who were satisfied that, subject to appropriate conditions, the proposed development would be acceptable in relation to climate change and air quality, in accordance with Policy 36.

4.10 Neighbour objections

4.10.1 The main issues raised in the letters of objection relate to the following matters:

- Over development;
- Traffic / air pollution;
- Lack of green space, loss of trees, mitigation planting required;
- Design/appearance - The look of the development on the gateway to Blackburn should be more aesthetically pleasing;
- Ecological impact / net biodiversity loss;
- Loss of stone wall fronting Haslingden Rd in three places to facilitate pedestrian access not needed, and impact on pedestrian safety;
- Residential amenity: Noise impacts / location of bin stores etc.

4.10.2 The above matters have already been addressed, directly or indirectly, in the main body of this report. The scale of the proposal is not considered over development and it has been demonstrated that the proposed scheme can be operated without undue detriment to the site and surrounds. The proposal to make the site more accessible for pedestrians by introducing three new pedestrian access points from Haslingden Road is welcomed, as it will provide pedestrian linkages into the area allowing business to take advantage of sustainable transport modes in the area, including the bus stops on Haslingden Road. Highway and pedestrian safety would not be unduly compromised, and the scheme would not have a detrimental impact on the highway network. The full representations are included in Section 10.

4.10.3 Conditions will be attached where necessary to ensure a sufficiently detailed scheme, and to mitigate against specific impacts. Replacement tree planting and landscaping will be secured by condition.

4.10.4 A contribution to biodiversity net gain and highways infrastructure has also been secured, and it is considered that any specific impacts are outweighed by the social environmental and economic benefits of bringing this vacant allocated employment site into active use.

4.11 Summary

4.11.1 This application involves the erection of 68 commercial units in 12 buildings and associated access road, parking and servicing etc.

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

4.11.3 The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and despite the objection(s) raised by a local resident, which have been duly considered in this report, there are no material reasons to object to the application.

5 RECOMMENDATION:

Approve subject to;

(i) That delegated authority is given to the Strategic Director of Place to approve planning permission subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990, relating to the payment of financial contributions which relate to the following matters:

- Biodiversity:

A commuted sum contribution is necessary of £10,000 for the creation and/or enhancement of biodiversity within the administrative boundary of Blackburn with Darwen through tree planting (or enhancing the Arran Trail a wildlife corridor in Blackburn occupying approximately four hectares between Shadsworth housing estate, Shadsworth Business Park and the M65 motorway.) This will include tree planting and woodland management within the administrative boundaries of BwD (or Arran Trail) and for the purpose of any other costs and expenses in connection with or incidental to the same.

- Highways

A commuted sum contribution of £98,911 towards Haslingden Road corridor improvements; other highway improvements in South East Blackburn including pedestrian crossings, markings, signage as required, promotion of the required TRO to reduce speeds; sustainable transport measures in the South East Blackburn area; and contingency / associated works such as TROs, signage and lining associated with all of the above.

The total contribution (including monitoring fee of £1,089) is £110,000.

Payment is to be made prior to commencement of the development, and the clawback period for unspent sums should be 5 years.

Should the s106 agreement not be completed within 6 months of the date of this resolution, the Strategic Director of Place will have delegated powers to refuse the application.

(ii) Conditions relating to the following matters.

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

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

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

EAD_028_P_01 - Location Plan

EAD_028_P_02 - Existing Site Plan

EAD_028_P_03 rev S4 - Proposed Site Plan

EAD_028_P_04 rev S1 - Proposed Plan and Elevations – Unit A

EAD_028_P_05 rev S2 - Proposed Plan and Elevations – Unit B

EAD_028_P_06 rev S2 - Proposed Plan and Elevations – Unit C

EAD_028_P_07 rev S1 - Proposed Plan and Elevations – Unit D

EAD_028_P_08 rev S1 - Proposed Plan and Elevations – Unit E/F

EAD_028_P_09 rev S1 - Proposed Plan and Elevations – Unit G/H

EAD_028_P_10 rev S1 - Proposed Plan and Elevations – Unit I/J

EAD_028_P_11 rev S1 - Proposed Plan and Elevations – Unit K/L

EAD_028_P_12 rev S1 - Proposed Plan and Elevations – Unit M

EAD_028_P_13 rev S1 - Proposed Plan and Elevations – Unit N

EAD_028_P_14 rev S1 - Proposed Plan and Elevations – Unit O

EAD_028_P_15 rev S1 - Proposed Plan and Elevations – Unit P

EAD_028_P_16 - Proposed Site Sections

EAD_028_P_17 - Proposed Bin Store Details

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

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

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

4. Each commercial unit shall have its own dedicated electric vehicle charging point. Each charging point will have a Type 2 connector and a minimum rating of 7kW / 32A.

REASON: In accordance with Paragraph 110a and 112d of the NPPF. The condition also implements the Council's Air Quality Advisory Note and the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality. National government policy is encouraging a transition away from internal combustion engines and towards ultra-low emission vehicles, including electric vehicles, over the next 20 years. The government has committed to end the sale of new petrol and diesel cars and vans by 2030.

5. None of the buildings hereby approved shall be first occupied until a Green 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.

6. Emissions from any gas-fired heating boiler installed at the site shall not exceed 40 mgNO_x/kWh.

REASON: In accordance with the Council's Air Quality Advisory Note and the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality.

7. Prior to commencement a surface water drainage scheme which complies with the Flood Risk Assessment must be submitted and approved by the Local Authority. The scheme must include details of a satisfactory discharge point which must be approved by the Local Authority and United Utilities.

REASON: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of surface water in accordance with the requirements of Policy 9 of the BwD Local Plan Part 2 (2015), and the National Planning Policy Framework.

8. None of the buildings hereby approved shall be first occupied until details of a management and maintenance scheme for any sustainable drainage to be installed as part of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover the full lifetime of the drainage system, and as a minimum, shall include;

- (i) arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents' Management Company;
- (ii) arrangements concerning funding mechanisms for the ongoing maintenance of all elements of any sustainable drainage system incl. mechanical components to include details such as:

- on-going inspections relating to performance and asset condition assessments;

- operation costs for regular maintenance, remedial works and irregular maintenance of limited life assets; and
- any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
- (iii) means of access and easements for maintenance purposes; and
- (iv) a timetable for implementation, including details of any phased delivery.

The drainage system shall thereafter be installed in accordance with the details and timetable contained within the duly approved scheme, and shall be managed and maintained as such thereafter.

REASON: To ensure that satisfactory measures are put in place for the management and maintenance of any sustainable drainage system throughout the lifetime of the development, to minimise the risk of flooding and to limit the potential for surcharging of the sewer network in accordance with the requirements of Policy 9 - Blackburn with Darwen Borough Local Plan Part 2 (2015), and the National Planning Policy Framework.

9. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

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

10. Prior to any earthworks or vegetation clearance a method statement detailing eradication and/or control and/or avoidance measures for Himalayan balsam should be supplied to and agreed in writing to the LPA. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

REASON: To ensure that the invasive weed species Japanese knotweed present on site is prevented from spreading and/or eradicated, in accordance with Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

11. Notwithstanding the detail submitted with the application, prior to the commencement of development hereby approved a detailed landscaping scheme, including mitigation tree planting and biodiversity enhancement, shall be submitted to and approved in writing by the Local Planning Authority. Trees and shrubs shall be planted on the site in accordance with the approved landscaping scheme during the first available planting season following completion of the works, and thereafter retained. Trees and shrubs 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. The landscaping shall be maintained and retained thereafter to the satisfaction of the local planning authority.

REASON: In order to ensure that the development is adequately landscaped so as to integrate with its surroundings, to enhance biodiversity, and to mitigate against the loss of existing trees, in the interests of visual amenity and local ecology, and to comply with the requirements of Policy 9 and 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

12. Notwithstanding the submitted details, no development shall commence on site unless and until, a Construction and Environmental Management Plan (including a revised Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be adhered to throughout the construction phase, and it shall provide for, but not be exclusively limited to;

- a) The parking of vehicles of site operatives and visitors;
- b) The loading and unloading of plant and materials, including information on how the deliveries will enter and turn within the site;
- c) The storage of plant and materials used in constructing the development;
- d) Wheel washing facilities and management of their use;
- e) Measures to control the emission of dust and dirt from construction works, where relevant;
- f) Measures to control noise and vibrations from construction works, where relevant;
- g) A scheme for recycling/disposing of waste resulting from construction works;
- h) Details of the type, position and height of any required external lighting;
- i) Details of working hours;
- j) Measures to protect and mitigate against ecological impacts, including protected species and habitats, during the construction phase; and
- k) Measures to protect the Reservoir including emergency procedures in case of an incident during construction that could pollute the reservoir.

The development shall thereafter proceed in strict accordance with all of the measures detailed within the approved Construction and Environmental Management Plan, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to control the logistics of the construction phase, in the interests of residential amenity and highway safety, and to minimise harm to local ecological populations, and to comply with the requirements of Policies 8, 9 and 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

13. The development hereby approved shall be implemented in strict accordance with the ecological mitigation recommended within the Ecological Appraisal, by Bowland Ecology, dated August 2020, in particular Section 5.9 which refers to small mammals and common amphibians.

REASON: In order to minimise harm to local ecological populations, in the interests of local ecology, and to comply with the requirements of Policy 9 of the Blackburn

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

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

REASON: To protect the health of future occupiers of the site, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

15. The noise level arising from the premises shall not exceed:

- Daytime (07:00 - 23:00 hours) - 49dB(A) Leq (1hr)
 - Night-time (23:00 - 07:00 hours) - 37dB(A) Leq (15mins)
- at the boundary of any dwelling for the duration of the approved use.

REASON: To ensure an acceptable standard of residential amenity, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

16. Roller shutter(s) fitted to the units must be electrically operated, soft closing (as specified in para 7.0 "Mitigation Measures" of the Noise Report Reference no. J003836-5569-ECE-01, dated May 2022, by PDA Consultants; an addendum to the noise assessment undertaken by Martin Environmental Solutions, Report Reference 1966-1a dated August 2020), and the shutters shall not be operated, or left open, outside the hours of 07:00 hours – 23:00 hours on any day.

REASON: To prevent loss of noise amenity at residential premises during opening/closing operation of the shutter(s), in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

17. Following occupation of any of the units hereby approved, the following units, as identified on the proposed site plan referred to in condition 2, shall not operate outside the hours of:

07:00 hours – 23:00 hours Monday – Saturday, and
09:00 hours – 21:00 hours Sundays and Bank Holidays,
unless otherwise agreed in writing by the Local Planning Authority.

- i) Units A1 to A6;
- ii) Units B1 to B5;
- iii) Units C1 to C5;
- iv) Units D1 to D4;
- v) Units G1 to G4;
- vii) Units I1 to I4; and

viii) Units K1 to K4

REASON: To prevent loss of noise amenity at nearby residential premises, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

18. Prior to first occupation of the units hereby approved, details of signage to be erected outside each unit requesting people to minimise noise, shall be submitted to and approved in writing by the LPA, and the signage shall be installed in accordance with the approved details and thereafter permanently retained.

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

19. Bin store access and use at the premises shall be restricted to the following times:

Monday to Saturday: 08:00 – 21:00 hours

Sundays/Bank Holidays: 09:00 – 21:00 hours

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

REASON: To ensure appropriate hours of use to minimise noise disturbance at residential premises, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

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

REASON: To minimise potential loss of amenity due to intrusive light pollution affecting residents living in the vicinity, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

21. During the construction phase, there shall be no site operations on any Sunday or Bank Holiday nor on any other day except between the following times:

Monday to Friday 08:00 – 18:00 hours

Saturday 09:00 - 13:00 hours

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

REASON: To ensure appropriate hours of site work to minimise noise during the construction phase, in the interests of residential amenity, and to comply with the

requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

22. The commencement of the development shall not take place until there has been submitted to and approved in writing by the Planning Authority a scheme employing the best practicable means for the suppression of dust during the period of demolition/construction. The approved measures in the scheme shall be employed throughout this period of development unless any variation has been approved in writing by the Planning Authority.

REASON: To ensure that satisfactory measures are in place to alleviate any dust & dirt impact at adjacent residential premises during the construction phase, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

23. Should pile driving works be required on site, the commencement of the development shall not take place until there has been submitted to and approved in writing by the Planning Authority a programme for the monitoring of noise & vibration generated during demolition & construction works. The programme shall specify the measurement locations and maximum permissible noise & vibration levels at each location. At each location, noise & vibration levels shall not exceed the specified levels in the approved programme unless otherwise approved in writing by the Planning Authority or in an emergency.

REASON: To minimise noise/vibration disturbance at adjacent residential premises during the construction phase, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

24. Should security floodlighting be required on site during the construction phase, a floodlighting scheme shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The floodlights shall be installed in accordance with the agreed scheme and retained for the duration of the construction works.

REASON: To minimise potential loss of amenity due to intrusive light pollution affecting residents living in the vicinity during the construction phase, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

25. The tree exclusion zone and tree protection measures as specified in the Arboricultural Impact Assessment and Tree Protection Plan Method Statement (Cumbria Tree Surveys, Feb 2021) shall be fully in place prior to commencement of the development hereby approved, and shall remain fully in place throughout the duration of construction works. The protective fencing shall be in accordance with BS5837:1991 'Trees In Relation To Construction'. Within the exclusion zone there shall not be carried out or permitted, during the construction period, any building or

other operations, parking or passage of vehicles, or storage of building or other materials or any other object.

REASON: To ensure that the trees to be retained on the site are protected during construction works in the interests of local amenity, and in order to comply with Policy 9 of the adopted Blackburn with Darwen Local Plan Part 2.

26. Prior to commencement of development, full details of all boundary treatment shall be submitted to and approved in writing by the LPA, and thereafter installed in accordance with the approved details.

REASON: In the interests of visual amenity and security, and in accordance with Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

27. Prior to the commencement of development hereby approved a scheme for the construction of the site access and off-site works of highway improvements shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the development.

REASON: To provide for the safety and convenience of users of the highway, for the free flow of traffic, and to safeguard the amenity of neighbouring premises in accordance with Policy 10/11/40 of the Blackburn with Darwen Borough Local Plan Part 2.

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

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

29. The development hereby approved shall not be brought into use unless and until, the vehicle parking and cycle storage provision as detailed in the approved plans in condition 2 have been provided in their entirety. The provisions installed shall thereafter remain in perpetuity with the development, unless otherwise agreed in writing.

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

6 CONSULTATIONS

6.1 Initial consultation - May 2021

6.1.1 Arboricultural Officer

No objections raised.

6.1.2 Drainage

No objections, subject to conditions.

Lead Local Flood Authority Position

We have no objections to the proposals but require the following conditions

Prior to commencement a surface water drainage scheme which complies with the Flood Risk Assessment must be submitted and approved by the Local Authority. The scheme must include details of a satisfactory discharge point which must be approved by the Local Authority and United Utilities.

Reason:

To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of surface water in accordance with the requirements of Policy 9 -

Blackburn with Darwen Borough Local Plan Part 2 (2015), and the National Planning Policy Framework.

None of the buildings hereby approved shall be first occupied until details of a management and maintenance scheme for any sustainable drainage to be installed as part of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover the full lifetime of the drainage system, and as a minimum, shall include

(i) arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents' Management Company;

(ii) arrangements concerning funding mechanisms for the ongoing maintenance of all elements of any sustainable drainage system incl. mechanical components to include details such as:

- on-going inspections relating to performance and asset condition assessments;

- operation costs for regular maintenance, remedial works and irregular maintenance of limited life assets; and

- any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

(iii) means of access and easements for maintenance purposes; and

(iv) a timetable for implementation, including details of any phased delivery.

The drainage system shall thereafter be installed in accordance with the details and timetable contained within the duly approved scheme, and shall be managed and maintained as such thereafter.

Reason:

To ensure that satisfactory measures are put in place for the management and maintenance of any sustainable drainage system throughout the lifetime of the development, to minimise the risk of flooding and to limit the potential for surcharging of the sewer network

in accordance with the requirements of Policy 9 - Blackburn with Darwen Borough Local Plan Part 2 (2015), and the National Planning Policy Framework.

6.1.3 Cleansing
No objections.

6.1.4 Public Protection
Further detail required.

Predetermination

I will require the following additional information before I can make my recommendations.

Comment: Acoustic Assessment for a proposed industrial development at Land off Haslingden Road, Blackburn, BB1 2NE.

The revised report is helpful but in respect of the car parking area traffic noise impact assessment I require the following additional assessment of residential amenity impact:

- Slamming car doors: Impact at 328 & 330 Haslingden Road, Blackburn
 - o The amenity impact (maximum noise level) arising from 4 vehicle doors closing simultaneously at the nearest car parking spaces upon the rear habitable room occupiers at 328 & 330 Haslingden Road, Blackburn.
 - o The amenity impact (maximum noise level) arising from 8 vehicle doors closing simultaneously at car parking spaces outside units G1 to I1 upon the rear habitable room occupiers at 328 & 330 Haslingden Road, Blackburn.
- Slamming car doors: Impact at 3 Sudell Nook, Blackburn
 - o The amenity impact (maximum noise level) arising from 4 vehicle doors closing simultaneously at the nearest car parking spaces upon the rear habitable room occupiers at 3 Sudell Nook, Blackburn.

The revised report is helpful but in respect of the bin store area adjacent 3 Sudell Nook, I require a noise impact assessment:

- Bin store deliveries and use – please provide a noise impact assessment or provide a restricted hours of use for bin collection/ replacement that won't result in loss of residential amenity.

6.1.5 Highways/PROW
No objections in principle, subject to various matters being addressed satisfactorily and the S106 being secured.

PROW

No implications

Parking

In accordance with the adopted parking standards, based on a B2/B8 use class, the requirement for parking based on floorarea of 5011sqm, would equate to an allowance of 125 parking spaces. The application proposes 193 parking spaces, this includes 12 disabled. This number is significantly more than allowance appropriate to the use, without any form of justification, the number of spaces should be more aligned with council standards and reduced accordingly.

Notwithstanding the above, the bays are to the council's correct standard sizes and provides adequate 6m manoeuvrability into and out of the bays.

The TA reports servicing, will be to the front of each unit, with in mind, it may be prudent to accommodate some larger bays to accommodate transit vans, and also to keep the pathway clear of parked vehicles to assist in vehicles transporting goods to and from the vehicle/unit. ,l

A 10% provision of disabled bays to be provided in close proximity to entrance of the buildings please review the details and reposition where necessary.

The cycles and PTW provision should also be accommodated closer to the entrance, please reconsider. Also ensure that the cycle spaces are secure and covered.

There a number of pedestrian footways that are provided through the site and to the wider highway network. The minimum width for the footways running along the front of the units should be 2m. The paths connecting to the highways should be supportive of alternative modes of transport and I would invite the applicant to extend the width to 3m to provide passage for both pedestrian and cycles.

Access

Vehicular access into the site is to be taken from the unadopted highway, directly off the roundabout there are two connections to be provided off the access road. The internal road will accommodate 2 way traffic and sufficiently wide enough at 6m. The proposed site plan is devoid of any signing and lining which should be aligned with the delivering of the car park.

Both the internal access roads stop short of the red line boundary. We would advise that the road is extended to the edge of the boundary line to avoid any ransom issues.

Sightlines have not been provided, please request further details.

Servicing

No servicing details have been provided. No information on frequency of visits and type of vehicles to visit the site have been provided, please seek further details. The description of the application alludes to a B2 and B8 use which would suggest that there may be large vehicle visiting the site, confirmation on what this would be is required. No Swept path analysis has been provided; this should include the exit and entry into the site from both access points and travelling through the site.

Transport Assessment

A review of the document has been undertaken. The analysis is attached, which cites further works required

One of the key findings of the report is recognition towards the impact upon Haslingden Road at key junctions. It is with this in mind that we request a contribution of £100k towards wider network improvement, this will also include enhancement of sustainable transport measures.

Other

Construction method statement would be required to support the development – no details are received, please request information or condition for submission.

Matters also to be considered are:

- All existing street furniture including street lighting should be removed/disconnected at the applicants expense and relocated at locations to be agreed with by the relevant highways officer, (should they be required to do so)

- Any old entrances no longer required will require closing and formally reinstating back to full footway.
- Contact to be made with our Structures Division prior to commencement of any works affecting retaining walls/ structure adjacent to/abutting or within the adopted highway
- Prior to any work commencing that affects the existing adopted highway contact to be made with the Local Highway Authorities office on Tel: 01254 273838 to undertake a condition survey.

To conclude, we would in principle offer our support to the application, subject to the above matters being addressed satisfactorily and the S106 being secured.

6.1.6 Lancs Constabulary

No objections. Various comments offered in relation to secured by design principles (to be attached as an informative).

In order to keep people safe and feeling safe and to reduce the risk of crime and disorder it is important that crime and security measures be considered at an early stage of the design phase therefore I would recommend that the scheme is designed and constructed to Secured By Design 'Commercial 2015' security specifications.

6.1.7 EA

No objections raised. No site constraints.

6.1.8 GMEU Ecology

No objections, subject to conditions.

Initial comments (26th May 2021):

Summary

The main ecological issue is compliance with section 170 NPPF ie the development will result in a net loss of biodiversity Other issues relating to nesting birds, Himalayan balsam and proximity to Guide Reservoir can be dealt with via condition.

Protected Species

The site was assessed for all likely protected speices. The presence of any such species on the site was reasonably discounted other than bats as whilst no roosting opportunities are present they would likely forage over the site. The site is however too small to be of critical importance to bats with the reservoirs and other grassland nearby providing equivalent or high value foraging habitat. No further surveys are required.

Nesting Birds

Young trees and scrub on the site provide potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition along the following lines be applied to any permission.

No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

Mammals and Amphibians

Whilst no protected mammals and amphibians are likely to be present the site is likely to have other mammals including potentially species such as hedgehog and common toad both UK Biodiversity Priority Species and whilst no badger setts are present, this species can range a long way and may forage on the site. Section 5.9 of the ecological report makes recommendation on how to minimise negative impact of these species. We recommend this section is conditioned.

Himalayan Balsam

Species such as Himalayan balsam are included within schedule 9 part 2 of the Wildlife & Countryside Act 1981, as amended. It is an offence to introduce or cause to grow wild any plant listed under this schedule. It was identified as present along one boundary of the site. I recommend a condition along the following lines is applied to any permission.

Prior to any earthworks or vegetation clearance a method statement detailing eradication and/or control and/or avoidance measures for Himalayan balsam should be supplied to and agreed in writing to the LPA. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

Proximity to Guide Reservoir

There are risks during construction of dust, contaminated run off and debris and post construction of polluted drainage entering the reservoir. A construction and environmental management plan should be required that includes measure to protect the Reservoir and includes emergency procedures in case of an incident during construction that could pollute the reservoir. Drainage details should be provided on how surface water will be disposed of post construction. The details of both can be conditioned.

Contributing to and Enhancing the Natural Environment

Section 170 of the NPPF 2019 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development in its current form will result in a net loss around 1.6ha of medium ecological value habitat and associated bird nesting habitat and bat foraging habitat, with minimal soft landscaping proposed. The development will therefore result in a net loss of biodiversity and therefore is not compliant to this part of the NPPF. I note however that the applicant indicates it is allocated for employment and therefore is compliant with the local plan.

Assuming the Council is minded to approve despite the biodiversity losses, I recommend the soft landscaping and its biodiversity value are maximised through use of native tree and shrub species such as silver birch (*Betula pendula*), hawthorn hedges (*Crataegus monogyna*). The use of green or brown roof options, bird and bat boxes incorporated in to the new build and off site compensation also considered.

The details can be dealt with via condition and or planning obligation .

Additional comments (20th October 2021) - re S106 net biodiversity:

In response to the Council's comments: "With regards to the net biodiversity loss issue, they are happy to address the issue as you suggest off site, as there is no capacity to provide the required mitigation on site. We are working with the applicants on a S106 Agreement relating to off-site highway contributions, so it makes sense to also add the net biodiversity loss as well. Could you please advise how this be taken forward as a contribution for the S106 – i.e.

what will be the contributions? I can then inform the applicants”, GMEU responded as follows:

We have started utilising the defra metrics to calculate the level of loss and then applying a cost multiplier based on figures from the Environment Bank and defra, where exact costs have not been calculated. These range from around £9.6k per Biodiversity unit to £14k per unit. So far where we have used this, most have gone for £10k presumably because a nice round number and easier on the maths.

We have not had a defra metric for this site, but I note from my comment I reckoned the loss of 1.6ha of moderate value habitat most likely in poor condition. This would equate to approximately 6.4 biodiversity units. (moderate value habitat apply a multiplier of 4 and poor condition 1).

Some minor habitat creation will occur on the site, which would count against the approximately 6.4BU but the areas shown on the indicative layout for soft landscaping are small, but the net loss will be a bit less than 6.4BU.

In terms of how other Council’s have dealt with this in the section 106, is that the financial contribution is subject to the LPA finding a receptor site within a certain time period where the funding can be spent to create or enhance habitats with a net gain of the same number of units. Otherwise the money is returned. Clearly the financial sum is for Blackburn to agree and you may have a potential receptor site where the costs of creating the habitats is lower.

6.1.9 United Utilities:

No objection in principle, subject to conditions, but further information requested in relation to UU assets.

With regards to the above development proposal, United Utilities Water Limited (‘United Utilities’) wishes to provide the following comments.

Drainage

Upon review of the Flood Risk Assessment & Drainage Strategy (Ref: G2732-FRA-01, Issue: 0, Dated: April 2021, By: PSA Design Ltd. we wish to highlight that there are no records of a public surface water network within the vicinity of the site, as identified in Appendix C. The Proposed Drainage Strategy Layout in Appendix C of the document indicates a surface water discharge to an existing surface water manhole. The application form indicates that the applicant intends to discharge surface water via sustainable drainage systems. We would recommend the applicant confirm their approach to surface water drainage as part of this planning application process and an amended proposal could result in a material change to the submitted layout.

It is therefore our recommendation to the LPA that the above information is provided prior to determination should the requested information result in the need for changes to the detail of the proposed site design. If, however, you are minded to determine this application in advance of the above information being provided, which we do not recommend, we would request that you attach the below drainage conditions to secure the necessary drainage details before development commences.

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.

Foul water

Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

For schemes of 10 or more units and other major development, we recommend the Local Planning Authority consults with the Lead Local Flood Authority regarding the exact wording of any condition. You may find the 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.

Water Supply

For larger premises or developments of more than one property, including multiple connections, where additional infrastructure is required, a water network behaviour/demand modelling exercise would be required to determine the network reinforcements required to support the proposed development.

United Utilities' Property, Assets and Infrastructure

The proposal affects a UU right of access, however the developer and United Utilities Legal Services are evidencing the variation of this route by way of formal legal documentation. The applicant is reminded they must ensure our 24 hour access to our asset within the site is maintained and available both during and post construction. It is recommended that the variation is clarified and agreed as soon as possible, to avoid any delays in delivery.

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

Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

The applicant should be aware of water mains in the vicinity of the proposed development site. Whilst this infrastructure is located outside the applicant's proposed red line boundary, the applicant must comply with our 'Standard Conditions for Works Adjacent to Pipelines'. Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction. It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development. Due to the public sewer transfer in 2011, not all sewers are currently shown on the statutory sewer records and we do not always show private pipes on our plans.

6.2 Re-consultation (November 2021):

6.2.1 Arboricultural Officer

No objections raised.

6.2.2 Drainage

No further comments offered.

No further comments offered.

6.2.3 Cleansing

No further comments offered.

6.2.4 Public Protection

No objections, subject to conditions.

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

Air Quality

Air quality report(s) has been submitted with this application and will be peer reviewed by the Environmental Protection Service - recommendations will be provided as soon as possible.

CONTAMINATED LAND CONDITION

Condition - Unforeseen Contamination

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

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

Condition - Noise Control (Day & Night Uses)

The noise level arising from the premises shall not exceed:

- Daytime (07:00 - 23:00 hours) - 49dB(A) Leq (1hr)
 - Night-time (23:00 - 07:00 hours) - 37dB(A) Leq (15mins)
- at the boundary of any dwelling for the duration of the approved use.

Reason: To ensure an acceptable standard of residential amenity.

Condition: Roller Shutters

Roller shutter(s) fitted to the units must be electrically operated.

Reason: To prevent loss of noise amenity at residential premises during opening/closing operation of the shutter(s).

Condition – Car Park ‘Quiet Please’ Signage

Signage shall be erected outside each unit requesting people to minimise noise.

Reason: To minimise noise disturbance at residential premises.

Condition - Waste Disposal Bin Stores Hours of Use Restriction

Bin store access and use at the premises shall be restricted to the following times:

Monday to Saturday: 08:00 – 21:00 hours

Sundays/Bank Holidays: 09:00 – 21:00 hours

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

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

Floodlighting

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

Condition – Floodlighting (as appropriate)

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

Reason

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

Construction Phase Control Conditions

Condition – Hours of Site Works

There shall be no site operations on any Sunday or Bank Holiday nor on any other day except between the following times:

Monday to Friday 08:00 – 18:00 hours

Saturday 09:00 - 13:00 hours

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

Reason

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

Condition – Dust Control

The commencement of the development shall not take place until there has been submitted to and approved in writing by the Planning Authority a scheme employing the best practicable means for the suppression of dust during the period of demolition/construction. The approved measures in the scheme shall be employed throughout this period of development unless any variation has been approved in writing by the Planning Authority.

Reason

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

Noise & Vibration Control

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

Condition

The commencement of the development shall not take place until there has been submitted to and approved in writing by the Planning Authority a programme for the monitoring of noise & vibration generated during demolition & construction works. The programme shall specify the measurement locations and maximum permissible noise & vibration levels at each location. At each location, noise & vibration levels shall not exceed the specified levels in the approved programme unless otherwise approved in writing by the Planning Authority or in an emergency.

Reason

To minimise noise/vibration disturbance at adjacent residential premises.

Floodlighting Control (Construction Phase)

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

Condition

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

Reason

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

Condition: Electric vehicle charging

Each commercial unit shall have its own dedicated electric vehicle charging point. Each charging point will have a Type 2 connector and a minimum rating of 7kW / 32A.

Reason: In accordance with Paragraph 110a and 112d of the NPPF. The condition also implements the Council's Air Quality Advisory Note and the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality. National government policy is encouraging a transition away from internal combustion engines and towards ultra-low emission vehicles, including electric vehicles, over the next 20 years. The government has committed to end the sale of new petrol and diesel cars and vans by 2030.

Condition: Green Travel Plan

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.

Condition: Gas Boilers

Emissions from any gas-fired heating boiler installed at the site shall not exceed 40 mgNO_x/kWh

Reason: In accordance with the Council's Air Quality Advisory Note and the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality.

6.2.5 Highways/PROW

Comments received January 2022

The additional details received have been reviewed, the vast majority of the issues have been addressed satisfactorily. Those that haven't, and which should be conditioned are:

- Pt w parking. No offer is provided within the site layout plan

Sightlines have been provided, these are satisfactory.

Construction Method Statement: this has been reviewed. Although the statement sets out the requirement in response to the parameters we would need to assess the methodology against.

There are concerns with the management of the wheel washing, we are of the opinion having had recently experience of developers failing to manage the process. A more robust process is required, especially for the early inception and start on site. Please could we seek amendment to this and also further information on the how the deliveries will enter and turn within the site.

Other

Matters also to be considered are:

- All existing street furniture including street lighting should be removed/disconnected at the applicants expense and relocated at locations to be agreed with by the relevant highways officer, (should they be required to do so)
- Any old entrances no longer required will require closing and formally reinstating back to full footway.
- Contact to be made with our Structures Division prior to commencement of any works affecting retaining walls/ structure adjacent to/abutting or within the adopted highway
- Prior to any work commencing that affects the existing adopted highway contact to be made with the Local Highway Authorities office on Tel: 01254 273838 to undertake a condition survey.

To conclude, we would in principle offer our support to the application, subject to the above matters being addressed satisfactorily and the S106 being secured.

Please attach standards conditions/Informatives: Highways 1, 2, 3, 5, 6, 7, 8, 10, 11, 13, 14, 15 and 17

Additional comments received March 2022

No objections.

The changes, do not appear to affect parking numbers. There is a change to the pedestrian facilities in the orientation, however they still provide the connection to Haslingden Road, albeit in a different form. We would insist that this route is 3m wide to accommodate a shared footway/cycleway.

6.2.6 Growth

No further comments offered.

6.2.7 Lancs Constabulary

No further comments offered.

6.2.8 EA

No further comments offered.

6.2.9 GMEU Ecology

The amended plans do not materially change the ecological issues associated with this development. My previous comments of the 26th May and 20th October 2021 still apply.

6.2.10 United Utilities

Happy for the matter to be finalised at condition discharge stage if our recommended condition is placed on any approval.

7 Publicity

- 7.1 The proposed development has been publicised through letters to adjacent occupants in May 2021; a site notice was displayed; and a press notice was published. The plans were amended on 16th November 2021 and a full re-consultation was undertaken. A press notice was published on 23rd November 2021 and a site notice was displayed on 19th November 2021. 24 neighbour letters were issued.
- 7.2 An additional noise report was received on 15th December 2021, and an amended Air Quality Assessment was received on 15th March 2022. Further minor tweaks were made to the site layout and elevational detail subsequent to this, which did not constitute a material change. A further noise report update was also received on 10th May 2022 in relation to roller shutter noise and mitigation.
- 7.3 1 objection (one initial objection and a follow up letter raising further issues) was received in response to the first consultation. Following the re-consultation, another letter was received, from the same objector, confirming that their original objection(s) still stood.

8.0 CONTACT OFFICER: Tom Wiggans – Planning Officer

9.0 DATE PREPARED: 13th May 2022

10.0 SUMMARY OF REPRESENTATIONS

10.1 Initial consultation - May 2021:

10.2 2 objections received (from the same objector):

Objection – Mrs P A Kennedy. Received - 14/06/2021

I wish to object to the above planning application on grounds of over development, traffic pollution, the lack of green space including tree planting and the look of the development on the gateway to Blackburn.

When the land was subject to a Public Inquiry in 1999, the presiding Inspector removed one of the buildings (the largest on the site) as it would constitute over development. The site was left with three well designed one storey buildings besides what we now know to be the Willows and the hotel, which would be complimentary businesses. While it is understood that circumstances move forward, what is proposed is as far away from the original as could possibly be. Guide village is surrounded already by the motorway on one side and industrial on the other, the development in question would remove all the only remaining land.

While the land is proposed for employment the ones applied for are completely unsuitable. The Guide junction of the M65 was always proposed to be the 'Gateway to Blackburn'. Surely then the look of the development from the road and approach should be more aesthetically pleasing.

As it stands there are no buffer zones around existing properties no tree planting and what appears to be very limited green areas. This does not sit well with the longstanding practice which has always been the case in this area. Greenery is also needed to limit air pollution.

Due to the nature of the proposal there is bound to be a significant increase in traffic-68 units = minimum 68 vehicles and businesses are highly likely to have 2,3,4 or more people employed by each business plus delivery vehicles. Traffic increase and resulting pollution stands to make the Guide area one of the highest places of such in the borough. The present road change on Haslingden Rd is meant to ease traffic but this application if passed will cancel out any benefit gained.

Employment area policy states 'the provision of quality buildings would be encouraged on the site' and also suggested as 'prestige' it should also have 'attractive frontages.' It is also adjacent to 'a prominent transport gateway.' The policy goes on to state the potential ecological impact that they should be 'considered due to the greenfield nature of the site' and proximity to reservoirs. Also 'mitigation measures for habitat loss should be met in local area'. Careful consideration should be given to design and use of development when in close proximity to residential dwellings.' (Chapter 3 employment) This application does not measure up to any of these policies.

2nd Objection – Mrs P A Kennedy & Mr L D Kennedy. Received - 21/06/2021

Having read further some supporting documents provided by consultants for Roundhouse we are concerned that some aspects of the proposed site may not be given due consideration and wish to make further comments.

The applicants deem the design and appearance suitable according to policy and state "reflects colour palette and materials of commercial buildings in the locality" and "wholly in keeping with the local area" and that they won't compete visually with residential property. They certainly do not reflect any in the immediate locality they will stand out and overpower residences despite being lower in height. The colour palette is completely wrong for the area. Most of it is too dark and the signage to be used could be colourful and contribute to a lack of visual amenity.

The arboricultural survey states a number of trees are of good quality particularly ones which border Haslingden Rd and around existing dwellings then goes on to say construction will mean they will be lost. Part of T015 sited between the storage reservoir and the southwest side of Sudell Nook are the only area of trees to remain. the trees may not be of the most superior quality they are fairly mature with plenty of life left in them. They also help enormously in the visual amenity afforded residents, walkers, joggers, and the people of the locality and beyond who use the area for recreation. This is especially important because of the continuing decimation of the area. Because of their situation in bordering the site we do not see why they have to be removed. The only explanation we can see is one of convenience, simply the trees would be in the way of the bulldozers.

The ecology survey also expresses some concern for the loss of habitat. At 5.3 in the report "semi-mature and mature trees should be retained where possible, if not replacement 2.1 for every tree removed". "That compensation for loss of ecology and biodiversity should be incorporated within the site where possible." (5.4) they state other required measures to mitigate the impact of the proposed development. See also 5.6, 5.10, and 5.13 where mitigation for other species such as bats, amphibians, and small mammals is recommended through the creation of green areas. Our question is where on the application site would there be room for any of this as it is predominately concrete! Para 170 of the NPPF states "Planning Policies and decisions should contribute to and enhance natural and local environment by minimising impacts on and provide net gain for biodiversity." Also locals planning authorities should "encourage opportunities to incorporate biodiversity improvement in and around development." (Para 175) Relying on what's already in place around sites would not produce a 10% net gain in biodiversity but if you view the site plan that seems to be what's happening. The recommendations for the site via the ecology survey could not possibly happen as it is wholly concrete. The problem here is that there are so few green areas as the application stands there is no available space for anything other than token tree planting. There definitely should be a tree planting and landscaping plan to accompany this application.

On other matters there seems to be no justification in breaking up the stone wall in three places to provide footpaths onto the site. The developer is suggesting this is for access and so that employers and employees can have easy access to food outlets across the road. We sense considerable danger in the latter with the proposed four lane road as pedestrians may come rushing out and try to cross the road in haste. There are footpaths within the site so one access would be quite sufficient. The siting of bin stores is also problematic. At present these are shown immediately to the rear of the houses fronting Haslingden Rd and close to the south of Sudell Nook. Experience tells us that the collection of waste is done as early as 5am and it is considerably noisy and the only mammals they attract are rats.

If seems to us that when discussion was held with D.W and the offices of Eurogarage more concern was raised by the planners in encouraging more biodiversity. Both have substantial tree planting and Eurogarages have a pond created on site. Surely that kind of concern should be applied to the present proposal especially being so close to Guide. If the Planning dept and committee are minded to pass some business development on this land we think it should be substantially reduced in build size and semi and mature trees kept with additional screening fronting Haslingden Rd and facing the Willows. It also should provide more areas for biodiversity.

The local plan chapter 2 Development and people states "Development will be permitted where it can be demonstrated that "it will in isolation and in conjunction with other planned and committed development contribute positively to the overall physical, social, environmental and economic character of the area." Also that "It does not adversely affect people's lives" and " We wish to ensure that new development makes a positive contribution to the elements of local areas and make them attractive to people"(policy 8) As far of the character of the area you might say that ship has sailed but we urge you to consider all of the above carefully and mitigate as far as possible the adverse affect this application will have if passed as it is.

10.5 **Re-consultation on amended plans - November 2021**

Mrs P A Kennedy & Mr L D Kennedy. Received – 29/11/2021

For the attention of Tom Wiggans

We wish to object further to the above planning application.

It would appear that the only amendments the developer is prepared to make are minimal and are ones that could be easily addressed at planning approval stage. We in the village would have appreciated changes which would make a greater difference to our surroundings. If the small changes are the only ones that our planning department are encouraging then it has to be up to our planning committee to encourage biodiversity and green spaces to enhance areas especially with the present concern about climate change.

We wish our previous objections to remain in place as these continue to be entirely relevant. We still feel that 3 footpaths/ cycleways into the site would be highly dangerous having to cross a 4 lane highway. Because of the provision of internal footpaths running parallel to Haslingden Rd why are these required. It is appreciated that one bin store has been removed from the rear of 330 and 332 Haslingden Rd but the one to the rear of Sudell Nook remains. We live opposite and had to put up with early morning excessive noise disturbance from the Eurogarage site until recently. Thankfully they have been moved further away now but we do have that personal knowledge and would be concerned for the residents of Sudell Nook.

The most important aspect of the development is the lack of green spaces. The developers in their supporting statement suggest that any landscaping design could be "conditioned by any planning consent" (landscaping and design statement 3.5). Surely in view of the local plan policy and the employment policy previously stated in prior objections made by us and the comments of the ecology report, a full landscaping and green ecology plan should be put before the planning department and then the planning committee. It should be noted too that the supporting ecology report was commissioned and then put forward in August 2020. The report states at 5.15 "if no works are undertaken on site within 12 months of this survey or if any changes are made to the proposal a further ecological survey may be necessary (because of the mobility of animals and the potential for colonisation of the site). We suggest such a survey should be undertaken although if the planning department and committee are able to take serious account of the existing report then that may not be necessary. At present that seems not to be the case.

There are further statements made by the developers which are at odds with the planning application. The developers accept that the NPPF, NPPG and Local plan policies are of material consideration but there is no evidence of that consideration in the planning application. As in previous objections we have sent, the planned site is mostly concrete with almost non-existent available green space. There is no way in its present form that it takes account of policy that concerns biodiversity and related matters.

The developers also take little account of design policy. The most important aspect should be blending into the immediately surrounding residential property, not other business property in the area which are further away. The developers design statement says the design "reflects the colour palette" (5.9) and use phrases such as "will not compete"(5.10) and "wholly in keeping"(5.11) when justifying the design. An insertion of a partial brick facade will not neutralise the overall effect when buildings are next to 2-year old cottages. The applicants themselves consider the build is "designed to respond to residential properties adjoining the site" (5.19) not any business build. There is no way on earth that build sites like this would be acceptable in most of the residential areas in the borough. Surely the planning department and committee can see and accept that this application as it stands is just not right in this immediate area. On the advice of Martin Kenny (the previous planning officer dealing with the application) we did go and view the similar site at Bamber Bridge so we are fully aware of the look of the build. There are major differences. That site is not in a residential area, it is invisible on any approach and is surrounded by trees.

On other matters there is no evidence that noise and air pollution would not affect the residents in the area, even the developers are not sure about that. At 5.17 they state "subject to the use of insulation as included within the report there should be unacceptable impacts on neighbouring resident". Even if that is a mistake we and they have no idea how the residents and nearby area will be affected by such proposals.

If the planning committee are minded to pass this application we think they should really consider following the local plan and government policy which allows for a good amount of green space within the site. The visual amenity could be improved by removing the build to the road frontage. This could be replaced by green areas and tree planting as well as keeping the mature trees which would help to protect the existing residents and respecting the aesthetics of the gateway to Blackburn. There would still be 56 units which would still provide considerable employment and fill the brief laid down in the Local Plan. We in the village were not consulted by the council with regards to the Local plan changes so naively thought what was outlined at the time of the public enquiry would stand for many years. We note in the local plan that community is described as important to the council so we hope you can support this one which has lived through devastating changes since the build of the M65 motorway.

We are supported in this by many of the villagers but because of the pandemic have been unable to form a proper group. That aspect clearly supports the developer and not the people who have to live with these changes.

From Mrs and Mr Kennedy
Of Haslingden Rd Guide.
